

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 Judge Kuniko Ozaki
- 6 Trial Hearing
- 7 Wednesday, 8 May 2013
- 8 (The hearing starts in open session at 9.05 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 African
- 15 Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo, ICC-01/05-01/08.
- 16 PRESIDING JUDGE STEINER: Thank you.
- 17 Good morning. I welcome the Prosecution team, legal representatives of victims,
- 18 Defence team, Mr Jean-Pierre Bemba.
- 19 Good morning our interpreters.
- 20 Good morning our court reporters.
- 21 Good morning, Mr Rojas.
- 22 THE COURT OFFICER (DRC): (Interpretation) Good morning, Madam President.
- 23 PRESIDING JUDGE STEINER: And good morning, Mr Witness.
- 24 WITNESS: CAR-D04-PPPP-0056 (On former oath)
- 25 (The witness speaks Lingala)

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1 (The witness gives evidence via video link)

2 THE WITNESS: (Interpretation) Good morning.

3 PRESIDING JUDGE STEINER: Mr Witness, are you feeling well and ready to continue
4 with your testimony?

5 THE WITNESS: (Interpretation) Yes, indeed.

6 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that you are still under
7 oath. Do you understand that, sir?

8 THE WITNESS: (Interpretation) I have taken an oath to say that I will say the truth
9 and nothing but the truth.

10 PRESIDING JUDGE STEINER: Mr Witness, I also would like to remind you that you are
11 under protective measures. Your image and your voice that are broadcast outside the
12 courtroom are being distorted so that the public cannot identify you by your image, or by
13 your voice.

14 We need you to help us in keeping that protection and, therefore, we ask you to pay
15 attention and not to mention any information that could lead to your identification when
16 we are in open session.

17 If you need to give any information that could lead to your identification, let us know and
18 we go into private session. In private session you can speak freely because nobody
19 outside the courtroom can hear what you say.

20 Do you understand the protective measures, sir?

21 THE WITNESS: (Interpretation) I have understood.

22 PRESIDING JUDGE STEINER: And finally, Mr Witness, just to remind you that we have
23 interpretation and, therefore, you are expected to speak slower than normal and to give
24 the five-seconds before you answer to a question in order to facilitate our interpreters' job.

25 Can we count on you for that, Mr Witness?

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- 1 THE WITNESS: (Interpretation) Yes, indeed. You can count on me.
- 2 PRESIDING JUDGE STEINER: I'll give then back the floor to the Prosecution.
- 3 Mr Bifwoli will continue questioning you. Mr Bifwoli, you have the floor.
- 4 MR BIFWOLI: Thank you, Madam President, your Honours.
- 5 PRESIDING JUDGE STEINER: And you may be seated, if you so wish.
- 6 MR BIFWOLI: Thank you, your Honours.
- 7 QUESTIONED BY MR BIFWOLI: (Continuing)
- 8 Q. Good morning, Mr Witness.
- 9 A. Good morning.
- 10 Q. As Madam President has just informed you once again, I am Mr Bifwoli. I
- 11 represent the Office of the Prosecutor and I will continue asking you questions from
- 12 where we stopped yesterday. Is that fine with you?
- 13 A. Yes, indeed. That's fine by me.
- 14 MR BIFWOLI: Madam President, can we go into private session?
- 15 PRESIDING JUDGE STEINER: Court officer, please turn into private session.
- 16 (Private session at 9.11 a.m.)* Reclassified as Open session
- 17 THE COURT OFFICER: We are in private session, your Honour.
- 18 MR BIFWOLI:
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 A. That is correct.

3 Q. And what did you do after around 15 March 2003 to around 2009?

4 A. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. Now yesterday, at transcript number 313, page 62, lines 23 to 25, real-time, you
9 testified that you completed your primary and secondary education; is that correct?

10 A. That is correct.

11 Q. Where did you go to school?

12 (Redacted)

13 (Redacted)

14 A. I studied there -- I started studying there at primary school and then I continued on
15 to secondary school.

16 Q. So am I correct to say that your entire primary education (Redacted)

17 A. That is correct.

18 Q. In which class did you leave in secondary school, (Redacted)

19 A. That was after I obtained my diploma.

20 Q. Can you clarify: Was your entire secondary education (Redacted)

21 A. That is correct.

22 (Redacted)

23 (Redacted)

24 A. That is correct.

25 Q. What were the languages of instruction in school, in your primary and your

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1 secondary?

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 A. That is correct, but people speak other languages as well. We don't only speak those
19 two languages, there are other languages that are also used. However, people often
20 speak Swahili and French.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. Do you recall whether you started school immediately when you were in

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- 1 (Redacted)
- 2 A. I have not quite grasped your question.
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 A. That is the truth. I was born there, in that place. Maybe that's where we did not
- 13 understand each other. You asked me questions about the time that I spent there, the
- 14 number of years, but I told you that I was born there, in answer to your question.
- 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 Q. Mr Witness, I think you understood my question. (Redacted)

2 (Redacted)

3 A. If we add to that the years that I spent there as a baby, then you might be right, yes.

4 Q. The commonly used languages in the Central African Republic are Sango and
5 French; is that correct?

6 A. That is correct. However, there are other languages that are spoken, but the main
7 languages are Sango and French.

8 Q. So the languages that you have interacted with most in your life is Sango, Swahili
9 and French; is that correct?

10 A. That is correct, but I do understand other languages as well.

11 Q. Yesterday, at transcript 313, page 17, lines 6 to 9, real-time, you testified that -- I'll
12 repeat the reference. Yesterday, at transcript T-313, page 17, lines 6 to 9, real-time, you
13 testified that, and I quote, "I speak French. I speak English -- no, no, I don't speak
14 English. I speak a bit of Swahili. I do not speak Sango fluently (Redacted)
15 (Redacted)

16 Now, Mr Witness, how come you were able to just speak a bit of Swahili, which is one of
17 the languages that you have interacted with most?

18 A. If I say that I speak it a little bit, that doesn't mean to say that I don't speak it at all.
19 It means that I don't speak it in an expert manner, but I do speak it well.

20 Q. You are now testifying in Lingala; is that correct?

21 A. That is correct.

22 Q. Is it because you are more fluent and comfortable in talking in Lingala?

23 A. (Redacted)

24 (Redacted)

25 (Redacted) that is how I became used to speaking Lingala.

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1 Q. Between Lingala and French, which language are you more fluent and comfortable
2 with?

3 A. French.

4 PRESIDING JUDGE STEINER: Mr Bifwoli, could we go back into open session for this
5 series of questions, or you are turning back to the particulars of his studies, et cetera?

6 MR BIFWOLI: You are correct, your Honours. I think we can go into public session.

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

8 (Open session at 9.33 a.m.)

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

10 MR BIFWOLI:

11 Q. Now, Mr Witness, between Lingala and Sango, which language are you more fluent
12 and comfortable with?

13 A. I have a better understanding of Lingala. I also understand Sango.

14 Q. And you just testified that you learned Lingala when you were (Redacted) is
15 that correct?

16 A. I started to speak Lingala while I was there, but I also spoke (Redacted)
17 So I was able to speak (Redacted), as well as in the (Redacted)

18 Q. So from your testimony you have spent like half of your time - half of your life - in
19 the (Redacted) is that correct?

20 A. I spent some time in the (Redacted) yes. When I was growing up,
21 that is (Redacted) I think, and at that time I was still -- I was already grown up, but
22 then when I was taken (Redacted) my parents I was not grown up yet. I was still a
23 child.

24 Q. Why are you not able to speak Sango fluently?

25 A. (Redacted)

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1 in (Redacted). That is how she did not have opportunity to teach me the Sango language,
2 (Redacted)

3 Q. But at least you interacted with this language for more than 12 years, didn't you?

4 A. Yes, but I do not speak that language. I did not even used to speak it with my
5 mother. When we were being trained it was French and Lingala that we used, and it is
6 for that reason that I am not used to speaking that other language.

7 Q. Yesterday you testified that you were involved in combat with loyalist forces; is that
8 correct.

9 THE INTERPRETER: "Could you please repeat the question?", from the interpreters'
10 booth.

11 MR BIFWOLI:

12 Q. I'll repeat the question. Yesterday you testified that you were involved in combat
13 with forces that were loyal to President Patassé at the time; is that correct?

14 A. Kindly repeat your question so that I can provide an appropriate answer.

15 Q. Yesterday you testified that you were part of Bozizé rebels; is that correct?

16 A. Yes, that is correct.

17 Q. And Bozizé rebels were involved in combat with forces that were loyal to President
18 Patassé; is that correct?

19 A. Yes, that is correct.

20 Q. How did you identify your enemy?

21 A. We were in our camp while they were in their camp. We already knew each other
22 and we knew who they were, so that was easy because we knew each other.

23 Q. And what was the colour of scarves that Bozizé rebels were wearing?

24 A. Kindly repeat, please?

25 Q. What was the colour of scarves Bozizé rebels were wearing during this period?

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1 A. The colour was green.

2 Q. Did they have any other colour other than green?

3 A. We were at the staff headquarters. We did not have proper equipment, but those
4 were distinguishing signs and those who wanted to use them did so.

5 Q. Yesterday, at transcript T-313, page 36, lines 24 to 25, you testified that you
6 withdrew from PK12 around 29 to 30 October 2002; is that correct?

7 A. Yes, that is correct.

8 Q. Did all of you withdraw, or some of your forces remained?

9 A. This was not fleeing as such. We were simply withdrawing. We left on the 30th,
10 but others may have gone back. There were people who did not uphold discipline and
11 who may have returned to the location without receiving any orders from the chief.

