

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
5 - ICC-01/05-01/08
6 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and
7 Judge Kuniko Ozaki
8 Trial Hearing
9 Friday, 10 May 2013
10 (The hearing starts in open session at 9.03 a.m.)
11 THE COURT USHER: All rise. The International Criminal Court is
12 now in session.
13 Please be seated.
14 PRESIDING JUDGE STEINER: Good morning. Could please court
15 officer call the case.
16 THE COURT OFFICER: Thank you, Madam President. The Situation in
17 the Central African Republic, in the case of The Prosecutor versus
18 Jean-Pierre Bemba Gombo, ICC-01/05-01/08.
19 PRESIDING JUDGE STEINER: Thank you. Good morning. I welcome
20 the Prosecution team, legal representatives of victims, Defence team,
21 Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters, our court
22 reporters. Good morning, Mr Rojas.
23 THE COURT OFFICER (DRC): Good morning, your Honour.
24 WITNESS: CAR-D04-PPP-0056 (On former oath)
25 (The witness speaks Lingala)

Witness: CAR-D04-PPPP-0056 (Open Session)
Evidentiary Matters

Page 2

1 (The witness gives evidence via video link)

2 PRESIDING JUDGE STEINER: Good morning, Mr Witness.

3 THE WITNESS: (Interpretation) Good morning.

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

6 THE WITNESS: (Interpretation) Yes, I'm ready.

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

9 THE WITNESS: (Interpretation) Yes. I swore to tell the truth and
10 nothing but the truth.

11 PRESIDING JUDGE STEINER: Mr Witness, I also wanted to remind you
12 that you are under protective measures, that your image and your voice
13 that are broadcast outside the courtroom are being distorted so that the
14 public cannot identify you. So please remember that you shouldn't say
15 anything in open session that could lead to your identification. If need
16 be, we just ask and we go into private session, and in private session
17 you can speak freely because nobody outside the courtroom can hear what
18 you say. Are you fine with the protective measures, sir?

19 THE WITNESS: (Interpretation) Yes.

20 PRESIDING JUDGE STEINER: And finally, Mr Witness, I need to
21 remind you that are expected to speak slower than normal and to give the
22 five seconds after a question is put to you before you start answering to
23 that question in order to facilitate the work of our interpreters and
24 court reporters. Can we count on you on that, Mr Witness?

25 THE WITNESS: (Interpretation) Yes, you can count on me,

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Bifwoli

Page 3

1 your Honour.

2 PRESIDING JUDGE STEINER: Thank you very much. The Prosecution
3 will continue questioning you, and for that purpose I give back the floor
4 to Mr Bifwoli.

5 MR BIFWOLI: Good morning, your Honours.

6 QUESTIONED BY MR BIFWOLI: (Continuing)

7 Q. Good morning, Mr Witness.

8 A. Good morning, Counsel.

9 Q. Mr Witness, today I will continue to ask you questions on behalf
10 of the Prosecution, and we will continue from where we stopped the last
11 time. Is that fine with you?

12 A. That's fine.

13 MR BIFWOLI: Madam President, the next set of questions, I
14 request that we go into private session.

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

17 (Private session at 9.09 a.m.)* Reclassified as Open session

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

19 MR BIFWOLI:

20 Q. Mr. Witness, we are now in private session, and therefore the
21 questions that are put to you, be free to answer them because this
22 information does not get out of this courtroom.

23 Now, can you tell the Court your (Redacted) names that you used while
24 in FACA?

25 (Redacted)

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Bifwoli

Page 4

1 Q. Do you -- did you use any other name other than (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 A. That is correct.

8 Q. And am I correct to say that these were the names that were

9 reflected in the official documents in FACA? Is that correct?

10 A. I do not know what the administration was doing, but my name was,
11 in fact, in all the documents.

12 Q. Can you clarify, Mr. Witness, in your official documents, such as
13 the ones you used to get paid and so on and so forth, the names reflected
14 there as your official names (Redacted); is that correct?

15 A. I was known as (Redacted). This is a name that has always
16 been used. I do not have any names other than those.

17 Q. And what is your nationality?

18 A. I'm a national of the Central African Republic.

19 Q. How many nationalities do you have?

20 A. Only one nationality.

21 Q. When did you become a Central African national?

22 A. Ever since I was born. This is the nationality that I was given.

23 Q. When were you issued with a Central African ID as its citizen?

24 (Redacted)

25 (Redacted)

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Bifwoli

Page 5

1 (Redacted)

2 (Redacted)

3 Q. When you become an adult in the Central African Republic, you are
4 issued with an ID that shows that you are a citizen of that country; is
5 that correct?

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. And when did you get the civilian identification?

10 A. I lived in the CAR as an adult and a soldier.

11 Q. The question is simple, Mr Witness. When did you get your
12 civilian identification in the Central African Republic?

13 A. I have said that when I returned to the CAR, I had a birth
14 certificate that my mother had shown to me, but I was not issued a card,
15 because when I returned to the Central African Republic, I immediately
16 joined the army.

17 Q. So is it your testimony that you were enlisted in the CAR
18 military on the basis of the birth certificate that you were given by
19 your mother?

20 A. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted) I was not asked to produce any documents whatsoever, (Redacted)
24 (Redacted), and I joined the army.

25 Q. Which documents is one required to produce in order to be allowed

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Bifwoli

Page 6

1 to join the CAR army?

2 A. The way in which I joined the army is not the same way that
3 others used. I joined the army following a different procedure.

4 Q. Fine. Tell us about what is the normal procedure for joining the
5 CAR army?

6 A. They required the presentation of a birth certificate.

7 Q. Is that the only document that one is required to join the CAR
8 army?

9 A. I did not say that. I was speaking about my own case. I joined
10 the army (Redacted) because she wanted me
11 receive that military training.

12 Q. So in short, while you said the way in which you joined the army
13 is not the same way that others used, how different was your way from
14 that which was used by others?

15 A. I simply found my name on the list of individuals selected to
16 receive the training. (Redacted)
17 (Redacted) I did not meet any military authorities. I simply
18 found that my name was on the list for that training and that is what I
19 did.

20 Q. And you do not know the documents that one is required to produce
21 in order to join the CAR army, do you?

22 A. I can only tell you about myself. That is the way in which I
23 joined the army and the training that I received. I am not talking about
24 other people. I am talking only about the way in which I myself joined
25 the army.

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Bifwoli

Page 7

1 Q. So, you do not know the normal procedure that's supposed to be
2 followed to join the CAR army, do you?

3 A. In order to know that, Prosecutor, well, you have to go and have
4 yourself recruited. Others do that. But what I'm telling you is how I
5 joined the army. If you ask the people who are experts in this criteria
6 of joining the army, then they will tell you.

7 Q. So we have a FACA soldier here who cannot explain to the Court
8 the procedure of joining the CAR army; is that correct?

9 A. In order to join the FACA, you have to be a citizen of the
10 Central African Republic. Foreigners do not have the right to join the
11 Central African Republic army. That is the first criterion.

12 Q. Which document shows you -- shows that one is the citizen of
13 Central African Republic?

14 A. A birth certificate. One can present a birth certificate to
15 prove nationality, and I must add that it is easy to identify a
16 Central African Republic national.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. And who paid for your training and living expenses during your
21 training in (Redacted)

22 A. It was our government. That is the government of the CAR,
23 because it was that government that sent us there in accordance with the
24 agreements that had been signed for us to receive that training.

25 Q. What is the name of the military training that you went to in

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Bifwoli

Page 8

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 MR BIFWOLI: Madam President, can we go back into public session.

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

7 (Open session at 9.32 a.m.)

8 THE COURT OFFICER: We're in open session, Madam President.

9 MR BIFWOLI:

10 Q. Mr Witness, what was your rank after you joined the FACA?

11 A. After my training, I was given (Redacted)

12 Q. And were you promoted at any time after that?

13 A. No. I was not promoted within the FACA.

14 Q. Which other ranks did you hold within the Central African
15 military?

16 A. No other rank. I was (Redacted) and that was it.

17 Q. So for your tenure in the CAR military, you retained that one
18 rank throughout; is that correct?

19 A. That is correct. I remained at the same rank.

20 Q. How much was (Redacted) being paid in 1998-1999?

21 A. I do not know whether I have to disclose the salary of soldiers
22 in open session this way.

23 Q. Mr Witness, the general salary does not identify you, but if you
24 feel comfortable to go into private session, we can go there, but this is
25 not identifying. So are you able to answer it in public session or not?

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Bifwoli

Page 9

1 A. I would rather not disclose the salary in open session. Let us
2 go into private session in order to deal with a matter that is a military
3 secret.

4 Q. Mr Witness, how is the salary of soldiers a military secret?

5 A. It is because the salaries of soldiers are not calculated
6 normally as would be the case with others, so I do not want to disclose
7 this information in open session.

8 PRESIDING JUDGE STEINER: Mr Bifwoli, if the witness feels more
9 comfortable in answering in private session, we are going to private
10 session.

11 Court officer, please turn into private session.

12 (Public session at 9.38 a.m.) * Reclassified as Open session

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

14 MR BIFWOLI:

15 Q. Mr Witness, we are now in private session. Can you tell us how
16 much a (Redacted) was earning in 1998-1999?

17 A. Sometimes we received 6.000 francs CFA, which would be equal to
18 about \$50 US.

19 Q. Is this per month?

20 A. Yes, that is correct. Monthly salary. That was the monthly
21 salary.

22 Q. And how much was a (Redacted) earning in 2008-2009 per month?

23 A. (Redacted)

24 (Redacted)

25 Q. Mr Witness, I asked how much was a (Redacted) earning in

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Bifwoli

Page 10

1 2008-2009 per month.

2 A. About the same amount.

3 Q. So you never received an increment for a period like ten years?

4 A. What I can say is that there was an increase towards the end, and
5 I think that I had a better salary at the end as compared to the
6 beginning.

7 Q. So the difference was how much in CAR francs?

8 A. Are you asking me about the difference between the salary I
9 received in 2008 and 2009, or what is your question exactly? I did not
10 quite follow you.