12 Q. Now, tell us about these people. How many were they?

13 A. Which people?

14 Q. You testified that there are some people who went back to PK12 after you withdrew.
15 So I want you to tell us how many people went back after an official order had been
16 issued that you withdraw from PK12?

17 A. I am not in a position to know, because these were people who were not under any
18 sort of control. They had not received any orders and therefore one cannot tell you the
19 number of people who may have returned, because they acted without any measure of
20 control.

21 Q. Where exactly did these people return to?

22 A. One could say that these were like rogue soldiers who went to loot, and no one
23 could tell them where to go and where not to go. Some of them even left and joined our
24 units.

25 Q. Mr Witness, my question was: Where did these people return to? Can you give

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1 the locations that they went to?

2 A. You see, when a soldier goes out to do something he may do what he wants to do
3 and then return to his unit. This is usually a soldier who already belongs to and who
4 knows his company, and when he returns he goes back to his company.

5 Q. So, Mr Witness, you are unable to tell this Court the number of soldiers who
6 returned and where they went to; is that correct?

7 A. This is my testimony: Those soldiers were not under anybody's control. When
8 they go out to commit these abuses, they do not tell anyone, so I don't have any statistics.
9 I am not able to tell you. All I know is that they went out and then came back to their
10 company. They came back to our units.

11 Q. Yesterday, you testified that immediately you left the location, the enemy forces
12 took over those locations, so is it your testimony that these soldiers went to loot in the
13 territory then occupied by enemy soldiers?

14 A. When a soldier goes out, he knows what he is going to do, he knows the methods
15 that he is going to use, he may do whatever he wants to do and he may even flee. You
16 see, when they go out or when some activities are taken, areas may be occupied, but some
17 soldiers may do certain things in hiding and then thereafter run away.

18 Q. For how long did they do this?

19 A. Up until the 30th, I think. On the 1st, I believe that some who were behind us
20 linked up with us and they joined us, and I think that around the 2nd, they were going
21 back to their various units as the FACA began to take control of the area, so they were no
22 longer able to return to those areas to commit those abuses any more.

23 Q. So, yesterday, you testified that you withdrew by 30th; now you are saying there
24 were Bozizé rebels in PK12 by the 2nd. Is that your testimony?

25 A. Yes, we withdrew, and to my mind it was a strategic withdrawal. That is what we

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1 did.

2 Q. So to be clear, by 2 November 2002 there were still Bozizé rebels in PK12; is that
3 your testimony?

4 A. 2002? I'm not -- I'm not sure that I have understood your question. Please, can
5 you repeat it?

6 Q. Is it your testimony that, by 2 November 2002, there were still Bozizé rebels coming
7 back to PK12?

8 A. In 2002, well, 2002, really, I don't -- I don't see how it could have been 2002, because
9 in 2002 Bozizé did not have all those soldiers. When you say 2002, what date are you
10 referring to? They occupied from the 25th. Which date are you referring to?

11 Q. Mr Witness, you occupied Bangui from the 25th of which month and which year?

12 A. 25 October 2002 up to the 30th, 2002. On the 30th we withdrew. We withdrew to
13 our headquarters and then reconstituted our forces and returned on 15 March to enter the
14 city.

15 Q. So, did any of your soldiers, Bozizé rebels, did any of them return to PK12? Let's
16 say 31 October 2002 or 1 November 2002 or 2 November 2002, did any of your fighters
17 ever return to PK12 between those dates?

18 A. Our soldiers were indisciplined and were not under any control. We had a
19 structure in place but it was not an appropriate structure, so the soldiers did not comply
20 with the rules of discipline. The soldiers did not receive any salaries. They did not
21 have any proper uniforms. So everything was possible, and they could have been
22 involved in those types of activities.

23 Q. Mr Witness, it's either you know or you don't know. Did your soldiers return to
24 PK12 after the 30th or not? It's not a question of possibility here; it's either you know or
25 you don't know.

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1 A. They went back.

2 Q. Now, for how long did they keep on going back to PK12 after 30 October 2002?

3 A. It didn't last many days but, you see, these were unruly soldiers, and when someone
4 wanted to go out and loot, they could do so. It was not official. It was actually stealing.
5 They went out there and stole and then came back.

6 Q. You've just said it didn't last many days. Can you give us an approximation
7 whether one, two, four, five days? Approximately how many days did it last?

8 A. I became aware of that information while we were in Damara, namely, that some
9 troops went back to PK12. They went back there around the 1st and the 2nd to steal. I
10 know that they went back there but I'm not in a position to tell you exactly the day on
11 which they stopped going back to PK12, simply because these were unruly soldiers.

12 Q. Mr Witness, do you know that by 2 November 2002 the loyalists were completely in
13 control of PK12 and in fact Mr Bemba visited his Banyamulengue troops in PK12? Are
14 you aware of that fact?

15 PRESIDING JUDGE STEINER: Yes, Mr Haynes?

16 MR HAYNES: Can we have a reference where that fact is established, please?

17 PRESIDING JUDGE STEINER: Mr Bifwoli?

18 MR BIFWOLI: Your Honour, I'll be providing that fact in a short while.

19 MR HAYNES: Then he can ask the question of the witness when he does.

20 PRESIDING JUDGE STEINER: Mr Bifwoli is authorised to put the question and, when
21 he has the reference, if there is any contradiction between the reference and his question
22 the fact we'll put on the record, but you can continue.

23 MR BIFWOLI: Thank you, your Honours.

24 Q. Mr Witness, are you aware that Mr Bemba visited PK12 on 2 November 2002?

25 A. On 2 November 2002, well, they were not there. If -- if he had come, we would

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1 have been informed. He did not come.

2 Q. So it is your testimony that Mr Bemba did not visit PK12 on 2 November 2002; is
3 that correct?

4 A. No, he did not come there. We did not see him. To my knowledge, and as far as
5 the others were concerned, we did not see him, not even in Bangui, during the entire
6 duration of the operation. We did not see him. We did not hear about that. We heard
7 about the troops that arrived on the 29th and the 30th, we heard about the
8 Banyamulengue and, when we were involved in operations, we -- sometimes we were
9 also called Banyamulengues. So we did not see Mr Jean-Pierre Bemba.

10 Q. Mr Witness, you were not an MLC soldier. How were you expected to see him?

11 A. Whether it was the FACA soldiers, or the others, we were all FACA soldiers. We
12 were soldiers working together, so we were aware of the various people who came there.

13 Q. So is it your testimony that, if Mr Bemba ever came to the CAR during this period,
14 you should have known? Is that what you are saying?

15 A. Yes, I would have been aware. Whether it was civilians or soldiers who had
16 deserted, I would have been aware because the CAR is a small country.

17 Q. Several Defence witnesses, like Defence Witness 51, testified that Bemba came to
18 CAR and went to PK12. Now, is this witness then saying the truth?

19 A. No, that is not true. As far as I know, we did not see him. Maybe they saw him,
20 but we did not see him. I am testifying about what I saw and what I experienced. I did
21 not see him, so I cannot tell a lie.

22 PRESIDING JUDGE STEINER: Mr Bifwoli, you have already the references? Now you
23 owe us two references, not one.

24 MR BIFWOLI: Your Honours, the reference are CAR-OTP-0031-0093, and the English
25 transcript is CAR-OTP-0056-0278 at page 0280.

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1 PRESIDING JUDGE STEINER: Yes, Mr Haynes?

2 MR HAYNES: A list of letters and numbers is all very interesting, but what is it? It
3 plainly isn't a transcript of evidence in this case. Can we be told what it is so that the
4 witness knows?

5 MR BIFWOLI: Your Honours, it is an RFI broadcast and it's in evidence.

6 (Pause in proceedings)

7 MR BIFWOLI: Can I proceed, your Honours?

8 PRESIDING JUDGE STEINER: You can proceed, Mr Bifwoli.

9 MR BIFWOLI:

10 Q. Now, Mr Witness, if the MLC were in control of PK2 -- PK12 on 2 November 2002,
11 there is no way that Bozizé rebels would come to PK12 and commit crimes at that time; is
12 that correct?

13 A. If someone is stealing, or perpetrating an abuse, that person will not take into
14 account the presence of other people. This is somebody who is doing something wrong,
15 and he knows exactly how to go about it and then go away.

16 Q. So it's your testimony that Bozizé rebels continued to visit the areas that were under
17 control of MLC and loyalist troops? Is that your testimony?

18 A. There were insubordinate soldiers who were also coming back.

19 Q. Mr Witness, when you were withdrawing from PK12, did you pass through PK22?

20 A. I am talking about the area, the road, the road that I used, and I used the Damara
21 road. From PK12, I went in a northerly direction. That is the road I'm talking about.

22 Q. Did you pass through PK22?

23 A. It is in the same direction. If you're going to the place that I mentioned you will
24 pass through there, but I used a road that took me directly towards the north.

25 Q. So that it's clear, did you pass through PK22 -- PK22, yes?

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1 A. Maybe there were other soldiers who passed by there. We had many companies.
2 I think some of our soldiers passed through there, but I took another road which I've
3 talked to you about.

4 Q. Mr Witness, yesterday you mentioned that you were in Damara. When did you
5 arrive in Damara, after withdrawing from PK12 on 29/30 October 2002?

6 A. We arrived there on the same day. Given that we had other operations, we went
7 there, depending on the company that you belonged to, every other day or every two
8 days.