11 Q. You have told the Court the salary that was earned in 1998 --
12 around 1998, but you have also stated that around 2008 or 2009, the
13 salary was a little bit higher. So it was a little bit higher by how
14 much, or how much was a (Redacted) earning in 2008-2009, per month?

15 A. I received 500 francs CFA more.

16 MR BIFWOLI: Madam President, can we get back to public session?

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

19 (Open session at 9.44 a.m.)

20 THE COURT OFFICER: We're in open session, Madam President.

21 MR BIFWOLI:

22 Q. Mr Witness, a short while ago when I asked you how you were able
23 to join the CAR army, you said, and I quote, at page 7, line 14:

24 "I must add that it is easy to identify a
25 Central African Republic national."

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Bifwoli

Page 11

1 How easy is it to identify a CAR national?

2 A. We knew ourselves, and our country is not such a vast or big
3 country. We knew ourselves.

4 Q. So if you took an example of Bangui, it is most likely that if
5 you came from Bangui, you would be easily identified that this is a CAR
6 national who lives in Bangui; is that correct?

7 A. Those who grew up in the Central African Republic or who work in
8 the Central African Republic can be easily identified. If you run into
9 each other, it is easy to recognise one another.

10 Q. So am I correct to say that it would be easy to identify Bozizé
11 fighters who had also lived and worked in Bangui? Is that correct?

12 A. Please kindly repeat your question.

13 Q. You have just testified how easy it is to identify a
14 Central African national, and so my question is: The same standard would
15 apply to Bozizé fighters who lived and worked in Bangui, wouldn't it?

16 A. When I talk about identification, what I'm saying is that if you
17 mention the name of your family, it is easy to be identified. So people
18 are able to identify others by their family name.

19 Q. Mr Witness, are you now changing your testimony, because at
20 page 11, lines 1 to 2, you said:

21 "We knew ourselves, and our country is not such a vast or big
22 country. We knew ourselves."

23 So now are you changing your testimony?

24 A. I am not changing my testimony. I am trying to help you to
25 understand my testimony. In fact, what is happening instead is that you

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Bifwoli

Page 12

1 are complicating matters for me. If you run into somebody whom you know,
2 you're able to identify them. Is that not so?

3 Q. And that is precisely my question. If Bangui residents ran into
4 Bozizé fighters that they knew, they would identify them, wouldn't they?

5 A. What I'm saying is that, first of all, we had the same military
6 uniforms. We were all Central Africans wearing the same uniforms,
7 whether we belonged to Bozizé's camp or to Patassé's camp. We were all
8 Central Africans.

9 Q. So it is your testimony that a CAR national would not identify
10 Bozizé fighters whom they even knew before when they ran into them. Is
11 that your testimony?

12 A. There might have been some confusion because of the trauma of
13 war. When one sees a soldier, whether it be a Central African soldier or
14 not -- or, rather, even if that soldier were a Central African, it is not
15 easy to distinguish whether they belong to the Bozizé or to the Patassé
16 camp because our names were not marked on our uniforms.

17 Q. Now you change your testimony again. The past two days when you
18 testified, you said you got intelligence -- you got intelligence from
19 civilians and deserting FACA soldiers, and you also testified part of
20 this intelligence was about the location of the loyalists. Now, are you
21 saying the civilians didn't know in which locations the loyalists were
22 and which location Bozizé fighters were?

23 A. I think you're mixing up things. You're confusing civilian
24 population at large and those who provided intelligence. You see, the
25 civilian population at large was traumatised and was hiding in homes or

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Bifwoli

Page 13

1 had fled from the war zone. How would they then have been able to
2 distinguish between the enemy and -- and the loyalists in that context?

3 Q. So, Mr Witness, it is your testimony that in areas that were
4 affected by the conflict, there were no civilians. Is that what you're
5 saying?

6 A. Well, the civilians were there, but they were traumatised, and
7 they were in hiding. They were not at the battlefield.

8 Q. Is it your testimony, therefore, that all Bozizé fighters were at
9 the battlefield? For example, when you were at 36 Villa you said your
10 headquarters was at PK 12. So PK 12 was not a battle front. Are you
11 saying that even the civilians in PK 12 were so traumatised when the
12 battlefield at that time was in, for example, 36 Villa?

13 PRESIDING JUDGE STEINER: Yes, Mr Haynes, I hope the interruption
14 is really relevant.

15 MR HAYNES: Well, I don't understand that question so I don't see
16 how the witness can. And the wider objection is, we are going nowhere
17 with this. We had about an hour of this line of questioning yesterday
18 afternoon and we've come back to it again. It really is time to move on.

19 PRESIDING JUDGE STEINER: Mr Bifwoli.

20 MR BIFWOLI: Your Honours, I'm really surprised by the objection
21 by the Defence. We have a fairly intelligent witness here, and many
22 times when he doesn't understand a question, he asks for it to be
23 repeated or to be rephrased. Now, it is strange that instead of the
24 witness saying he doesn't understand the question, it is a Defence
25 counsel who says the witness doesn't understand the question. I really

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Bifwoli

Page 14

1 find that to be very strange.

2 Secondly, identification of the perpetrators of crimes is a
3 critical element in this case. What we are dealing here is
4 identification of the different troops that were involved. It is a
5 relevant and legitimate line of cross-examination, and the bulk of this
6 witness testimony, actually, it hinges on identification.

7 And finally, your Honours, it's not up to the Defence to tell us
8 how we should conduct our cross-examination. It's up to us to identify
9 which are the most important lines of cross-examination and which ones we
10 need to emphasise or concentrate on. It's not up to them to tell us what
11 to do. They had their time with the witness. Thank you.

12 PRESIDING JUDGE STEINER: Mr Bifwoli, I fully agree mainly with
13 the last point that you raised, that it's not up to the Defence to tell
14 Prosecution how should Prosecution conduct -- we don't call it
15 cross-examination but questioning.

16 Mr Haynes, you have been showing some signs of lack of patience.
17 I would ask you, please, to be more respectful towards the Prosecution,
18 even if you don't agree with their line -- lines of questioning.

19 MR HAYNES: Well, I'm sorry if my impatience has become visible,
20 but it's very difficult to remain patient. At the bottom of this line of
21 cross-examination or questioning is a necessarily speculative purpose.
22 The line of questioning is this, isn't it: Can somebody recognise
23 somebody as something? Well, ultimately, how can this witness ever
24 answer that, or any witness ever answer that? It's a call for
25 speculation, and it's a repeated call for speculation, and it's been

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Bifwoli

Page 15

1 repeated many, many times now. And whilst I agree that it is not for me
2 to restrain in any way the Prosecution's lines of examination, it is for
3 the Chamber to impose sensible time limits and sensible limits on the
4 examination of any witness by any party, and my application is that you
5 restrain this line of examination to one which is proper and one which is
6 not simply oppressive and repetitive.

7 PRESIDING JUDGE STEINER: Mr Haynes, thank you very much for your
8 advice. The Presiding Judge will continue to conduct the proceedings in
9 the way she has been conducted since the beginning of this case.

10 Mr Bifwoli, you can continue.

11 MR BIFWOLI: Thank you, your Honours.

12 Q. Now, Mr Witness, can you clarify? You were a soldier for over
13 ten years, and there were civilians in Bangui who knew you for all these
14 years as a soldier. Now, is it your testimony that when you put on your
15 uniform as a Bozizé fighter, these civilians would not be identify you,
16 whereas they have known you, for example, for over ten years as a
17 soldier?

18 A. Recognise me? What do you mean, Counsel?

19 Q. Mr Witness, I mean these civilians, they see you as a Bozizé
20 fighter and they identify you, like, "This is so-and-so that we have
21 known for over ten years." Was that possible?

22 A. A civilian might see me and realise that I am a CAR soldier but
23 not know which unit I'm fighting in.

24 Q. But they would still know the military force you are affiliated
25 with best on location, wouldn't they?

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Bifwoli

Page 16

1 A. Yes. They might recognise the people by looking at the uniforms
2 we were wearing, but during the rebellion there was confusion. During
3 calm periods, it was easier to recognise other people, but during the
4 rebellion, during these confusing times, it was difficult for a civilian
5 to make out which unit a soldier belonged to.

6 Q. So to sum up, you are saying that a Central African civilian
7 could not identify Bozizé fighters from loyalist forces, from the MLC
8 troops, and so on and so forth. That is what you're saying; is that
9 correct?

10 A. Yes. That's what I'm saying. There was confusion at that time.

11 Q. At transcript number T-314, page 18, lines 17 to 19, you
12 testified as follows:

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 You recall testifying that; is that correct?

18 PRESIDING JUDGE STEINER: Court officer, please -- Mr Witness,
19 just wait a little bit. Court officer, please turn into private session.

20 (Private session at 10.05 a.m.) * Reclassified as Open session

21 THE COURT OFFICER: We're in private session, Madam President.

22 PRESIDING JUDGE STEINER: Mr Bifwoli, you have just repeated a --
23 a part of the testimony that was redacted from the transcript because
24 it's identifying. So please be more careful with yourself.

25 MR BIFWOLI: I'm extremely sorry, your Honours. Could we, for

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Bifwoli

Page 17

1 these two or three questions, remain in private session. Are we in
2 private session now?

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. Now, Mr Witness, at transcript T-314, page 35, lines 19 to 24,
11 when asked about the number of Bozizé fighters, you testified as follows,
12 here is the question:

13 "As you sit there, you can't tell us how many fighters in total
14 Bozizé had, can you?"

15 And here is your reply:

16 "You should have put that question to the chief of staff and
17 those who were in command."

18 So, Mr Witness, (Redacted)
19 (Redacted), how come you don't know the number of
20 Bozizé fighters?

21 A. I said that because the military operations at that time were not
22 organised in a conventional manner. For example, three companies had
23 been merged and were operating at the same time, so you must realise that
24 it was not a conventionally organised army. That is why I'm having a
25 hard time giving you the exact number of Bozizé fighters. But I do

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Bifwoli

Page 18

1 remember that there were estimates of the number of combatants, but it's
2 difficult for me to remember. I do know as well that in an operation,
3 there were about 70 people who made up a company, of course.