9 Q. And for how long were you in Damara?

10 A. That depended on the time of retreat of each company. Not all the companies
11 withdrew on the same day. When we arrived there, we prepared to leave. We did not
12 stay there for long.

13 Q. Speaking for yourself, approximately how many days or weeks or months were you
14 in Damara before you retreated further?

15 A. Personally, I stayed there for one day.

16 Q. And do you know the other companies, how many days they spent in Damara
17 before withdrawing further?

18 A. I do not know. I do not know how the other companies withdrew because when
19 we were there each company retreated in accordance with the decision and strategy
20 adopted within that company for their withdrawal.

21 Q. Do you have any idea about days or weeks or months that the other companies
22 spent in Damara before withdrawing further?

23 A. I cannot tell you a lie. That was not my job. Everyone had their specific duties. I
24 had my superiors who were responsible for that.

25 Q. Mr Witness, it's indeed interesting that you don't know how your troops are moving,

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1 yet you are supposed to know everything about MLC, whether Bemba came to PK12 or
2 not, and you are also able to know that your troops went to PK12 to commit crimes, yet
3 you don't know many things about your own troops. Are you telling the truth?

4 A. I am not telling lies. I am testifying about what I saw and what I experienced. I
5 cannot tell you what I did not see or experience. I cannot tell you lies. I am testifying
6 about what I saw and what I experienced. If I do not know something, I'm not going to
7 invent anything. I'm not going to tell you a lie.

8 Q. You don't know when Bozizé rebels left Damara, do you?

9 A. When the companies were retreating around the 30th, the others were advancing.
10 Our companies did not withdraw at the same time.

11 Q. Mr Witness, you don't know when Bozizé fighters eventually withdrew from
12 Damara, do you?

13 A. I know that when we left PK12, that is on the 30th, there were troops which replaced
14 us there, and then they left Damara. This means that we did not stay in Damara for long.
15 We were there for a short time and then we left. Damara was simply a place of transit.
16 We did not stay there for long. Other companies may have spent a little bit more time
17 there, but when we arrived in the evening, we would probably leave in the morning.

18 Q. Obviously, you don't know when Bozizé fighters eventually retreated from Damara,
19 but I'll move on. When did you arrive in Sibut?

20 A. This is what I just said: I do not know how the retreat was organised in Damara.
21 When we arrived Damara on the 30th, we left on the same day, in the evening. That is
22 why I was telling you that I do not know the situation of the other companies when it
23 came to the withdrawal, because I know that they retreated because there was another
24 force arriving. We received an order to retreat. We left Damara on the same day that
25 we arrived Sibut.

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1 Q. So, so that it is clear, you withdraw from PK12 on the 12th -- PK12 on 30

2 October 2002. How many days did it take you eventually to be in Sibut, from 30

3 October 2002?

4 A. We travelled the whole night and the entire day. We walked the entire night, and
5 the following morning we arrived at Sibut.

6 Q. So would I be correct to say it took you approximately two days to move from PK12
7 to Sibut? Would I be correct to estimate that?

8 A. I said that we left in the evening. We walked the whole night and we arrived the
9 following day. Well, you can say two days, but it is not precisely up to two days because
10 it's not up to 48 hours.

11 Q. And the reason why you are withdrawing from these towns, PK12, Damara, going
12 to Sibut, was because the loyalist forces were pursuing you and taking over the areas that
13 were previously under your control; is that correct?

14 A. That is correct. When we left an area, or a locality, they would arrive and occupy
15 it.

16 Q. When did you leave Sibut?

17 A. I was at General Staff headquarters. We left Sibut on the 2nd, and I'm speaking
18 here about myself. I was an officer working at staff headquarters. From Sibut, I used a
19 vehicle belonging to the Chadians, and we were driven right to Sido.

20 Q. Could you clarify? You left Sibut on the 2nd of which month and which year?

21 A. 2 November 2002.

22 Q. And do you know eventually when the entire Bozizé fighters eventually withdrew
23 from Sibut?

24 A. After my departure, I no longer followed what was going on with the companies
25 and the units, so I do not know when they left Sibut. Some of them left this location on

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1 foot.

2 Q. Are you in a position to approximate whether they left in a week after you left or a
3 month? Are you in a position to approximate?

4 A. What I know is that they did not stay there for long. Regarding their withdrawal, I
5 cannot be more specific. As you know, when soldiers withdraw they do not spend a
6 long time organising a battle. They arrive at location and then they continue, so it is a
7 withdrawal.

8 Q. Mr Witness, I notice that you are unable to provide any dates about how these forces
9 are withdrawing. What was so magical about this 29 and 30 October that you can
10 remember that so well, but you can't remember any other dates, including the age at
11 which you joined the military?

12 A. No, I am giving you all the information that you need. I do not know whether you
13 are following my answers closely or no -- or not, so if my answers are not clear you can
14 ask me to explain further.

15 Q. Mr Witness, between October 2002 and March 2003, were there any Bozizé fighters
16 in the city -- in the town of Mongoumba?

17 A. Which town are you talking about precisely?

18 Q. Do you know a town in the Central African Republic called Mongoumba?

19 A. Yes, I do know that town.

20 Q. Now during this conflict period, that is 25 October 2002 and March - 15 March - 2003,
21 were you Bozizé fighters at any time based in Mongoumba during this period?

22 A. It is possible, but I'm telling you what I saw and what I witnessed. I cannot talk to
23 you about things that I did not see, and I am telling you merely about things that I
24 witnessed personally. If you want to put questions to me about locations that I -- where I
25 was, then I can provide you with an answer to that.

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1 Q. Can you be clear, Mr Witness, whether you know or you don't know? Were Bozizé
2 fighters in Mongoumba between 25 October 2002 and 15 March 2003?

3 A. I cannot testify to things that I did not personally witness. I was responsible for a
4 certain task, so I cannot know everything that happened with regard to soldiers, logistics,
5 et cetera. Everyone was tasked with something specific.

6 Q. Mr Witness, just to remind you that there is no problem to say you don't know in
7 cases where you don't know. It is perfectly in order. You are not expected to know
8 everything. Where you don't know, you can just save time to say, "That one I don't
9 know," and that is accepted as an answer in this Court. Do you understand?

10 A. Yes, I have understood you.

11 Q. So am I correct to say that you don't know if Bozizé fighters were ever in
12 Mongoumba during this period?

13 A. Yes, because at that moment in time I was already in Sido, so I am just testifying to
14 things that I saw personally. It is possible that they were there. However, I do not have
15 any specific information in this regard.

16 Q. What is your basis of saying that, "It is possible that they were there"?

17 A. Because there were a number of different roads. There were a number of roads
18 that were used within our strategy and that's why I say that it was a possibility.

19 Q. Witness, yesterday at transcript 313, page 43, lines 21 to 25, real-time, you testified
20 that you captured -- that Prosper N'Douba was captured by Bozizé rebels. Is that your
21 testimony?

22 A. Yes, indeed. That is correct.

23 Q. When exactly was he captured?

24 A. He was captured on the same day that we arrived, on 25 October.

25 Q. Again, Witness, yesterday at transcript 313, page 37, lines 1 to 25, you testified that

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1 you withdrew from Bangui for two reasons: (1) population complaint and (2) on 28 or 29
2 October 2002 Banyamulengue had arrived. Is that your testimony?

3 A. Yes, that is what I said, and I wanted to add that it was for a strategic reason that our
4 troops did this and that is additional information that I would like to furnish now.

5 Q. And yesterday again, at transcript T-313, page 37, lines 4 to 8, you also testified that
6 you got intelligence from FACA soldiers that deserted and from civilian population. Is
7 that your testimony?

8 A. Yes, that was my testimony.

9 Q. Did your intelligence, that's the population and deserting FACA troops, ever tell
10 you about crimes committed by the Banyamulengue?

11 A. I was not told about any abuses committed by Banyamulengue. I do not know
12 anything about abuses committed by Banyamulengue. I am telling you about things that
13 I saw. I was not given any such information.

14 Q. So what kind of intelligence did the deserting FACA soldiers and population give
15 you?

16 A. This was to do with their movement forwards, the manner in which they were
17 advancing and the ways in which they were organised and the troops that came to assist
18 them. They were the ones who told us that the Banyamulengue were fighting side by
19 side with the FACA troops.

20 Q. And as an individual, are you aware of any crimes that were committed by the
21 Banyamulengue during this period?

22 A. No, I know of none, because I was not a witness to this.

23 Q. And are you aware, or have you ever heard, that they committed crimes in the
24 CAR?

25 A. No, I did not hear speak of this. I was not an eye-witness to this. I am in a

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1 position to tell you about the crimes that we committed.

2 Q. Can you be clear, Mr Witness? I'm not asking you whether you saw, but I'm asking
3 you now, as you sit there, have you ever heard or learned that the Banyamulengue when
4 they were in the CAR committed crimes?

5 A. I might have heard that, but I cannot confirm that I have any evidence as to crimes
6 committed. Yes, people were talking about it. As for the country where I am living
7 currently, it's very difficult to come upon any information and it's very difficult for me to
8 remain informed in my current country of residence.

9 Q. But, Mr Witness, (Redacted), so you are saying that not
10 much information came your way about crimes that were committed by the
11 Banyamulengue when they were in the CAR? Is that what you're saying?

12 A. I said that because I was talking about crimes committed by us. I have heard talk
13 of crimes committed by others, but I do not have any evidence to the fact. I am a man of
14 God, and I can only state what I saw. If I do not have any evidence to any effect, I cannot
15 say it. So I did hear a lot of things, but I cannot confirm this fact before the Court.