4 PRESIDING JUDGE STEINER: Mr Bifwoli, if you allow me just to put
5 a follow-up question on this since we are in private session. Do you
6 have any problem?

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 THE WITNESS: (Interpretation) It was (Redacted)

13 PRESIDING JUDGE STEINER: Thank you. Mr Bifwoli.

14 MR BIFWOLI: We can go back into public session.

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

17 (Open session at 10.10 a.m.)

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

19 MR BIFWOLI:

20 Q. Now, Mr Witness, I realise now that you are telling the Court
21 that a company would comprise of 70 soldiers, but previously you
22 testified that it would comprise of around 27 soldiers; is that correct?

23 A. I said this: At that time, the companies had been merged, up to
24 three. I didn't say that a company was made up of 70 soldiers. I said
25 that there was a strategy that was being followed as part of the

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Bifwoli

Page 19

1 operations. At the same time, I told you that I was having a hard time
2 giving you the exact number of soldiers that made up a company.

3 Q. Who was in charge of operations within the Bozizé movement or
4 fighters?

5 A. It was Commander Silvan Tikanganwe.

6 Q. And who was in charge of logistics?

7 A. Are we in private session so that I could give you that name?

8 THE INTERPRETER: Interpreter correction: Commander Silvan
9 Nduntingai.

10 MR BIFWOLI: Madam President, could we get into private session?

11 PRESIDING JUDGE STEINER: In principle, I don't think it would be
12 necessary for you to give the name in private session, but if you feel
13 more comfortable, we are doing that.

14 Court officer, turn briefly into closed session -- private
15 session, please.

16 (Private session at 10.14 a.m.) * Reclassified as Open session

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

18 PRESIDING JUDGE STEINER: Mr Witness, in general these names you
19 can mention in open session. There is no problem. The problem is if you
20 mention who was your immediate superior or who was working with you in
21 the same room. That could identify you. But telling the names of third
22 persons not related to you, in principle is not a problem. But we are in
23 private session. You can answer the question now.

24 THE WITNESS: (Interpretation) The person responsible for
25 logistics was Francis Bozizé, the son of Mr. Bozize.

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Bifwoli

Page 20

1 MR BIFWOLI:

2 Q. And who coordinated the operations?

3 A. It was the person in charge of operations, and that was
4 Silvan Nduntingai.

5 Q. And who coordinated logistics?

6 A. It was Mr Francis Bozizé.

7 Q. Now, did Francis Bozizé have any communication equipment?

8 A. Yes, he was the son of the leader. He had all kinds of
9 equipment.

10 Q. Can you tell the Court the kind of communication equipment that
11 he had?

12 A. He had satellite telephones, GSM phones, rather. He also had
13 radio equipment.

14 MR BIFWOLI: Can we get back to public session?

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

17 (Open session at 10.17 a.m.)

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

19 MR BIFWOLI:

20 Q. You testified that at one point Bozizé fighters were based in
21 Sido. Now, did they have any real bases?

22 A. I haven't understood your question.

23 Q. Where did Bozizé fighters get their supplies from?

24 A. There were kitchens for that, but the meals were insufficient.

25 Q. What about things like weapons and so on and so forth? Where did

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Bifwoli

Page 21

1 you get -- where did the Bozizé fighters get their supplies from?

2 A. I don't know where the ammunition came from, but I know that in
3 general it was the Chadians who provided us with weapons and ammunition.
4 They were the ones who were in contact with our leader.

5 Q. And you testified that the chief of the leader of this rebellion
6 was the former president, Francis Bozizé himself. How did he communicate
7 with his commanders and his troops?

8 A. He would communicate with them using the GSM telephones but also
9 over the radio. Communications were quite easy. I'm talking about
10 communications between him and the other companies.

11 Q. And where was he based when he was making these communications?

12 A. Well, that was part of the operations. I don't know where he
13 went. I had my work to do. I couldn't monitor his movements. That
14 wasn't part of my duties.

15 Q. You testified that when this Bozizé rebellion broke out, he went
16 into exile. Do you know when he returned into the Central African
17 Republic?

18 A. Our morale was high. We said to our troops that Mr. Bozizé was
19 not in exile, because when we began, he was in Sido, and then during the
20 attacks we hid him before he could go back. It was a strategy that was
21 being used during the rebellion.

22 Q. So when you say that he was in exile, in fact he was within the
23 CAR. Is that your testimony?

24 A. I had said that we knew that he was there, that he was in Sido,
25 and I had heard that actually he had travelled about somewhat. He had

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Bifwoli

Page 22

1 gone to France and Lomé. That was information that I had received. But
2 if we were questioned, we said he was there. We were together, you see.

3 Q. Where was Bozizé at around the 25th, 26th October 2002, when you
4 launched the attack to take over Bangui?

5 A. At that time, we were focusing on the operations. Perhaps he was
6 in Lomé, but I do know that at that time I was told he was there. It was
7 to bring up our morale.

8 Q. Now, you say, "Perhaps he was in Lomé." Now, if he was there,
9 how could he issue orders to his commanders and troops from Lomé?

10 A. If he was there or if he was travelling about, he would be able
11 to use existing communications equipment.

12 Q. So Bozizé could issue orders to his troops and commanders from
13 wherever he was, let's say, Lomé, France, and so on and so forth; is that
14 correct?

15 A. Exactly. He could do that, because he was the one who was
16 leading, giving the orders, and he knew how to do that. On his own
17 initiative he was doing that.

18 Q. And is it your testimony that this communication system worked
19 effectively, that's him issuing orders, let's say, from Lomé, France,
20 through the communication equipment? Did this system work effectively?

21 A. Even if our communications equipment didn't work well -- but he
22 is the leader. He would -- he had equipment that worked very well. The
23 leader can't have poorly functioning communications equipment.

24 Q. And whenever he issued his orders, wherever he was, whether it's
25 Lomé or France, his orders were complied with, weren't they?

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Bifwoli

Page 23

1 A. The people who received the orders carried them out, because, you
2 see, he was the strategist. We followed a strategy to occupy Bangui, and
3 the people who received these orders would carry them out.

4 Q. If Bozizé could successfully lead his troops from Lomé or France,
5 as you put it, then Bemba, too, could successfully lead his troops from
6 the DRC; is that correct?

7 PRESIDING JUDGE STEINER: Mr Bifwoli, I'm really sorry. This is
8 too speculative. I'm sorry, but this is not the kind of question to put
9 to the witness.

10 MR BIFWOLI: Thank you, your Honours. The next few questions,
11 your Honours, I ask that we go into private session.

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

14 (Public session at 10.29 a.m.) * Reclassified as Open session

15 THE COURT OFFICER: We're in private session, Madam President.

16 MR BIFWOLI:

17 Q. Mr Witness, I realise that when mentioning names you prefer to be
18 in private session, so I'm going to ask you a few names. Do you know any
19 Bozizé fighters by the name Thierry Lengbe?

20 PRESIDING JUDGE STEINER: Sorry, Maître Kilolo.

21 MR KILOLO: (Interpretation) Your Honour, we would like to know
22 the reference that is on which the question just put to the witness is
23 based. He's being asked whether he knows the name of a soldier of
24 Bozizé's rebellion known as Thierry Lengbe. In fact, this is not just a
25 leading question, it is a question that might mislead the witness. So

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Bifwoli

Page 24

1 Mr Bifwoli should produce a reference indicating that there is a soldier
2 of the Bozizé rebellion who answers to that name. Except I did not
3 understand well, but if I heard Thierry Lengbe, I believe that this is
4 questionable.

5 PRESIDING JUDGE STEINER: Maître Kilolo, in principle I don't see
6 what would be the problem of asking if there was any soldier by that
7 name, but maybe Mr Bifwoli can explain or can respond to the objection.

8 MR BIFWOLI: Madam President, I have a problem to respond to that
9 objection if the witness is also following my response at the same time,
10 because it means my entire line on that point, the rationale behind why I
11 used that name will be gone.

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

13 MR BIFWOLI:

14 Q. Mr Witness, my question was: Do you know any Bozizé fighter
15 called Thierry Lengbe?

16 A. He was the one who was the commander of the ground forces.

17 Q. Do you mean the commander of the ground forces of Bozizé fighters
18 or which ground forces?

19 A. He was the commander of the land forces of the FACA.

20 Q. And do you know any -- does the name, for example, Antoine -- I
21 think I will have to spell the names. It's A-n-t-o-i-n-e, the second
22 name is K-a-i-m-b-a. Do you know such a name? Do you know the name
23 Antoine Kaimba?

24 A. He replaced the chief of General Staff who was there.

25 Q. Now, when you say "chief of General Staff," which staff are you

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Bifwoli

Page 25

1 referring to, Bozizé fighters or are you referring to G4, General Staff
2 during FACA?

3 A. I am referring to the FACA General Staff. In fact, I'm talking
4 about the FACA.

5 PRESIDING JUDGE STEINER: Yes, Maître Kilolo?

6 MR KILOLO: (Interpretation) Your Honour, maybe the sound to the
7 witness should be cut off so that I make my observation very briefly.

8 PRESIDING JUDGE STEINER: I think the parties and participants
9 know that I'm not very happy in doing that. I see it as disrespectful
10 toward the witness. But if you ensure me that it is relevant, I will do
11 it.

12 MR KILOLO: (Interpretation) It seems to me --

13 THE COURT OFFICER (DRC): (Interpretation) Please, your Honour,
14 should I cut the sound or not?

15 PRESIDING JUDGE STEINER: Mr Rojas, very briefly.

16 THE COURT OFFICER (DRC): (Interpretation) Your Honour, the sound
17 has been cut off.

18 MR KILOLO: (Interpretation) Madam President, the problem is that
19 I believe when it comes to pronunciation, I believe I heard two names
20 that are very similar. Are we talking about Antoine Kaimba or Antoine
21 Gambe (* phon)? Perhaps it should be interesting to ask the witness to
22 write down on a piece of paper the name that he believes he heard. Thank
23 you.

24 PRESIDING JUDGE STEINER: It is relevant and I appreciate that.

25 Mr Rojas, you can put the sound back to the witness, please.

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Bifwoli

Page 26

1 THE COURT OFFICER (DRC): (Interpretation) Very well,

2 Madam President. The sound has been reactivated.

3 PRESIDING JUDGE STEINER: Mr Bifwoli, please spell out the names,
4 and the witness can write it and then the witness can understand exactly
5 what name you were referring to.

6 MR BIFWOLI: Thank you, your Honours. And I think the first
7 name, it's -- the spelling are correct as they appear in the transcript.
8 Maybe Mr Rojas can give it to the witness. Antoine --

9 PRESIDING JUDGE STEINER: I think it's better if you repeat the
10 name, spelling it, and repeat the question to the witness.

11 MR BIFWOLI: Thank you, your Honours.

12 Q. So, Mr Witness, I will repeat my question. Does the name Antoine
13 Kaimba mean anything to you? And I'll spell. Antoine is spelled as
14 A-n-t-o-i-n-e, Antoine. Does it mean anything to you?

15 PRESIDING JUDGE STEINER: Most important is the last name,
16 Mr Bifwoli.

17 MR BIFWOLI:

18 Q. The last name is Kaimba, which is spelled as K-a-i-m-b-a. Do
19 those names mean anything to you?

20 A. I can relate that name to the chief of staff who replaced the one
21 who had been there before.

22 Q. Chief of staff of which force? Is it FACA or Bozizé fighters?

23 A. When he occupied that position, he was chief of staff of the
24 FACA. That is all the forces have come together under the FACA.

25 Q. Now, I recall that in your testimony you said some FACA soldiers

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Bifwoli

Page 27

1 deserted. Do you know if Thierry Lengbe and Antoine Kaimba ever joined
2 Bozizé fighters at any time?

3 A. There were people who joined the forces and others who left. As
4 I have just told you, he was the commander. I think you did not fully
5 understand my answer. If Bozizé tried to command, it does not mean that
6 he was on the spot. When we started advancing, it was the people who
7 were on the ground who gave orders, but he was not there on the ground.
8 So this was a strategy. I heard that he was commanding, but it was a
9 strategy that he had adopted, but he was not present there on the spot.

10 Q. Mr Witness, I'm not sure if you understood my question, or please
11 clarify. Was Thierry Lengbe and Antoine Kaimba, the names which have
12 been read out to you shortly, were these two people ever part of Bozizé
13 fighters?

14 A. I have just told you that there were many areas or roads. I was
15 in a particular area, so it was not possible to identify all those who
16 joined our forces. It is possible that they joined Bozizé's forces, but
17 I am not in a position to know that.

18 Q. And does the name Henri Nzonguele mean anything to you? And it
19 is spelled as -- Henri spelled as H-e-n-r-i. Nzonguele is spelled as
20 N-z-o-n-g-u-e-l-e?

21 A. He was the Minister of Defence.

22 Q. And do you know whether he was part of the Bozizé rebellion at
23 any time?

24 A. I never saw him. He was a member of the FACA.

25 Q. And does the name Dieudonne Sosthene Kalanga Belly mean anything

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Bifwoli

Page 28

1 to you? And I'll spell the name. Dieudonne is spelled as
2 D-i-e-u-d-o-n-n-e, Sosthene is spelled as S-o-s-t-h-e-n-e. Kalanga is
3 spelled as K-a-l-a-n-g-a. And Belly is spelled as B-e-l-l-y. Does that
4 name mean anything to you?

5 A. I know that person, and I will give you an answer shortly.

6 Q. Mr Witness, we are in private session, so you can go ahead and
7 give the answer.

8 A. I do not know whether he was in charge of operations or not. I
9 have forgotten the post or position that he occupied. That is why I am
10 taking some time to try to remember the position he occupied. Can you
11 move on to another question while I reflect on this and give you an
12 answer later on?

13 Q. Thank you, Mr Witness. I'll move on, but just before I do that,
14 can you clarify to the Court whether this individual was also part of
15 Bozizé rebels or not?

16 A. He was not on our side. I had not known him before. As I have
17 told you, it is possible that he might have been a member of our group at
18 some point, but in any case, he was not present where I was.

19 Q. And, Mr Witness, does the name Nicaise Mbango mean anything to
20 you? And that Nicaise is spelled as N-i-c-a-i-s-e, and Mbango is spelled
21 as M-b-a-n-g-o.

22 A. It is not possible for me to know everyone, and I think that you
23 are not pronouncing all the names correctly, but I need some time to
24 reflect on this. Can you please spell that name again?

25 MR BIFWOLI: Madam President, I realise that it was correctly

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Bifwoli

Page 29

1 spelled. I wonder if Mr Rojas can provide him with, because it's already
2 clear on the transcript, or ...

3 PRESIDING JUDGE STEINER: I'd rather ask you to repeat,
4 Mr Bifwoli.

5 MR BIFWOLI: Thank you, your Honours.

6 Q. Mr Witness, I'll repeat the name again, trying the best I can in
7 pronouncing it. The first one is called Nicaise. The second name is
8 Mbango. And spelling Nicaise is -- the spelling is N-i-c-a-i-s-e. That
9 is supposed to be Nicaise. Then Mbango is spelled as M-b-a-n-g-o. Does
10 it mean anything to you?

11 A. I do not want to make a mistake. That is why I am asking for
12 time to reflect over these two names in order to give you an answer
13 later.

14 Q. But as you reflect on those two names, are you in a position to
15 tell the Court the last name, whether that person served in -- as a
16 Bozizé fighter or not?

17 A. Yes. I think he was one of Bozizé's combatants. However, I will
18 give you details before the end of this hearing. Whatever the case, I
19 did hear mention of this name.

20 Q. In your testimony, Mr Witness, you mentioned someone called Sarah
21 Bria. Do you recall that?

22 A. Yes.

23 Q. Her husband was the minister for what during that conflict
24 period?

25 A. During that period I heard that she was the wife of a minister,

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Bifwoli

Page 30

1 but I did not know which specific minister it was or which ministry he
2 occupied.

3 PRESIDING JUDGE STEINER: Can we turn back into open session,
4 Mr Bifwoli?

5 Court officer, please turn into open session.

6 (Open session at 10.58 a.m.)

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

8 PRESIDING JUDGE STEINER: Mr Witness, it's 11.00. It's time for
9 you to have a break. It's time as well for our interpreters and court
10 reporters to have a break. We will resume at 11.30. The hearing is
11 suspended.

12 THE COURT USHER: All rise.

13 (Recess taken at 10.59 a.m.)

14 (Upon resuming in open session at 11.33 a.m.)

15 THE COURT USHER: All rise.

16 Please be seated.

17 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

18 THE WITNESS: (Interpretation) Thank you.

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

21 THE WITNESS: (Interpretation) Yes, I am ready, your Honour.

22 PRESIDING JUDGE STEINER: Mr Haynes, no problem if we resume?

23 MR HAYNES: Oh, your Honour, I'm sorry. Mr Kilolo will not be
24 here during this session. He's been called away. I meant to mention
25 that.

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Bifwoli

Page 31

1 PRESIDING JUDGE STEINER: Mr Bifwoli, you have the floor.

2 MR BIFWOLI: Thank you, your Honours.

3 Q. Good afternoon, Mr -- good morning, Mr Witness.

4 A. Good morning.

5 Q. Mr Witness, I'll continue from where we stopped. Now, in your
6 testimony, you testified that -- you testified how you withdrew all the
7 way from Bangui to Sido. Do you recall that?

8 A. Yes, I do.

9 Q. And when you withdrew, the areas that were previously being
10 controlled by Bozizé fighters were taken over by MLC troops and the
11 loyalists; is that correct?

12 A. Yes, that is correct. Could I ask for leave to speak with lui to
13 clarify something?

14 PRESIDING JUDGE STEINER: Sorry, Mr Witness, to speak with whom?

15 THE WITNESS: (Interpretation) I wanted to talk to the person with
16 whom I am talking right now. I think it's the Prosecutor. So "lui" for
17 the witness was actually with "him." So I'd like to talk to him in
18 private session.

19 PRESIDING JUDGE STEINER: Ah, I understood now. Of course, you
20 can.

21 Court officer, please turn into private session.

22 (Public session at 11.37 a.m.) * Reclassified as Open session

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

24 PRESIDING JUDGE STEINER: Please, Mr Witness.

25 THE WITNESS: (Interpretation) I wanted to clarify something for

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Bifwoli

Page 32

1 the Prosecutor regarding our discussion. You see, when we talk about the
2 salary of an officer and an ordinary soldier, I miscalculated. You see,
3 the amount of money I received, I attempted to convert it, and so I would
4 like to clarify that point and make the necessary correction. What I
5 said -- in fact, what I meant to say was that the officer received
6 280.000 francs CFA, depending on their level of training and the
7 composition of his or her family as well as the certificates obtained.
8 So the confusion I want to clarify is about the 56.000 francs which I
9 mentioned. And that was really for the entry-level soldiers. That is
10 what I wanted to correct, and I will be very happy if that were corrected
11 accordingly.

12 And now, turning to the names that were mentioned, let me say
13 that I do know the names of the persons who worked along my road or along
14 my axis, that is, those who were close to me. I know those people, and I
15 know their names. But there are names of other people who didn't work
16 directly with me or who didn't work along my road, and in those cases, it
17 would be difficult for me to know or to recognise those names.

18 Now, third point. Regarding the co-ordination of our troops, I
19 think that I cannot say that it was President Bozizé who commanded the
20 troops. I know that there may have been reports, but I have no evidence
21 to provide to the Court to say that he is the one who actually commanded
22 the troops from whatever location he was at.

23 So these are the points of clarification I wanted to bring to the
24 attention of the Prosecutor. Thank you.

25 MR BIFWOLI:

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Bifwoli

Page 33

1 Q. Mr Witness, we are quite surprised as how your memory has
2 improved over the break-time period. Now, in the morning, you testified
3 that the salary was 6.000 francs, and you even converted, saying it was
4 equivalent to \$50 US. Now you are saying it is around 280.000. So
5 you've given a different figure, and these two figures are extremely wide
6 apart. Is that correct?