16 Q. So from --

17 A. Why did they not say that Bozizé's troops also committed crimes? Why did they
18 not talk also about that? That's why, well, if you want to tell the truth, you need to tell
19 the whole truth. You also need to talk about the crimes that they committed. Because,
20 of course, we also looted. We also committed acts of extortion. We also committed
21 crimes. So we also need to talk about the crimes that we committed.

22 Q. That's why I'm wondering, Mr Witness, if you are applying the same standard to
23 yourself, if you are telling the truth, why haven't you mentioned crimes committed by the
24 Banyamulengue, applying your own standard?

25 A. I did not see this. I am a man of God. I talked about things that we did, that we

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1 committed, we perpetrated. We were an unpaid army. It's not like the American army,
2 you know. So why is it that you do not want to talk about crimes that we committed,
3 talking about the fact that Bozizé's troops committed such-and-such a crime? Why is it?

4 Q. Mr Witness, I'll remind you that this case is about The Prosecutor versus Jean-Pierre
5 Bemba, and my question is this: Why are you so agitated to talk about crimes committed
6 by the Banyamulengue?

7 A. Well, I'm not wound up, I am relaxed. I did not see any of the crimes they
8 committed. That's why I cannot confirm the fact before the Court. If I said that our
9 troops committed crimes, it was because I was an eyewitness to the fact. So, put the
10 question to them. Put the question to the people who were in their company. I was not
11 an eyewitness to the events.

12 Q. But Mr Witness, a short while ago you have repeatedly testified about Bozizé rebels
13 who went back to PK12, committed crimes which you did not see. So how come you are
14 eager to talk about crimes committed by Bozizé fighters you did not see, but when it
15 comes to MLC, you don't want to talk about crimes committed by them because you did
16 not see? Are you applying double standards, Mr Witness?

17 A. Well, this is not an injustice as such. I know about the behaviour of our own troops.
18 However, I did not know about how the MLC troops. I can tell you about what our
19 troops did because I was there and I saw, and if I am told that they are still perpetrating
20 such acts, I would be in agreement because that is what they did in the past.

21 Q. So you are not being truthful when you say you don't want to talk about MLC
22 crimes because you did not see them; when you can talk about Bozizé crimes that you do
23 not see? You are not being truthful, Mr Witness, are you?

24 A. I have not come here to administer justice; I have come here to testify. I have taken
25 an oath to say that I will tell the truth and nothing but the truth, and that is what I am

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1 doing. As for the abuses committed by Bozizé's troops, well, they were perpetrated in
2 my presence, and I also took part. That is why I have come here to testify to this effect, to
3 what my colleagues and myself did, but I cannot tell you about things that I did not see.
4 I did not know those people. I cannot talk about those people whom I did not know.

5 Q. Well, Mr Witness, are you now testifying that you were part of Bozizé rebels that
6 went back to PK12 after withdrawal, to commit crimes?

7 A. It was our troops who returned in order to commit or perpetrate those abuses and
8 that's why I said I had information on the subject, but as to the Banyamulengue, I do not
9 have any specific information to furnish you with.

10 Q. Mr Witness, at transcript T-313, page 53, lines 1 to 25, real-time, you testified that
11 you used Lingala to commit crimes. Further, you stated at lines 8 to 10 that, "And
12 whenever we used Lingala, the people of the Central African Republic were ready to give
13 up or to comply much more easily." Why was it that when you used Lingala, Central
14 Africans were ready to give or to comply more easily?

15 A. This was something that occurred and that enabled us to go about perpetrating our
16 crimes easily. In view of the fact that it was a strategy in order for us to commit crime,
17 that is what we implemented.

18 Q. How did you know that if you speak Lingala, the Central Africans would comply
19 easily than if you spoke in other language?

20 A. We are Central Africans. We know this strategy and we are well-trained military
21 men. We know what we can do. When we used Lingala, when we said, "Well, come
22 here, give us your money," they would comply.

23 Q. Mr Witness, how did you know that if you used Lingala and say those words, they
24 would comply more readily? How did you know that? Had you used it before
25 anywhere else?

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1 A. Well, I speak Lingala myself, and I know the Central African population well. I
2 was there and for the entire duration of my presence I spoke Lingala and French, and I
3 knew that whenever somebody spoke Lingala, I knew what the reaction of the civilian
4 population would be.

5 Q. So, it's your testimony that in the Central African Republic, if you speak Lingala,
6 then the Central Africans readily comply; is that your testimony?

7 A. No, that's not what I said. I said that in the year 2002 that was the case. I'm not
8 saying that today, when somebody speaks Lingala, people comply easily. I said that at
9 the time that was the case. You know, that was during the war and everybody was
10 afraid. The civilians were worried.

11 Q. Mr Witness, you say that's not the case now, but how did you know at that time that
12 if you speak Lingala, they would readily comply? How did you know?

13 A. Yes. Well, I did come to know that because when we did that, when I spoke
14 Lingala, I saw the civilians tremble. What is more, I was called Munyamulenge so I
15 thought it was an opportunity for me to do this. When I was called Munyamulenge or
16 Mulenge, that enabled me to commit abuses to extort money or to do anything else that I
17 wanted to do at the time.

18 Q. So Munyamulenge was associated with committing crimes in the Central African
19 Republic? That is your testimony, isn't it?

20 A. At that moment in time, if you were to speak Lingala, the civilians believed that you
21 were a Munyamulenge and that would make them frightened, and that's how things
22 unfolded.

23 Q. From your testimony what you have just stated here - if it's not clear, I can quote
24 back to you - a Munyamulenge is associated by crime by Central Africans; isn't that so?

25 A. That is not what I said. I said the following, that the Munyamulenge were soldiers,

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1 and if you see a soldier speaking Lingala, then you are called a Munyamulenge. That's
2 what I said. And this would enable you, or would enable soldiers to speak Lingala and
3 instill fear in the population.

4 Q. Fine. Let's just check what you just said a minute ago about the Munyamulenge.
5 In the transcript, at page 38, lines 18 to 25, this is your answer, and I quote: "Yes, well, I
6 did come to know that because when we did that, when I spoke Lingala, I saw the
7 civilians tremble. What is more, I was called Munyamulenge, so I thought it was an
8 opportunity for me to do this. When I was called Banyamulengue or Munyamulenge,
9 that enabled me to commit abuses to extort money or to do anything that I wanted to do
10 at that time."

11 Now, you are saying, you are now testifying that the tag of Munyamulenge is not -- is not
12 associated with committing of crimes. Is that your testimony now?

13 A. This language enabled us to perpetrate crimes, but I do not know whence
14 Banyamulengue come but I do know that they might be inhabitants of Rwanda, but this
15 was a language that enabled us to commit abuses. That helped us.

16 Q. But Mr --

17 PRESIDING JUDGE STEINER: Mr Bifwoli, we need to suspend. I'm sorry to interrupt.
18 Mr Witness, it's 11 o'clock. You are entitled to a break, to have some coffee, tea, take
19 some rest. Our interpreters and court reporters need such a break, as well the Chamber.
20 So we will suspend now and resume at 11.30. The hearing is suspended.

21 THE COURT USHER: All rise.

22 (Recess taken at 11.01 a.m.)

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

24 THE COURT USHER: All rise.

25 Please be seated.

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1 PRESIDING JUDGE STEINER: Welcome back.

2 Mr Witness, welcome back.

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

4 PRESIDING JUDGE STEINER: Were you able to take some rest?

5 THE WITNESS: (Interpretation) Yes, Madam President, I was able to rest.

6 PRESIDING JUDGE STEINER: So I'll give back the floor to the Prosecution. He will
7 continue questioning you.

8 Mr Bifwoli, you have the floor.

9 MR BIFWOLI: Thank you, your Honours.

10 Q. Good afternoon, Mr Witness.

11 A. Good morning.

12 Q. I'll continue asking you questions from where we stopped. Is that fine with you?

13 A. I agree with you.

14 Q. Now, Mr Witness, yesterday at transcript 313, page 54, lines 1 to 25, you testified
15 that you used Lingala to prejudice the forces that would come after you, meaning
16 Banyamulengue; is that correct?

17 A. That is true. What do you understand "Banyamulengue" to mean? You see,
18 "Banyamulengue" is a word or an expression that was used by civilians. I don't know
19 whether there were any troops or any army known as "the Banyamulengue." To my
20 mind, the term "Banyamulengue" was used by civilians.

21 Q. When you opted to use Lingala, which force did you intend to prejudice by using
22 Lingala to commit crimes?

23 A. We did so for our own interest. Our superiors were technicians and they knew that
24 there was another group that was coming into our country. So, because they were great
25 and intelligent technicians, our superiors knew what was happening in the country

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1 during the time of war and asked us to use that approach.

2 Q. So which other force was expected to come into the country?

3 A. Please repeat your question.

4 Q. When you opted to use Lingala to commit crimes, which force did you intend to
5 prejudice by using Lingala?

6 A. All we did was in our interest. We were not attempting to prejudice any other
7 army by what we were doing. All we wanted to do was to take things from people, that
8 is extort things from the population, for our own purposes.

9 Q. So by using Lingala you didn't intend to look like any other force; is that your
10 testimony?

11 A. We used that language because it is a language that frightened Central Africans.
12 When they heard that language they were afraid, and that is why we used the language in
13 order to extort things from the population and then to take off.