7 A. No. You see, this is why I wanted to make these corrections. I
8 talked about 220, and that was the entry-level salary, going up to 280,
9 depending on the level of studies and the family size and the number of
10 children and the specific functions held by the officer. These are the
11 criteria that made it possible for the salary to go up to that amount.

12 When I made the calculations, I was mistaken, and that is why I
13 quickly asked for this correction to be made. You see, an ordinary
14 soldier at that time received 56.000 francs CFA. This is the
15 clarification I wanted to bring to your attention.

16 Q. Fortunately, Mr Witness, as I keep on reminding you, we have a
17 record in this case, and it is very clear. It is what it is, and the
18 Judges will make their own finding on that.

19 Now, can we proceed?

20 A. Yes. That will be all, and I don't know whether the Prosecutor
21 has understood my concerns which I wanted to express at this stage. If
22 he has understood me, then I'll be happy to move on to something else,
23 but I just wanted to know whether the Prosecutor has fully understood my
24 clarification.

25 Q. So coming back to that point, Mr Witness. So you -- in the

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Bifwoli

Page 34

1 morning you said the salary was 6.000 Central African francs, which you
2 also say it was an equivalent of \$50 US. So are you saying both of these
3 figures were wrong?

4 A. That was incorrect, and that is why I quickly corrected myself,
5 and I have told you that I miscalculated. There was some confusion. You
6 see, I have recently been using (Redacted) money, and the figures I gave
7 were incorrect. The correct figures are 220- to 280.000 CFA francs for
8 officers, depending on the size of their family and their level of
9 training. But as for the ordinary soldiers, they received 56.000 francs.
10 That is the correction I would like to make.

11 Q. So it took you the entire break to recall the exact figure of
12 what you earned. Is that your testimony?

13 A. You see, it is when we got to the -- to the break that I realised
14 that there was a mistake, and during the break it occurred to me that, as
15 soon as we resumed, I should point this out to the Court. During the
16 break, I was here, and all I have before me is a piece of paper. I
17 wanted to go out with a piece of paper, but the court officer here did
18 not allow me to do so. So I just wanted to make this correction at this
19 time, and I -- it occurred to me at the end of the first half of the
20 examination.

21 MR BIFWOLI: Madam President, your Honours, we would like to draw
22 the attention of the Chamber to French transcript of today at -- sorry,
23 at the English transcript of today, page 9, line 14, where the witness
24 stated that the salary was 6.000 and it was equivalent of \$50 US. Thank
25 you.

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Bifwoli

Page 35

1 Q. Now, Mr Witness, I think we can proceed on. Are you ready to
2 proceed?

3 A. Did you make the necessary corrections following what I have
4 said, or do you simply want us to move forward and you'll make the
5 corrections subsequently?

6 PRESIDING JUDGE STEINER: Mr Witness, everything you say is put
7 on the record, so the Judges have everything in front of them. Don't
8 worry. Your clarification is on the record. Is that fine with you, sir?

9 THE WITNESS: (Interpretation) That is very fine, and I thank you,
10 Madam President. I am happy. So we can now proceed.

11 PRESIDING JUDGE STEINER: Mr Bifwoli, should we continue in
12 private or can we turn back into open session?

13 MR BIFWOLI: We can get back into open session, your Honours.

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

16 (Open session at 11.48 a.m.)

17 THE COURT OFFICER: We're in open session, Madam President.

18 MR BIFWOLI:

19 Q. Now, Mr Witness, before we went back to private session, you were
20 testifying that the areas from which Bozizé rebels withdrew from were
21 consequently taken over and controlled by the MLC troops and the
22 loyalists; is that correct?

23 A. Yes. That is correct. I know that we were immediately replaced
24 by other troops.

25 Q. And these other troops included MLC troops and loyalists? Can

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Bifwoli

Page 36

1 you clarify?

2 A. What I know is that they were loyalist forces. Now, whether they
3 were mixed up with other troops or not, that was an internal matter for
4 them.

5 Q. And do you know that MLC troops were in the Central African
6 Republic during this period?

7 A. Yes. I heard mention of that. However, I did not see them with
8 my own eyes. I only heard mention of their presence.

9 Q. And now, the areas that were occupied by these MLC and loyalist
10 troops included Damara and Sibut; is that correct?

11 A. I have already testified that whenever we left a location, they
12 would move in and replace us, but what happened when we were absent is
13 unknown to me. What I know is that whenever we left a location, they
14 would move in and take over.

15 Q. Mr Witness, to be specific, Damara and Sibut is one of the
16 locations that they took over; is that correct?

17 PRESIDING JUDGE STEINER: Mr Witness, you didn't wait the five
18 seconds before you gave your answer. Can you please repeat your answer?

19 THE WITNESS: (Interpretation) Would the Prosecutor please kindly
20 repeat his question.

21 MR BIFWOLI:

22 Q. So, Mr Witness, Damara and Sibut is one of the areas that were
23 taken over by the MLC and loyalist troops; is that correct?

24 A. What I said is that whenever we withdrew, whether it be from
25 Damara or Sibut, the loyalist forces would move in and take control over

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Bifwoli

Page 37

1 those areas from which we had withdrawn.

2 Q. For how long were the loyalist troops in control of Damara?

3 A. They were there until we regrouped, until we reorganised
4 ourselves and returned, and that was in the month of March.

5 Q. So in total, they were in control for how many days or months or
6 weeks? How long?

7 A. You see, when we withdrew, it was part of our strategy to regroup
8 and reorganise. Then when we returned, we launched a counter-attack, and
9 that did not take much time.

10 Q. When did you withdraw from Damara?

11 A. As I explained to you earlier, we withdrew on the 30th to Damara.
12 That is the day on which we left PK 12 for Damara. Then we spent a day
13 or so in Damara, and at night we moved on to Sibut. In the morning, I
14 was taken in a jeep up to Sibut, in a jeep.

15 Q. So am I correct to say that by 31st of October or 1st of
16 November, Bozizé fighters had already withdrawn from Damara? Is that
17 correct?

18 A. Some unruly soldiers were there, some battalions had withdrawn,
19 but I was not in charge of all that. All I can tell you is about the way
20 in which we withdrew. In fact, it was not a withdrawal. We simply fell
21 back, so to speak, and I cannot tell you what happened regarding the
22 unruly soldiers at that time.

23 Q. So you don't know when the loyalist forces took control of
24 Damara, do you?

25 A. Around the 1st and 2nd of November, I believe that at that time

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Bifwoli

Page 38

1 the loyalist forces were already in Damara. I say so because whenever we
2 withdrew from a location, they would come in and take it over. So by the
3 1st or 2nd, they were already in that area, that is, around Damara.

4 Q. And so they remained in control until March when you came back;
5 is that correct?

6 A. That is correct.

7 Q. And when did the loyalist forces gain control of Sibut?

8 A. The loyalist forces only came in to occupy areas from which we
9 had withdrawn. When they got to Damara, we were in Sibut, getting ready
10 to leave Sibut around the 1st or the 2nd. So at that time they must have
11 been in or they must have already occupied Sibut.

12 Q. So am I correct to say the rebels were in control of Sibut from
13 the 2nd or 3rd of November, 2002?

14 A. That's right. They were already in Sibut.

15 PRESIDING JUDGE STEINER: Mr Bifwoli, I'm sorry to interrupt you.
16 Judge Aluoch wants a question.

17 JUDGE ALUOCH: Mr Witness, you have referred several times in the
18 last few minutes about unruly soldiers. Were they part of your
19 contingent, or were these a completely different group of soldiers? For
20 example, on page 37, line 6, you say and I quote you:

21 "Some unruly soldiers were there, some battalions had withdrawn,
22 but I was not in charge of all that. All I can tell you is that -- is
23 the way we withdrew."

24 Can you clarify to us who these unruly soldiers -- where did they
25 belong, these unruly soldiers?

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Bifwoli

Page 39

1 THE WITNESS: (Interpretation) Well, when I talk about unruly
2 soldiers, I'm talking about soldiers --

3 THE INTERPRETER: Inaudible.

4 THE WITNESS: (Interpretation) -- lacking in discipline. Those
5 are the soldiers I'm talking about.

6 JUDGE ALUOCH: Mr Witness, I want to know who they -- did they
7 belong to the loyalists? Who were they, these unruly soldiers? Were
8 they part of Bozizé's soldiers or part of FACA? That's what I want to
9 know.

10 THE WITNESS: (Interpretation) I'm talking about our soldiers,
11 members of the rebel movement that I was within.

12 JUDGE ALUOCH: And by that answer, can I take it that these
13 unruly soldiers were not part of the rebel group?

14 THE WITNESS: (Interpretation) I said those unruly soldiers were
15 part of the rebel movement. They were lacking in discipline, and they
16 went back to places that we had already been to commit acts of violence
17 and abuse. Those are the people I'm referring to when I talk about
18 unruly soldiers or out-of-control soldiers.

19 JUDGE ALUOCH: Thank you very much.

20 MR BIFWOLI:

21 Q. And now, Mr Witness, just to clarify further on that point. How
22 many of these soldiers were in this group that you refer to as unruly?

23 A. Well, I didn't count the number of unruly soldiers. These were
24 soldiers who were hiding, and then they went off and engaged in improper
25 behaviour, but I didn't count the number of such soldiers.

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Bifwoli

Page 40

1 Q. Are you able to approximate from your sources?

2 A. Well, I wouldn't want to give you an incorrect number.

3 Q. And when they went back, which kind of crimes did they commit?

4 A. They took money and other items from civilians. They engaged in
5 looting, rape, and other acts of violence and abuse.

6 Q. And it is from your testimony that when you were in Damara, they
7 went as far as PK 12 to commit these crimes; is that correct?

8 A. They committed those acts of violence and abuse when they were
9 there. Others went back to do the same thing. And these things even
10 happened in Damara.

11 Q. So --

12 PRESIDING JUDGE STEINER: Mr Bifwoli, if you allow me to put a
13 follow-up question.

14 Mr Witness, we heard at least one testimony in this court saying
15 that Damara, the population of Damara, were supporters of the rebels of
16 Bozizé. We heard a testimony saying that all the inhabitants of the
17 Damara were supporters of the rebels. And I'm mentioning here the
18 transcript 123, confidential English, page 18, line 16 to page 19,
19 line 4. In other words, a witness saying that Damara was the place where
20 all inhabitants were Bozizé's supporters.

21 Have you received any information that Bozizé's rebels were
22 looting and raping in Damara? Have you received concrete information
23 about these kind of crimes committed specifically in Damara?

24 THE WITNESS: (Interpretation) The population of Damara had no
25 choice. Those people were exposed to war. They were subject to

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Bifwoli

Page 41

1 pressure, and they couldn't support one side or another. Each time this
2 town, the town of Damara, was attacked, the people would flee. So I
3 really can't say that the people there were in favour of one side or
4 against one side. They really didn't have a choice, in actual fact.

5 PRESIDING JUDGE STEINER: So you were saying that the inhabitants
6 of Damara were not necessarily supporters of Bozizé's rebels, or you
7 don't know who they were supporting.

8 THE WITNESS: (Interpretation) Well, myself, I don't understand
9 when you say that the people supported one side. You see, the armies
10 were fighting, and those people had no choice. Those things happened
11 without the consent of the population. We did not ask the people of
12 Damara for their consent to be on our side. Those people were -- they
13 were exposed to war.

14 PRESIDING JUDGE STEINER: I understand your point, Mr Witness. I
15 was just mentioning what one witness said before this Court. This
16 witness said that Damara was supporting the rebels, and that's why I
17 wanted a clarification: If Damara was supporting the rebels, why the
18 rebels were looting and raping people from Damara.

19 I give back the floor to Mr Bifwoli.

20 MR BIFWOLI: Thank you, your Honours.

21 Court officer, please display document number 17 on the list,
22 that is, CAR-OTP-0057-0243 at 0244.

23 THE COURT OFFICER: Mr Bifwoli, can you please confirm the level
24 of confidentiality of the document.

25 MR BIFWOLI: It's a public document, RFI recording. Can the

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Bifwoli

Page 42

1 document be adjusted so ... court officer, could we start from line 26 to
2 line 44. That's where I'm interested in.

3 Q. Mr Witness, do you have this document before you?

4 PRESIDING JUDGE STEINER: Yes, Mr Haynes?

5 MR HAYNES: It's my usual intervention. Can it be explained to
6 the witness what it is he's looking at, and perhaps he could be told the
7 date of this report.

8 PRESIDING JUDGE STEINER: Mr Bifwoli, I'm sure you would do that,
9 but it appears that Mr Haynes is too anxious, so could you please inform
10 exactly what the document is.

11 MR BIFWOLI:

12 Q. Mr Witness, do you have the document on your screen?

13 THE COURT OFFICER (DRC): (Interpretation) Yes, the witness does
14 have that document in front of him.

15 MR BIFWOLI:

16 Q. So, Mr Witness, so that you know, this document is a recording by
17 RFI, that is Radio France Internationale. Do you understand that?

18 A. Yes, I understand. But I really don't understand what this is
19 all about. How is this supposed to help me with my testimony? I'm
20 supposed to tell you what I know about. You're showing me a document
21 that I didn't write myself, so I really have no idea how I should answer
22 you.

23 Q. So, Mr Witness, can you read line 26 to 31 of that document. Can
24 you read it loudly into the record, Mr Witness.

25 A. But you said you have this document. Why do you want me to read

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Bifwoli

Page 43

1 it?

2 PRESIDING JUDGE STEINER: Mr Witness, please do what the
3 Prosecution is asking you. It's for the record of the hearing. So
4 please read it aloud what these sentences -- these paragraphs the
5 Prosecution asked you to, please.

6 THE WITNESS: (Interpretation) All right.

7 "Carine Frenk." CF are the initials. "Jean-Pierre Bemba's
8 fighters rule over Damara unchallenged, weapons in hand, swaggering
9 about. In Damara, the fighting to regain control of the town has been
10 particularly tough. Commander Golf tell us this. With the protection of
11 amulets or talisman, the MLC Congolese fighters are afraid of nothing.
12 When they fight, they cast off their uniforms and disguise themselves.
13 They call out, they sing, they dance, and they shoot their weapons to
14 impress the enemy, but when you extend a microphone towards them, then
15 it's top secret."

16 PRESIDING JUDGE STEINER: Mr Witness, you can read the following
17 paragraph, please.

18 THE WITNESS: (Interpretation): "Commander Golf: We are the
19 Banyamulenge, are we not? We have bullet-proof (incomprehensible) you
20 can even a shoot a bullet at him and it won't graze him. We are here.
21 We are the children of God. I can tell you this, there were no
22 casualties amongst us."

23 MR BIFWOLI:

24 Q. Mr Witness, have you finished reading to the end of that page?

25 A. Do you want me to read out the entire page?

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Bifwoli

Page 44

1 Q. Yes, Mr Witness.

2 A. "CF: And yet there were casualties, and there still are
3 casualties amongst the Congolese. Several hundred, most of whom were
4 young men, sometimes drugged-out children who were used as cannon fodder,
5 according to an independent source. It was difficult to speak directly
6 with the local people. The soldiers won't allow that. In front of them
7 the women say that everything is fine, but if you look into their eyes,
8 you see the contrary. A bit further off, once -- further away from the
9 threatening behaviours, one man quietly lets a few words slip out.

10 "Unidentified speaker number 1: Oh, there are piles of bodies
11 truly in my house. For example, all the goats, all the chicken, were
12 taken away by Bemba's people."

13 Q. Have you finished?

14 A. Yes, I have.

15 MR BIFWOLI: Can we move on to the next paragraph, court officer,
16 please.

17 THE COURT OFFICER (DRC): (Interpretation) We're there.

18 MR BIFWOLI:

19 Q. Can you continue from line 43 to line 48.

20 A. "CF: The MLC fighters are hated both in Damara and in Bangui.
21 Last October, admittedly they did drive off the rebels of General Bozizé,
22 drove them out of the capital, saving the government of the elected
23 president Ange-Félix Patassé, but they carried out terrible acts of
24 violence and abuse against civilians. Four months later, people still
25 remember.

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Bifwoli

Page 45

1 "Unidentified speaker number 2: They even raped a lady just like
2 that in front of her husband, truly. They are animals, are they not?"

3 MR BIFWOLI:

4 Q. Mr Witness, what is reported here is contrary to what you have
5 been testifying about in this court; is that correct?

6 A. That is correct.

7 Q. So it is true that the crimes were committed by MLC troops; is
8 that correct?

9 A. Well, I don't know. I'm going to ask you a question. When they
10 did that, let's suppose the MLC troops committed those crimes. If so,
11 where were the FACA soldiers?

12 Q. Mr Witness, the way this court is organised, it's for me to put
13 questions to you, and where you can't answer, you just say, "I can't
14 answer." But it's not for you to put questions to me. Understand?

15 A. Very well.

16 Q. Mr Witness, is it true that in this reporting, nowhere is it
17 mentioned that Bozizé fighters committed crimes? Is that correct?

18 A. Yes. I didn't see that in this document.

19 MR BIFWOLI: Court officer, please broadcast document number 23
20 on the list. That is CAR --

21 PRESIDING JUDGE STEINER: Yes, Mr Haynes.

22 MR HAYNES: I don't want to be accused of being too anxious, but
23 Mr Bifwoli still hasn't given us or the witness the date of this report,
24 and I think it ought to be in the record.

25 PRESIDING JUDGE STEINER: Do you have it, Mr Bifwoli?

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Bifwoli

Page 46

1 MR BIFWOLI: Thank you, your Honour. This document is already
2 admitted into evidence, and the date is 13th of February, 2003.

3 MR HAYNES: In my submission, now that the witness knows that
4 date, he ought to be invited to make any further comment he might have in
5 the line -- in light of the line of questioning.

6 PRESIDING JUDGE STEINER: You can address this issue in redirect,
7 Mr Haynes. Let's allow Mr Bifwoli to conclude.

8 MR BIFWOLI: Court officer, please broadcast document number 23
9 on the list, which is CAR-OTP-0057-0353 at 0356.

10 THE COURT OFFICER: Mr Bifwoli, can you please confirm the level
11 of confidentiality.

12 MR BIFWOLI: It's an RFI recording, public.

13 PRESIDING JUDGE STEINER: Mr Bifwoli, while the document is
14 displayed, could you please provide us with the information on when
15 this -- this report was issued and -- yes, when this -- this RFI report
16 was issued.

17 MR BIFWOLI: It is dated 18 February 2003.

18 PRESIDING JUDGE STEINER: Mr Bifwoli, for the record, before the
19 witness is asked about this report, I would like to check with you. It
20 appears that this is the transcript of RFI report dated 19 February 2002,
21 and in the transcript you stated 18 February. Can the Prosecution
22 clarify that? Or maybe the document that is now here as document 22 in
23 the list of the Prosecution refers to another report.

24 MR BIFWOLI: It appears it will take a bit of time to check. I
25 can go to something else, then we come back to it when we have all the

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Bifwoli

Page 47

1 details ready.

2 Can I proceed?

3 Q. So, Mr Witness, you testified that these unruly soldiers kept on
4 moving to go back to areas that were under the control of the loyalist
5 forces to commit crimes. And now my question is this: Why didn't they
6 commit these crimes while occupying those areas? Why would they wait
7 until Bozizé fighters have withdrawn in order to come back to commit
8 these crimes?

9 A. The crimes were committed while we were there, and they continued
10 committing the crimes even after our departure.

11 Q. And what is the distance between Damara and PK 12, how many
12 kilometres?

13 A. The distance is not long. If you leave one of those locations to
14 the other, you are going to cover the distance on the same day.

15 Q. So on foot, it will take you a day to move from Damara to PK 12.
16 Is that your testimony?

17 A. It all depends on how fast you are walking.

18 Q. Being a soldier, at the pace at which soldiers would walk, how
19 long would it take them to walk on foot from Damara to PK 12?

20 A. In a single day, if you leave Damara, you'll arrive at PK 12 on
21 the same day.

22 Q. And it is your testimony that these unruly soldiers would walk
23 for a whole day to go back to PK 12 to commit crimes?