14 Q. So the only purpose of using Lingala is to enable you to extort things from the
15 Central African population; is that correct?

16 A. Yes, that was the only purpose, to extort, and I must add that the people were
17 frightened when they heard us speak Lingala.

18 Q. So the Central African population knew that these are Bozizé fighters now speaking
19 Lingala and extorting them, didn't they?

20 A. Please kindly repeat your question so that I may provide an appropriate answer.

21 Q. The Central African population knew you as Bozizé fighters, but speaking Lingala
22 in order to extort things from them; isn't that so?

23 A. It was very difficult for civilians to know it. You see, the civilians were afraid, they
24 were frightened, they were hiding in their houses and they did not know very much what
25 was happening out there.

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1 Q. Mr Witness, you have just testified a few seconds ago that the only purpose of using
2 Lingala was to enable you to extort and now you are saying that civilians who knew you
3 as Bozizé fighters could not tell that these are Bozizé fighters now speaking Lingala? Is
4 that what you're saying?

5 A. The idea was to confuse the people. The civilian population was not able to clearly
6 identify us, because all of us were wearing similar types of uniforms. It was therefore
7 not easy for the civilians to distinguish among the forces. Bozizé soldiers and FACA
8 soldiers were all Central Africans and we had more or less the same uniforms and it was
9 difficult to distinguish between those two troops.

10 Q. But yesterday you testified that you got intelligence from these same civilians, didn't
11 you?

12 A. Yes, that was my testimony indeed.

13 Q. And these civilians are the ones who provided you intelligence about the other
14 forces that are arriving in the CAR; correct?

15 A. Those who were able to give us military intelligence were deserting soldiers. We
16 asked them where the other troops were located. Those are the ones who were able to
17 provide us with appropriate intelligence, and I'm referring here to the deserting soldiers.

18 Q. So yesterday you testified that you got intelligence from civilians and deserting
19 FACA soldiers. Now you are saying it is FACA soldiers. Are you changing your
20 testimony, Mr Witness?

21 A. No, I haven't changed anything. I said that we also received intelligence from
22 civilians. However, civilians were not able to tell us how the attacks were taking place.
23 It was difficult for civilians to know the military tactics that were used. The only people
24 who could give us appropriate intelligence were the deserting soldiers who would then be
25 able to tell us about the tactics of the army, or the enemy.

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1 Q. But for the civilians to give you intelligence about the loyalist forces and the arriving
2 force, they must have known that you are Bozizé fighters; is that correct?

3 A. Yes, that is correct. You see, things were quite confused at that time when crimes
4 were being committed, so they could not know that it was Bozizé's people who were
5 committing those crimes because of the prevailing confusion.

6 Q. How can civilians accurately provide you information about loyalist forces and yet
7 you say they didn't know you as Bozizé forces? Are you saying the truth?

8 A. What the civilians provided us information was simply the location of the enemy
9 troops. They could not tell us the technique used by the enemy troops. It is only the
10 deserting soldiers who were able to provide us with that type of information. What we
11 got from civilians was simply the position of such-and-such a troops but, regarding the
12 attacks and the uniforms and any such other details, we were only able to get them from
13 the deserting soldiers.

14 Q. But from your own answer here it's evident that the civilians were able and
15 accurately did so to distinguish Bozizé fighters from the loyalist forces, didn't they?

16 A. You see, we are all Central Africans. When Bozizé's soldiers used the Lingala
17 language, their purpose was simply to cause confusion in the minds of the people, and
18 that's how it was.

19 Q. Unfortunately, Mr Witness, there is no confusion here. These are people who
20 already knew you as Bozizé fighters, gave you information about the loyalists, so they
21 knew the loyalists, so where does the confusion arise from when they already know you
22 and they know the loyalist forces? Where does the confusion come from?

23 A. We did not receive intelligence from all civilians and it is not all civilians who were
24 expected to know what was happening. These were war times and people did not know
25 what was happening outside, so whenever we moved from one location and the area was

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- 1 then taken over by the enemy, it was very difficult for the entire population to know.
2 People were hiding in their homes. That is why I said there was some confusion,
3 because people did not know who was in what area, at what time, for how long and how
4 long they stayed and all of these things. That is why I said that there was some
5 confusion prevailing at the time.
- 6 Q. Now, Mr Witness, what do you want us to believe? A short while ago you said the
7 civilians knew the location of the loyalist forces. Now you are saying they didn't know
8 the locations. What do you want us to believe?
- 9 A. What I am telling you is the truth, but you are not understanding me. When I say
10 that civilians gave us intelligence, I was not referring to all civilians. Not all the civilians
11 of the Central African Republic. Maybe one or two civilians brought us intelligence. I
12 was not talking about the entire civilian population. So these are the people I referred to
13 as the sources of information and, even for the soldiers it was not all the soldiers who
14 came to tell us this and that or to give us intelligence, because it is not all the soldiers who
15 deserted. I hope you can understand that this is what I mean.
- 16 Q. Mr Witness, fortunately, we have a record of what you are saying and what I am
17 saying. Nowhere in the record have I referred to "all civilians," so are you trying to
18 modify your testimony so that you get away from the real issue here by referring to "all
19 civilians"?
- 20 A. It is for this reason that I have said that not all people were able to distinguish
21 between the Bozizé and the FACA soldiers and some FACA soldiers deserted and crossed
22 over to the Bozizé camp. This is the kind of confusion I have been referring to.
- 23 Q. Mr Witness, if the civilians knew the locations of the loyalist forces, knew the
24 locations of Bozizé fighters, then provided information to Bozizé fighters, not information
25 about Bozizé fighters but about loyalist forces, then these people knew who they were

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1 talking about, don't you think so?

2 A. Well, we -- the loyalist soldiers were there before. We drove them out and then
3 they came back, but don't you see that this could have created confusion in the minds of
4 the population because the loyalists were there, we drove them out and then they came
5 back? Don't you understand that somebody who is in hiding in his house and who has
6 not come out may have some difficulty understanding what was going on outside, out
7 there?

8 Q. According to your testimony, at least you were in PK12 from the 25th to the 30th.
9 Those are five days. So are you saying these civilians cannot tell who is in their
10 neighbourhood after these five days? They wouldn't tell who was that?

11 A. They may have known but, when it comes to the commission of crimes or abuses,
12 the people may have been confused. It is possible that they may have known, but they
13 may not have known who the perpetrators of the abuses were. Let us take for example
14 the fact that we left on the 30th and they moved in. If some abuses were committed at
15 that time, when they moved in, civilians would not be able to know who had committed
16 those crimes. Now, when they would come out of their houses and see that the town has
17 been occupied by another force, they would -- there would be some confusion in their
18 minds.

19 Q. But if a force occupied PK12 for over five months they would know who they are,
20 wouldn't they?

21 A. Yes, the population could have known.

22 Q. So it is your testimony that by speaking Lingala, you didn't want to look like any
23 other force; is that correct?

24 A. That was not our intention.

25 Q. And therefore you remained Bozizé fighters speaking Lingala; is that correct?

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1 A. That is what I know. As for the other cases, I am not aware, but what I've told you
2 is what I saw and what I witnessed.

3 Q. What difference would it make to you -- to me if you, as a Bozizé fighter, I know you
4 for five days, then suddenly you start speaking Lingala and you extort from me? Would
5 that stop me from knowing you as a Bozizé fighter?

6 A. It is true I was one of Bozizé's combatants. Lingala is the language that we used
7 sometimes. There were also other people in other companies who spoke Lingala. I was
8 not the only one to speak that language.

9 Q. You obviously haven't answered my question, but I'll move on. Now, yesterday at
10 transcript 313, page 54, lines 1 to 25, you testified that you used Lingala -- sorry, you
11 testified that this technique of using Lingala was hatched by Bozizé, your leader; is that
12 correct?

13 A. This is what I said. It is possible, but we are the ones speaking -- we were the ones
14 speaking Lingala, but to say that for the person who told us to speak Lingala, well, since
15 he is a technician, maybe he was aware of the situation and knew that if we perpetrated
16 these acts, they would be attributed to someone else, but I did not tell you that he directly
17 told me to do this. That is not correct.

18 Q. Whose idea was it that you start speaking Lingala to commit crimes?

19 A. This is a trick that was used. It became a strategy that we started using. It is a
20 strategy that we ourselves adopted. When we started doing that, people would follow
21 our orders and so we found that it was a good strategy and we started using it.

22 Q. So that it is clear on record, this idea was not hatched or did not come from Bozizé?
23 Is that your testimony?

24 A. This is what I said. If that idea came from him, well, he knew all the troops from a
25 technical level, from a strategic context. It is possible that he might have been aware, but

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1 officially he did not give this order.

2 Q. So now you are saying this was your idea. When was this -- when did this idea
3 come up?

4 A. As from the 25th. When we arrived we started using the strategy, especially as
5 from the 28th, 29th, 30. During those days we spoke a lot of Lingala.

6 Q. Who amongst you originated this idea?

7 A. That is when we were using pushcarts. There were the shoe-shiners. For example,
8 they used the same strategy when they were with us. We were together. This is
9 something that just started like that. It is difficult to say it is this and this person who
10 started it. No, it is something that just started like that and everybody started applying
11 it.

12 Q. Now, we have two versions here. Yesterday you said the idea came from Bozizé,
13 which is on record. Now you can't explain where the idea came from. What do you
14 want us to believe?

15 A. What I said yesterday is the same thing that I said today. Maybe you did not
16 understand me well. What I said is that we are the ones who started that idea. Now, if
17 Bozizé as a technician, given that he knew the troops and he heard about this, but maybe
18 he initiated this idea secretly in a concealed manner, but to tell you that he actually gave
19 an order, I said he didn't. That is what you should understand.

20 Q. Fortunately, Mr Witness, the record is what it is and you can't change it. When
21 Mr Haynes asked you whose idea it was, you said "Bozizé," and now you are saying, "It's
22 not Bozizé." Which version do you want us to believe?

23 A. I think you did not quite understand me well. That is why I am saying that I am
24 testifying only about things that I saw and experienced. I cannot change those things. I
25 am saying the same thing as I said yesterday. Maybe it was incorrectly noted.

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(Open Session)

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1 Q. And so all the 500 Bozizé fighters spoke Lingala; is that your testimony?

2 A. That is not what I said. The 500 were FACA soldiers. They did not speak only
3 Lingala.

4 Q. Are you now saying that Bozizé fighters were not 500?

5 A. No, that was at the beginning before the creation of the staff headquarters. 500 is
6 the figure that we had when we were at Sido. That is one month after we had reached
7 500 and we set up a General Staff headquarters, but they continued with the recruitment.
8 Other soldiers arrived and there were many of us. It was not only the 500 soldiers.

9 Q. So approximately how many Bozizé fighters were in PK12 between 25 and
10 30 October 2002?

11 A. That was a military secret. I could not have been told the number of soldiers. I
12 could not be told how many soldiers were there as we advanced.

13 Q. So it was not a secret to know 500, but it is a secret to know how many soldiers that
14 were in PK12; is that your testimony?

15 A. That was at the beginning of the rebellion, before the creation of the General Staff.
16 It was easy to know that and, once the General Staff was in place, we had become like an
17 army and then it was not possible. It was not easy to know what was happening in that
18 army.

19 Q. So we have a Bozizé fighter testifying before this Court now but can't tell us how
20 many fighters Bozizé had; is that your testimony?

21 A. Kindly repeat your question, please.

22 Q. As you sit there, you can't tell us how many fighters in total Bozizé had, can you?

23 A. You should have put that question to the Chief of Staff and those who were in
24 command. It was not part of my duties to know how many soldiers were there. Each
25 soldier had their specific duties and it was not my job to know that.

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(Open Session)

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1 Q. And you can't also tell us how many Bozizé fighters were in PK12 between
2 25 October to 30 October 2002, can you?

3 A. These were military strategies that were used. You should have asked that
4 question of the operations commander, who would have known how many soldiers he
5 sent to PK12 and to the other neighbourhoods. This is the job of the operations
6 commander. It is not up to me to know.

7 Q. Obviously you don't know, but again it is your testimony that all Bozizé fighters in
8 PK12 spoke Lingala to commit crimes? Is that your testimony?

9 A. I did not say that. You are the one who is changing what I said. I did not say that
10 this was the language that was spoken in PK12.

11 Q. So how many of you spoke Lingala in order to commit crimes?

12 A. I did not have the time to count them, but when they were doing those things I
13 could hear them. They were extorting things. They were using the words that I have
14 mentioned, but to tell you the number, I'm not in a position to do so. I did not count
15 them. I witnessed them doing those things.

16 Q. So tell us the number of Bozizé fighters you witnessed doing those things that spoke
17 Lingala?

18 A. It was not possible for me to count them. Which right did I have to ask them,
19 "Which language are you speaking?", and so on and so forth. It was not possible for me
20 to identify them.

21 Q. So you couldn't identify your own colleagues?

22 A. These are the duties of soldiers. They are not like traders. The work of a soldier is
23 not to start identifying people without having received an order. We work with orders
24 and discipline. You cannot start doing something if you have not received an order to do
25 so.

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(Open Session)

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1 Q. Yesterday you testified about crimes committed by Bozizé fighters, mentioning
2 gang-rapes and so on and so forth, and you even provided figures. Did anyone
3 provide -- did anyone give you an order to count them?

4 A. No one gave me an order, but I saw those things. There were other crimes that I
5 did not mention, but what I told you is what I saw. There were many crimes. People
6 looted, they raped, there were even gang-rapes even outside. People looted from traders.
7 Many things happened in PK12 that I have not talked about. What I told you related to
8 what I saw, but what happened there, there were many more things that actually
9 happened there.

10 Q. Then you didn't need an order, but now to tell us how many of those Bozizé fighters
11 who spoke Lingala while committing those crimes, now you need an order to count them;
12 is that your testimony?

13 A. This was the testimony that I wanted to give. It is not my duty to find out about
14 numbers. In the army, there is a hierarchy and there are duties assigned to specific
15 soldiers. You cannot do something if you are not asked to do that, but crimes are
16 something else. These are bad things that are being done. These were the things that
17 struck me and which I remember.

18 Q. When testifying about crimes committed by Bozizé fighters you didn't need an order
19 to tell us the number of people who gang-raped and so on, but you are now insisting that
20 to tell us those who spoke Lingala while committing those crimes is something you would
21 have needed an order. Evidently you are not being consistent, are you?

22 A. It is clear. I am testifying as a man of God. I am talking about the acts perpetrated
23 so that -- so one should know. It was not good to make a brother from the Central
24 African Republic suffer. I was not also aware that a fellow citizen could rape. That
25 struck me. I cannot tell you the number of all the crimes and say that there were 50 or 60

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1 crimes. No. I am telling you about what I witnessed, but there were many crimes that
2 were perpetrated.

3 Q. So to summarise, you don't know how many Bozizé fighters spoke Lingala while
4 committing crimes? Is that your testimony?

5 A. I am explaining what I saw. It was not my duty to identify the number of people.
6 There were people who came and who joined our units. Others deserted and came to us.
7 So how could one know the numbers? You can have one number today and some
8 people will desert tomorrow so the numbers would change, so I could not know
9 everything.

10 Q. Yesterday you also testified that you were being bombed by the loyalist forces; do
11 you recall?

12 A. I said that there was a small plane flying overhead. It was around the 27th. There
13 was a Bombayake -- and that is when the bombing happened. That is what I said.

14 Q. So Bombayake bombed the positions that were held by Bozizé fighters at the time; is
15 that correct?

16 A. Yes, it was in Gombogo (phon), a location occupied by our troops, but there were
17 many more civilians there and they were the ones who suffered from the bombing.

18 Q. So when you were being bombed by the loyalist, Bombayake in that case, these
19 civilians still thought that you were loyalist; is that your testimony?

20 A. I did not say that. You are the one changing what I said.

21 Q. So is it obvious that civilians would know that Bombayake being a loyalist was
22 bombing Bozizé fighters? That will be obvious, wouldn't it?

23 A. Yes, they knew that Bombayake was a loyalist, but there were other people hiding in
24 their houses and so they could not know that it was Bombayake who was using that plane
25 to bomb them. They simply saw a plane carrying out the bombing, but they did not

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1 know that it was the Presidential Security Unit which was carrying out that mission.

2 Q. Yesterday you testified that in Bangui FACA troops deserting FACA joined you.

3 THE COURT OFFICER (DRC): (Interpretation) We have lost the connection and the
4 technicians are working on it. We hope it will be re-established shortly. Thank you.

5 (Pause in proceedings)

6 PRESIDING JUDGE STEINER: Mr Rojas, you cannot hear us?

7 Mr Rojas, can you hear me?

8 THE COURT OFFICER (DRC): (Interpretation) Yes, I can hear you, your Honour.

9 I can hear you for now, but we can only hear the interpretation into Lingala.

10 PRESIDING JUDGE STEINER: And now how is it going?

11 THE COURT OFFICER (DRC): (Interpretation) All we can hear is the interpretation
12 into Lingala, but the telephone line through which we listen to the French is not working.

13 (Pause in proceedings)

14 PRESIDING JUDGE STEINER: Do we have the French interpretation here? Yes.

15 (Pause in proceedings)

16 PRESIDING JUDGE STEINER: Nothing yet, Mr Rojas?

17 THE COURT OFFICER (DRC): (Interpretation) No, your Honour. For the time being
18 I can hear in the background when you are speaking, but not the interpretation. Maybe
19 we can continue like this, but if I have to display a document then I should be instructed
20 on how to proceed. Maybe we can continue this way and I will listen to Mr Bifwoli's
21 voice.

22 PRESIDING JUDGE STEINER: But Mr Witness is receiving the Lingala interpretation?

23 THE WITNESS: (Interpretation) Yes, I can hear you well.

24 PRESIDING JUDGE STEINER: Then, Mr Bifwoli, you can continue.

25 MR BIFWOLI:

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(Open Session)

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1 Q. Mr Witness, yesterday at transcript T-313, page 24, lines 10 to 13, you testified that
2 you recruited civilians from the localities that you occupied or passed through; is that
3 correct?

4 A. It was the civilians themselves who came to join us. We were not the ones who
5 went to villages with a view to recruiting anybody. If anyone put themselves forward
6 and wanted to follow military training, we would welcome them.

7 Q. Can you mention some of the areas that these civilians came from?

8 A. I was not in charge of training. There were individuals to do that. It was not my
9 duty.

10 Q. So you don't know the areas or locations from which these civilians that joined you
11 came from; is that correct?

12 A. I know that there were some Central Africans who put themselves forward. There
13 were other individuals who were in charge of training and those are the people that you
14 should put the question to as to the origin of the recruits. I had my duties to perform
15 and this was not part of my remit.