24 A. The two places are quite close to each other.

25 Q. And, Mr Witness, you also testified that after you withdrew from

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Bifwoli

Page 48

1 Damara, they still came back to commit crimes in Damara; is that correct?

2 A. You know, there were some of them who left late. Amongst those
3 people, some wanted to commit abuses, and they knew how to go about that,
4 and so amongst the soldiers, some of them did that.

5 Q. So it's your testimony that Bozizé fighters were in Damara with
6 opportunity to commit crimes. Then you withdraw. Then they decide again
7 to come back to Damara to commit crimes. Is that your testimony?

8 A. Crimes were committed when we were in Damara. Other crimes were
9 committed when we were leaving that locality. So it was during those two
10 periods that the crimes were committed.

11 Q. Can you explain to the Court why soldiers who have had an
12 opportunity to commit these crimes would risk their lives to come back to
13 an area controlled by their opponents to commit these crimes and not
14 fight the opponent?

15 A. When a soldier loots and commits abuses, it is during a
16 cease-fire or a lull in the fighting, or after that, that the soldiers
17 can commit crimes. Other soldiers can also do this during the night
18 after disguising themselves. Someone who commits a crime is not going to
19 tell you precisely how he's going to go about it.

20 Q. Still, Mr Witness, you have not explained why, if I have an
21 opportunity to steal something from you now, why I should wait until the
22 enemy's in control of that place so that I come back to steal from you,
23 risking my own life. However, I'll move on.

24 MR BIFWOLI: Your Honours, I think Mr Badibanga will address you
25 on the document briefly.

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Bifwoli

Page 49

1 MR BADIBANGA: (Interpretation) Your Honour, good afternoon. You
2 asked a question about document CAR-OTP-0057-0353, and if I'm not
3 mistaken, it is document number 23 on the Prosecution list, and you
4 wanted to know whether it is the transcript of document number 22, which
5 is CAR-OTP-0031-0122. We would like to explain and refer you to
6 page 0123 of the document that I have mentioned, so CAR-OTP-0031-0122.
7 And on page 0123 where it is stated that it is a CD with two reports,
8 African news in the evening of the 18th of February, 2003. And then
9 there is also, and then there is also an extract of the African news in
10 the morning of the 19th. That is the following day. So there is an
11 extract of the evening news and another extract of the news of the
12 morning of the following day, whereas it is indicated on the transcript
13 18th February. That is what I wanted to explain.

14 Thank you. And with your leave, during the exchanges concerning
15 the last witness, we talked about the confidentiality of some of the
16 reports of RFI, and it is the same thing here. Initially this document
17 was filed as confidential, and that is what the Prosecution
18 systematically does when gathering evidence, but given the nature of the
19 document, we asked that it be reclassified as public. So these were
20 reports that were broadcast at the time, and there is no reason for those
21 documents to remain confidential, which is why we are asking for them to
22 be reclassified as public.

23 PRESIDING JUDGE STEINER: Mr Haynes, any objection?

24 MR HAYNES: No. I'm grateful for the explanation as to what the
25 document is. I don't know if it's still on the screen in front of you,

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Bifwoli

Page 50

1 your Honour. It is on my screen, and I, of course, have had the
2 opportunity during the preceding few minutes to look at the substance of
3 this report, and I'd like somebody to address the question of how it
4 would be relevant to cross-examine this witness, a Central African
5 soldier fighting with General Bozizé, about the reports of a trial in
6 Gbadolite in October 2003 of people who apparently had committed offences
7 in the Democratic Republic of the Congo. It seems to me to have no
8 temporal, geographical, or evidential relevance to this trial anyway, and
9 quite what sort of question could be put to this witness about that
10 report I'd like to know. So to that extent, yes, I do have an objection.

11 PRESIDING JUDGE STEINER: Mr Haynes, my question was simply in
12 relation to the reclassification of the level of confidentiality of this
13 document as we've been doing with all other transcripts of video
14 material. They have been systematically reclassified as public. So my
15 question in relation to your objection was not about the content of that
16 document but whether a document that was broadcast in public can be
17 reclassified as public.

18 MR HAYNES: Then I apologise for not understanding you fully.
19 No, I have no objection.

20 PRESIDING JUDGE STEINER: So in order to facilitate everyone's
21 lives, documents 16, 17, 18, 22, 23, 24, 25, 26, and 27 of the
22 Prosecution list of evidence, these are all of them, transcriptions of
23 videos, and the relevant translations are reclassified as public.

24 Now, Mr Bifwoli, in relation to the objection of Mr Haynes
25 related to the content of document that are now been shown to the

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Bifwoli

Page 51

1 witness, maybe you could anticipate something related to the relevance.

2 MR BIFWOLI: Thank you, your Honours. I have looked at what is
3 being broadcast, but the pages -- the portion that I'm interested in is
4 from line 112, which is not on the screen.

5 Can I proceed, your Honour?

6 PRESIDING JUDGE STEINER: Please.

7 MR BIFWOLI:

8 Q. Mr Witness, do you now have this document on your screen?

9 A. Yes, I can see that document.

10 Q. Can you read into record lines 112 to lines 118.

11 A. "PH: Jean-Pierre Bemba's men who under the colours of the
12 Central African army this time on Thursday, last Thursday, launched a
13 counter-offensive against the rebels of François Bozizé. They took over
14 control of the towns of the Sibut and Bozoum, and the massacres were
15 perpetrated there. The refugees who reached Goré, on the other side of
16 the Chadian border, accuse Bemba's men, and in Bangui, the matter is
17 being taken lightly. The victims are either accomplices of the Bozizé
18 rebellion or those who were referred to in the Balkans as collateral
19 damage. Let us listen to the spokesperson of the Central African
20 government, Gabriel Koyanbounou."

21 Q. So, Mr Witness, the government spokesman here is not denying that
22 MLC committed crimes but is simply justifying why they committed crimes;
23 is that correct?

24 A. I do not know the author of that statement. I cannot comment on
25 it. I cannot accept it. I am not aware of what was said.

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Bifwoli

Page 52

1 Q. But here, again, MLC are reported to have committed crimes, which
2 is contrary to your testimony that crimes were committed by Bozizé
3 fighters; is that correct?

4 A. Yes. I am talking about what Bozizé's soldiers did.

5 MR BIFWOLI: Court officer, please display document number 14 on
6 the list, CAR-OTP-0036-0041, at 0045.

7 PRESIDING JUDGE STEINER: Mr Bifwoli, as soon as the document is
8 displayed, could you please explain to the witness what document is this
9 and when this document was published or broadcast.

10 MR BIFWOLI:

11 Q. Mr Witness, this document is a recording by Radio France
12 Internationale, and it is dated 5th of December, 2002.

13 Mr Witness, can you see line 99? I want you to read from line 99
14 to line 110.

15 A. "Witness 2: I fled with all my children and my husband. We left
16 the neighbourhood, and we went in the direction of PK 22. We came across
17 Bozizé's soldiers, that is, the rebels. They welcomed us, and they
18 allowed us to pass. They did not do anything to us. In fact, they
19 treated us as brothers. Bozizé's soldiers retreated on Wednesday
20 evening, and so on Thursday morning, Bemba's soldiers arrived at PK 22,
21 but it was really a massacre that they perpetrated. They killed people.
22 They killed goats. They took away chickens, anything. They broke down
23 the doors, and they emptied the houses. They even killed my
24 brother-in-law. The young man was in his mother's kitchen. They called
25 out to him. They asked him for money. And since he said that he did not

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Bifwoli

Page 53

1 have money, they immediately shot him dead. He was 21 years old, 21
2 years, and even today his mother is really disturbed. They raped small
3 girls from 7 to 14 years old. I saw a small girl that they slept with
4 and who died afterwards. I do not know how I can explain this. This is
5 what I witnessed."

6 Q. So, Mr Witness, again here we see the civilians saying Bozizé
7 rebels did not commit crimes; is that correct?

8 A. That is what the person is saying. Me, I am testifying to things
9 that I witnessed. Maybe that person is talking about what they
10 experienced at that time. I am talking about what I witnessed and what
11 we did. Maybe there is some confusion here. This person agrees with
12 what happened in Sibut, and what happened in Sibut also happened wherever
13 we went.

14 Q. Mr Witness, you consider this witness was able to distinguish
15 between Bozizé fighters and the MLC troops, yet he only blames the crimes
16 on the MLC troops; is that correct?

17 A. Yes. That witness made a statement, but I do not know that
18 person. I don't know whether that person is a civilian or not.

19 Q. Now, Witness, can you please also read into the record lines 97
20 and 98.

21 MR BIFWOLI: Court officer, please adjust the document so that
22 the witness can see lines 97 and 98.

23 Q. Witness, can you see lines 97 and 98?

24 A. Mm-hmm.

25 Q. Please read them into the record.

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Bifwoli

Page 54

1 A. Mm-hmm.

2 "BN: In the PK 12 area and further north, the testimonies are
3 unequivocal. Bozizé's men did not perpetrate any violence against
4 civilians, contrary to Bemba's soldiers."

5 Q. Again, Mr Witness, what is reported here is contrary to the
6 testimony that you have given in this court; is that correct?

7 A. I am testifying to what I observed in PK 12, what we did. I have
8 even given you examples. I did not invent anything. I am talking about
9 what I saw, what happened, what we did in PK 12.

10 MR BIFWOLI: Thank you, Mr Witness. I have come to the end of my
11 examination, and I thank you for the answers you've provided to the
12 Court.

13 Thank you, Madam President, your Honours. With that we come to
14 the end of the Prosecution examination.

15 PRESIDING JUDGE STEINER: Thank you very much, Mr Bifwoli.

16 Mr Witness, as I mentioned in the beginning of your testimony,
17 legal representatives of victims were authorised to put some questions to
18 you. Therefore, I'll give the floor Maître Zarambaud. Maître Zarambaud,
19 legal representative of victims, will put some questions to you.