16 Q. Yesterday in your testimony, in explaining how these events started, you testified
17 that it started in Bangui in 2001, then you went up all the way to Sido, organised
18 yourselves, then came back. Now, starting from Bangui, are you aware if any civilians
19 from Bangui joined Bozizé fighters?

20 A. Yes, there were. There were civilians and there were also soldiers who came to join
21 us.

22 Q. What about other towns like Damara and Sibut and Sido? Were there civilians, to
23 your knowledge, that also joined you?

24 A. That's what I just said. I said that there were civilians that joined us, but I was not
25 able to identify where they hailed from. There were people in charge of training and

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1 these are the people who would be in the know and would be able to provide you with
2 the information you are seeking.

3 Q. Now, Mr Witness, in 2001 before you left Bangui to start going north, are you aware
4 of any civilians who joined you in Bangui before you started going up north?

5 A. As to civilians who came to join us, can you please repeat your question because
6 there was an interference here?

7 Q. I will repeat the question, Mr Witness. When your rebellion started in 2001, you
8 testified that you moved from Bangui and you way -- you went way up up to Sido. Now,
9 in Bangui as you prepared to move out of Bangui to go towards the north, are you aware
10 if any civilians joined Bozizé fighters and went with them to the north?

11 A. When we left his residence we were fleeing, and at the time there was no
12 recruitment. There had not been any people who had come to join us at the time. It
13 was when we arrived that people came to join us. As to the number of people who came
14 to join our group, I'm not in a position to give you that number because I was not in
15 charge of training, but I do know that after a month our strength had increased and I
16 would say from approximately 70 to 500 individuals after a month. So that only
17 proves - that only goes to prove - that there were a number of individuals who came to
18 join us.

19 PRESIDING JUDGE STEINER: Mr Bifwoli, Mr Haynes asked for the floor.

20 MR HAYNES: Could we go into private session?

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

22 (Private session at 12.40 p.m.) * Reclassified as Open session

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

24 MR HAYNES: I'm just a bit concerned about questions about the start of the movement
25 in 2001. (Redacted) and it kind of narrows

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1 down the field rather a lot in terms of his identification. I think once we are up to 70 or
2 500 it's a slightly different matter, but when Mr Bifwoli is asking about recruitment in
3 Bangui and the start of the rebellion, it is quite a narrow field as to who might be talking.

4 PRESIDING JUDGE STEINER: Mr Bifwoli?

5 MR BIFWOLI: Your Honour, I understand Mr Haynes' apprehensions, but I have maybe
6 a question or two to follow on that so we can do it in private session and then go back to
7 public and move away from that.

8 Thank you, your Honours.

9 Q. Now, Mr Witness, I was just looking at your answer and you say, "When we arrived
10 is when many people joined." It is not clear when you arrived where. Are you saying
11 many people joined you when you arrived back in Bangui, or when you arrived where?
12 Can you clarify, please?

13 A. It was when we arrived in Sido.

14 Q. So these people who joined you, you have no idea where they came from; is that
15 your testimony?

16 A. I knew that many people had joined us, but I did not ask where they hailed from.
17 I know that they came from the surrounding areas and also from further afield.

18 Q. You testified that when you arrived in Bangui again, on 25 October, some FACA
19 soldiers who were deserting joined you; is that correct?

20 PRESIDING JUDGE STEINER: Shall we continue in private, Mr Bifwoli?

21 MR BIFWOLI: Yes, your Honour, for maybe a question or two.

22 PRESIDING JUDGE STEINER: Mr Witness, do you want Mr Bifwoli to repeat the
23 question?

24 THE WITNESS: (Interpretation) Yes, could he please repeat his question?

25 MR BIFWOLI:

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1 Q. Mr Witness, I'll repeat the question. You testified that when you arrived in Bangui
2 again, around 25 October 2002, some FACA soldiers who were deserting FACA joined
3 you; is that correct?

4 A. Yes, indeed.

5 Q. And you also testified that in 2001, before retreating to the north, some FACA
6 soldiers also joined you and went to the north; is that correct?

7 A. Before going in a northerly direction, when we arrived on the road towards Sido, we
8 took a number of hostages and other people joined us then as well, and that is when I
9 realised that we were 500 men strong; that is to say there were 500 men within our
10 General Staff, after a month that is.

11 Q. Now, when you came -- now, when you came back to Bangui the second time on
12 25 October 2002, apart from deserting FACA soldiers, did any civilians join Bozizé
13 fighters?

14 A. No, there were no civilians at the time. No, I didn't notice that. Rather, I noticed
15 the presence of soldiers who joined us.

16 Q. Are you able to approximate in total how many FACA soldiers had joined you by
17 around 30 October 2002 to fight for Bozizé?

18 A. Well, this was the job of the General Staff. I was not in a position to know that.
19 There were certain departments in charge of this, but I did notice that there were people
20 arriving, but it was difficult for me to identify those individuals.

21 MR BIFWOLI: Can we turn back into public session.

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

23 (Open session at 12.47 p.m.)

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

25 MR BIFWOLI:

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(Open Session)

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1 Q. So from the testimony, we have FACA soldiers from Bangui joining Bozizé fighters.
2 Now, is it your testimony that the fact that these people were based in Bangui, they would
3 in no way be identified by Bangui civilians that, "These are the people we know and they
4 are committing crimes speaking Lingala"?

5 A. I'm sorry, there was some noise at this end. Could you please repeat your
6 question?

7 Q. So, Mr Witness, you are speaking in French now so well, but I'll repeat my question.
8 FACA soldiers, the evidence on record shows that FACA soldiers joined Bozizé fighters in
9 2001 and also in 2002 when Bozizé rebels came to Bangui. So these were FACA soldiers
10 based in Bangui. Are you saying that the CAR civilians would not even be able to
11 identify FACA soldiers that live in the CAR -- in Bangui?

12 A. The civilians would not have been in a position to do this when this concerns
13 soldiers.

14 Q. So it's your testimony that the civilians would not identify, in spite of having
15 testified yesterday at T-313, page 38, lines 22 to 25, that Bangui is not a large town?
16 These FACA soldiers had lived there for a while, so there was no possibility of them being
17 identified by people who knew them while working in FACA?

18 A. Well, how exactly could the civilians recognise them? That's my question.

19 Q. Mr Witness, these people lived and worked in Bangui before joining the rebellion, so
20 people must have known them, wouldn't they?

21 A. Yes. Yes, we could have known that, but we had to distinguish between the career
22 of a soldier, which is different from that of a civilian. It is difficult for a civilian to
23 ascertain the identity of a soldier, so I don't think that you should be mixing these things
24 up.

25 Q. Are you saying that a FACA soldier, for example, who lived in PK12, his neighbours

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1 would still not identify him because he's a soldier? Is that your testimony?

2 A. If it is his brother, then it's possible. However, if it's a soldier or a person hailing
3 from a different neighbourhood, how is it possible to recognise this individual?

4 Q. Within the Bozizé fighters, were you organised into battalions, for example?

5 A. Rather, there were companies.

6 Q. Apart from companies, did you have anything else, like platoons, for example?

7 A. Yes, of course. If there is a company, then there are sections and platoons, but I'm
8 talking to you about companies.

9 Q. How many companies did you have in total?

10 A. On our road there were three companies, all three of which were led by a lieutenant.

11 Q. Do you know how many companies the entire Bozizé force had?

12 A. No, I do not know how many companies there were. I know that there were
13 several companies, but I do not know the precise number of companies. I believe that
14 this was a military secret.

15 Q. You may not know the precise number, but are you in a position to approximate
16 how many companies there were?

17 A. I see that you are putting questions to me that I am not able to answer. When you
18 are part of a rebellion, you do not start to count the number of members -- number of men
19 or the number of companies. It is not a civilian organisation. It's a military organisation.
20 And, what is more, it was a rebellion movement. It was not an army with a structure.

21 Q. How many men constituted a company?

22 A. A company comprised between 22 and 26 soldiers, and if the companies were
23 merged, then it could reach 30 individuals, but I remember that a company comprised up
24 to 26 individuals.

25 Q. Was that the same case with a company in FACA?

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1 A. The FACA was an army with a structure and it had a given structure. We -- it had
2 a conventional structure. We did not have the same structure.

3 Q. You were a FACA soldier for well over 12 years. How many soldiers constituted a
4 company in FACA?

5 A. 22.

6 Q. And in FACA we also had battalions, didn't we?

7 A. Yes.

8 Q. How many people constituted a battalion in FACA?

9 A. I did not have the time to ask how many soldiers there were in a battalion. That
10 was down to the General Staff. You know, in an army such as ours we were not told
11 precisely how many men strong we were. We were not told that.

12 Q. So, Mr Witness, a trained FACA soldier testifying before this Court says he doesn't
13 know how many soldiers would comprise a battalion? Is that your testimony?

14 A. I know how many men there might be in a company, or a battalion, but in our army
15 we did not have such numbers and that's why I cannot tell you a mistruth and contradict
16 what you say and say, "Well, at such-and-such a time there were such-and-such a number
17 of troops within the battalions." At the time, I did not have the time to count the number
18 of people in a battalion or a company, and what is more we were not told, so I'm not
19 going to tell you a mistruth.

20 Q. Mr Witness, we are talking about FACA here. We are not talking about Bozizé
21 fighters. So you don't know the number of soldiers that constitute a battalion in FACA;
22 is that correct?

23 A. I do not know the exact number. You see, it is difficult to give the number of
24 troops in a battalion in African armies. I wasn't told and I didn't count for myself how
25 many troops there were in a battalion; in the FACA battalion.

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1 Q. You just said you don't know the exact number. Can you give the Court the
2 approximate number then of the number of soldiers who constituted a battalion in FACA?

3 A. No, I cannot just imagine a figure and give you. What I would rather talk about is
4 things that I saw and things that I heard, so I'm not going to be giving you a ballpark
5 figure here for fear of contradicting myself.

6 Q. So you can't answer this, yet you underwent military training and you had at least
7 12 years' experience as a FACA soldier; is that correct?

8 A. Yes, that is correct. I received proper training, but I am not going to venture into
9 offering figures that I do not know. I did not pay attention to the number of troops in the
10 FACA battalions and I don't want to lie. You may also want to know that the FACA was
11 also a fairly disorganised army. Please don't think that it was a well-structured or
12 well-organised army. There was also some disorder within the FACA.

13 Q. And do you know the number of soldiers that constituted a platoon in FACA?

14 A. What I know is that in the FACA there were 12 troops in the platoon at the
15 presidency, 12 men, but once again I really do not want to venture into this issue of
16 estimates. Quite ordinarily, a platoon is made up of 12 men, but again as I said there was
17 some disorder in that army too.

18 Q. So if I understood you correctly, you - the Bozizé fighters - also had within them the
19 Chadians who were fighting on the side of Bozizé; is that correct?

20 A. Yes, that is correct.

21 Q. Can you describe to the Court how the Chadians look like?

22 A. They were highly motivated and well-organised. They had more equipment than
23 we did. They also had vehicles and they were very highly motivated, much more
24 motivated than we were, very well-equipped, they were very well-dressed, and they had
25 vehicles. That's it.

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1 Q. I know there are Chadians in Central African Republic, but are you able to
2 distinguish someone of the Chadian origin from a normal Central African? Are you able,
3 or not?

4 A. Yes, I can make that distinction. Yes. We are different from them, even
5 morphologically.

6 Q. Can you tell the Court how you can differentiate?

7 A. Well, a Chadian speaks a different language from the Central Africans. They speak
8 differently. They are dark in complexion. They are built differently from the Central
9 Africans. They even walk differently from Central Africans.

10 Q. Which language do the Chadians speak?

11 A. I did not work with them, but I heard them speak some English, and this is
12 according to the colonel who was in charge of operations. Their battalions were different
13 from ours and we didn't work side by side, or together.

14 Q. So, according to you, the Chadians speak English?

15 A. They have their language. I cannot say that they speak English. They have their
16 own language.

17 Q. Can you tell the Court their own language?

18 A. Well, I wasn't really interested in their language, but if I do remember I'll tell you.

19 Q. And do the Chadians put anything on their heads? Do they put on anything on
20 their heads?

21 A. Some of them did not wear anything on their heads, but others had caps. So some
22 of them had nothing on their heads, while others had some caps.

23 Q. Apart from caps, did they put on anything on their heads? Anything else apart
24 from caps?

25 A. Well, they also had some turbans for disguising purposes, or to camouflage.

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1 Q. Now, you testify that you can distinguish a Chadian from a Central African. Is it
2 your testimony that Central African civilians could not distinguish when Chadians
3 committed crimes against them because they were speaking Lingala?

4 A. If a Central African sees a Chadian, he or she is able to distinguish whether they are
5 Chadian or Central African going by their morphology.

6 Q. So if these Chadians that were part of Bozizé rebels committed crimes whilst
7 speaking Lingala, a Central African would still know this is a Chadian who has
8 committed this crime, wouldn't he?

9 A. No, that is not what I said.

10 Q. What you said, Mr Witness, is clear. However, I'll move on. Are you in a position
11 to tell us how many of these forces were Chadians within the Bozizé rebels? Are you
12 able, or not?

13 A. I saw some Chadians, but I don't know how many of them were there. I don't
14 know their numbers and this was not a matter within my competence. They had come to
15 help us, but I don't know how many of them had come. It is the person who called on
16 them who can give you the exact number of Chadians who came to help us out.

17 Q. Did forces that were previously allied to a former president of the CAR called
18 Kolingba ever join Bozizé forces?

19 A. No, those forces did not join us. I don't know where you got that information from,
20 but I never saw them. What I know is that we got reinforcements from the Chadians.

21 Q. So it's your testimony that at no time did forces allied to Kolingba join you; is that
22 correct?

23 A. Personally, I did not see them. But maybe something like that happened, but I did
24 not see them myself personally.

25 Q. So, in short, you don't know if they were there, or not?

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1 A. I did not see them. I do not know, but if that had been possible, it would have been
2 a matter for my superiors. I am a soldier, but these things happened at the level of the
3 staff headquarters.

4 Q. The evidence on record shows that they were actually part of Bozizé forces. What
5 do you say to that?

6 PRESIDING JUDGE STEINER: Reference, Mr Bifwoli?

7 MR BIFWOLI: Your Honour, the reference is CAR-OTP-0001-0034 at 0040.

8 PRESIDING JUDGE STEINER: I was trying to avoid that, but --

9 MR HAYNES: I just wonder whether, out of fairness, rather than saying "evidence on
10 the record," Mr Bifwoli could tell the witness what he's referring to and if for our benefit
11 he could tell us what document this is on the Prosecution list?

12 MR BIFWOLI: Your Honours, it is a report prepared by the FIDH.

13 PRESIDING JUDGE STEINER: You can repeat your question, please.

14 MR BIFWOLI:

15 Q. Mr Witness, the evidence we have before this Court shows that there were forces
16 allied to former President Kolingba that were part of Bozizé fighters. What do you say
17 about that?

18 A. Yes, that may have been possible, but it didn't happen along our road. Maybe
19 those forces were active along another road when Bozizé was seeking to take over power.
20 Maybe those forces came to assist him as part of his strategy to get to power, but I was
21 never told that such-and-such a person came from such-and-such a group. That is why I
22 have already told you that it is difficult for me to give you the exact number of people
23 who came from where and how they may have linked up with other troops that were
24 fighting along with us.

25 MR BIFWOLI: Your Honours, that is document number 10 on the list.

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1 Q. You testified that the leader of this rebellion was former President Bozizé; is that
2 correct?

3 A. Did you say -- now, which group? The leader of which group are you referring to?

4 Q. The ultimate chief, the man at the very top of these Bozizé fighters and all these
5 groups that were supporting him, was former President Bozizé; is that correct?

6 A. Yes, he was the leader.

7 Q. Who was his deputy, or next in command?

8 THE COURT OFFICER (DRC): (Interpretation) We are again disconnected.

9 PRESIDING JUDGE STEINER: Can you hear me, Mr Rojas?

10 THE COURT OFFICER (DRC): (Interpretation) Madam President, it's fine now. We
11 can proceed.

12 PRESIDING JUDGE STEINER: Mr Bifwoli.

13 MR BIFWOLI: Thank you, your Honours.

14 Q. Mr Witness, I'll repeat my question. Who was Bozizé's deputy, or who was the
15 second in command?

16 A. What I know is that there was a General Staff in place. I was a soldier and we were
17 dealing here with a rebellion, so I do not know who was the second in command. What
18 I know was that we had a leader and after that there was a General Staff, and we knew
19 that if things went well our leader was going to become the president.

20 Q. You launched an attack to take over Bangui around 25 October 2002. Where was
21 Bozizé at this time?

22 A. In 2001, when we went to his residence, at that time we were told that he had
23 already left, that he was in exile. We were soldiers and we were not told where he was.
24 We were simply told that he was there to keep the morale of the troops high, and his son
25 was there and that was an encouragement for the soldiers. You see, Bozizé's son was

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1 there.

2 Q. Bozizé went to exile in which country?

3 A. When a conflict broke out between him and Patassé, we were there. We were told
4 that he had left the country, that he had snuck out of the country, and when we went to
5 his residence that is what we were told. So that -- that is what we were told and we did
6 not have any further details at the time of the rebellion. We did not know where he was.
7 We were simply told that he was somewhere.

8 Q. Mr Witness, would you be surprised to know that Bozizé made it public as to which
9 country he was in, himself made it public? Would you be surprised to know that?

10 A. Yes, he had said so, but as soldiers we were part of a rebellion, and what I am telling
11 you is what we were being told at the time as rebels.

12 Q. So Bozizé could announce to the whole world where he was, but not his rebels? Is
13 that your testimony?

14 A. That information was hidden from us. We were told that he was somewhere. We
15 were not even told that he had fled. They did not want to provide us with that
16 information.

17 PRESIDING JUDGE STEINER: Thank you, Mr Bifwoli. It's time for us to adjourn.

18 Mr Witness, we will adjourn for today. You have been giving testimony already for four
19 hours today, so now you deserve some rest. Tomorrow here in The Hague is a holiday,
20 so we won't have hearing tomorrow. That means that we will resume on Friday
21 morning at 9 o'clock sharp. We wish you have some time for yourself for taking some
22 rest and on Friday we continue with your testimony.

23 I would like to thank very much the Prosecution team, legal representatives of victims, the
24 Defence team, Mr Jean-Pierre Bemba Gombo. I would like to thank very much as always
25 to our interpreters, our court reporters.

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- 1 Thank you very much, Mr Rojas.
- 2 THE COURT OFFICER (DRC): (Interpretation) Thank you, Madam President. You're
- 3 welcome.
- 4 PRESIDING JUDGE STEINER: Again, thank you very much, Mr Witness, and we will
- 5 adjourn and resume on Friday at 9 o'clock.
- 6 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