20 MR ZARAMBAUD: (Interpretation) Thank you, Madam President. Thank
21 you, your Honours.

22 QUESTIONED BY MR ZARAMBAUD:

23 Q. (Interpretation) Mr Witness, my name is Maître Zarambaud
24 Assingambi of the Central African Republic Bar, and I have with me my
25 learned colleague here Marie-Edith Douzima Lawson and both of us are

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Zarambaud

Page 55

1 legal representatives of victims. The Presiding Judge has indicated to
2 you already that in our capacity as legal representatives, our questions
3 can only be put to you after we get authorisation from the Chamber, but
4 we have the opportunity to put follow-up questions to you as well arising
5 from the questions that you provide -- arising from the answers, rather,
6 that you provide to our questions in the courtroom.

7 First, Mr Witness, let me apologise for not having been present
8 at the familiarisation session during which I would have had the
9 opportunity to get to know you.

10 You are testifying here in Lingala, but as a fellow countryman of
11 yours, I was a little bit surprised that you would do so, but during your
12 examination, you have explained to the Court why you chose to do so.

13 I had a number of questions prepared for you, but a number of
14 them have already been addressed through your answers to the Prosecutor
15 or to the Defence, or you have testified that you are unaware of some of
16 the things that I may have had to ask you. In that context, therefore, I
17 would simply like to start by putting a follow-up question to you.

18 It is your testimony that you arrived (Redacted)
19 (Redacted), and that, at that time, you (Redacted)
20 (Redacted)
21 (Redacted), page 16, line 16; page 16, line 24. I'm
22 still on the same page 16. Line 27, you mention that you were on an
23 18-month training. Now, that's the background.

24 (Redacted)

25 (Redacted)

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Zarambaud

Page 56

1 (Redacted)

2 A. I said that I joined the Central African army (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. Thank you, Witness. I have understood you clearly. But going by
6 the references I mentioned, you testified that you joined the
7 Central African army, and then you went for training. My question is:
8 What was your rank when you joined the army and before you went for
9 training?

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. So after your baccalaureate and after 18 months of training, one
17 could be given the rank of an officer. Is that your testimony?

18 A. I attended school normally and subsequently went to military
19 school, to the commissioned officers' school, and after that training I
20 became an officer in the army.

21 Q. Thank you. Now, regarding the language in which you are
22 testifying as a Central African, you are a Central African, but you're
23 testifying in Lingala, and this question has been put to you over and
24 over again as to which language was being spoken around you in the
25 Central African Republic. Now, regarding your mother, transcript 314 of

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Zarambaud

Page 57

1 8 May 2013, lines 13, (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. Witness, you talked about abuses and acts of violence committed
10 by Bozizé's troops to which you belonged. You testified that you
11 yourself were also involved in those abuses, and you said that in that
12 regard, you were not different from the others. Transcript 313, 7 May,
13 213, page 40, lines 2. And regarding the pillaging, this is what you
14 said:

15 "Yes, I saw, but I was not exceptional. I did not receive a
16 salary at that time, and these were generalised or widespread
17 activities."

18 Page 50, lines 26 to 27, you say:

19 "I also extorted money from the population. I, too, owned a
20 cart, just like my -- my colleagues."

21 Is that your testimony, Witness? Is this a correct
22 representation of your testimony?

23 A. Yes, that is correct.

24 Q. Witness, according to your testimony and in order to explain why
25 you and your colleagues looted, you said:

Witness: CAR-D04-PPPP-0056 (Open Session)
Questioned by Mr Zarambaud

Page 58

1 "Just imagine what can happen when a soldier does not receive his
2 salary."

3 Transcript 31, page 34, line 28, and page 34, line 1 -- page 35,
4 line 1, rather. You said, therefore, that, in a nutshell, when a soldier
5 does not receive his or her salary, this is the kind of conduct that may
6 obtain. Is that the case?

7 A. I said so because if a soldier is well paid, he will be a
8 disciplined soldier, but what happened at that time is that we realised
9 that we were going through a difficult situation, and we needed to do a
10 number of things in order to be able to survive. It is for that reason
11 that we adopted that kind of conduct.

12 Now, with your leave, allow me to add the following: Today I am
13 a man of God. I have become a man of God. I feel remorse about all of
14 those things that I did. (Redacted), and I realise that I did
15 not behave properly towards my fellow countrymen at the time.

16 Q. Thank you, Witness. Because you are a man of God, I am certain
17 that you will tell the truth and nothing else.

18 Now, you said that Bozizé's people killed, raped, and looted, and
19 that you were not different from them because you also stole, you looted,
20 and you put the looted property into your cart as others did. My
21 question then to you is: Did you also rape? Were you also involved in
22 acts of rape as others were?

23 A. I was only present when some rapes took place or when my
24 colleagues raped some people.

25 Q. When you say you were present, are you saying that when the act

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Zarambaud

Page 59

1 of rape was going on, you were able to observe or to watch and see the
2 rapist and the woman who was being raped as the act was being committed?

3 A. When a rape happened, someone could come and report to me as
4 their commander that such and such a soldier had committed such and such
5 a rape within such and such a family and tell me then that those families
6 were suffering because of that type of -- of unfortunate conduct.

7 Q. In other words, therefore, you did not see with your own eyes
8 anybody raping anyone else. You were simply told that Bozizé's people
9 had been involved in acts of rape. Is that the case?

10 A. Well, I met victims of rape and was able to know from them that
11 an act of rape had been committed.

12 Q. I would have liked you to speak to me about facts rather than
13 suppositions or assumptions. Did you yourself personally meet anybody
14 who had been raped, who told you themselves that they had been raped by
15 Bozizé's troops?

16 A. Yes.

17 MR ZARAMBAUD: (Interpretation) Madam President, could we quickly
18 go into private session so that the witness can give us the names of the
19 victims who personally told him that they had been raped.

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

22 (Private session at 1.18 p.m.) * Reclassified as Open session

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

24 PRESIDING JUDGE STEINER: Maître Zarambaud, before you put your
25 question, let me just put a follow-up question. In which locations you

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Zarambaud

Page 60

1 met victims of rape?

2 THE WITNESS: (Interpretation) I met those victims at 36 Villa,
3 PK 12, Damara as well. I also heard of cases of rape in Sibut and Fou.
4 I simply heard about those cases in those two last locations, and I don't
5 have any evidence regarding them.

6 PRESIDING JUDGE STEINER: Maybe I misunderstood, but as far as I
7 remember, you said that you arrived in Damara at the evening and left the
8 following day. You haven't stayed even one day in Damara. How could you
9 have met victims there?

10 THE WITNESS: (Interpretation) We passed through Damara, and the
11 victims were crying. Someone who was raped and was crying could be seen
12 to be in that state. So that is something that could have caught my
13 attention and made it possible for me to become aware of something that
14 may have happened such as rape.

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

16 Q. Witness, it would appear to me that at transcript 313, 7 May,
17 page 42, I believe, at -- at page 42 and regarding the rape or rapes in
18 Damara, it would appear to me that you said that you were at the
19 General Staff headquarters with the person in charge of transmissions and
20 that you were aware of all the reports that were transmitted through him.
21 This means, therefore, that it is not the victims who told you that they
22 had been raped.

23 MR ZARAMBAUD: (Interpretation) And I'm referring here,
24 Madam President, to page 43, line 22.

25 Q. "I was at the staff headquarters along with the person in charge

Witness: CAR-D04-PPPP-0056 (Private Session)
Questioned by Mr Zarambaud

Page 61

1 of transmissions, and I was aware of all the reports that went through
2 him."

3 And now you are telling us that it is the victims themselves who
4 came to complain. Is that your testimony?

5 A. You have said correctly that I referred to reports. Yes, I was
6 at the staff headquarters, and I was able to read the reports, but I did
7 not know about everything that had happened in the area. So these were
8 reports relating to what had happened in Damara, and those reports
9 mention that more than six girls had been raped. So I felt that it was
10 not possible for such acts to have taken place in Damara. So we -- we
11 talked about these things and had difficulty understanding why those
12 types of actions or those types of abuses could have been committed
13 against members of the population.

14 PRESIDING JUDGE STEINER: Maître Zarambaud, now I am confused.

15 Mr Witness, in relation to Damara, you talked to victims or you
16 read reports when you were in the headquarters?

17 THE WITNESS: (Interpretation) I saw girls who had been raped, but
18 I did not have time to identify them, to get to know their names or the
19 names of their families. I saw girls who had been raped. I saw them
20 crying. I saw them with my own eyes.

21 PRESIDING JUDGE STEINER: But you didn't talk to them, in Damara
22 at least.

23 THE WITNESS: (Interpretation) They are the ones who were saying
24 that they had been raped, that they had been attacked in their homes and
25 that they had been raped. I did not have time to talk to them, and I was

Witness: CAR-D04-PPPP-0056 (Private Session)
Evidentiary Matters

Page 62

1 not able to identify them, but they were talking about how they had been
2 raped.

3 PRESIDING JUDGE STEINER: Just for -- for the sake of clarity,
4 when I referred to the fact that the witness didn't stay for too long in
5 Damara, I'm referring to transcript 314, page 22, lines 1 to 10. The
6 witness says:

7 "This means that we could not stay in Damara for long. We were
8 there for a short time and then we left. Damara was simply a place of
9 transit."

10 Judge Aluoch wants a clarification as well.

11 JUDGE ALUOCH: Mr Witness, I'm trying to get this picture clearer
12 than -- than it is at the moment. Did these girls come to you
13 voluntarily to report to you that they had been raped, because I assume
14 you are with other soldiers and you were walking, or did you just
15 overhear them talking amongst themselves? Can you just clarify that
16 portion of your testimony, please.

17 THE WITNESS: (Interpretation) I could hear them talk about that,
18 and I was able to see them. I saw them crying, and when one saw people
19 crying, what happened was that -- or what was said was that those girls
20 had been raped. So when we went through a village, it was possible to
21 hear people say that people had been raped, and it was also possible for
22 me to see the victims themselves talk about what had happened to them.

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

25 (Open session at 1.28 p.m.)

Witness: CAR-D04-PPPP-0056 (Open Session)
Evidentiary Matters

Page 63

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

2 PRESIDING JUDGE STEINER: Mr Zarambaud, I apologise for
3 interrupting you so often. Sometimes the clarification is better to be
4 put on the spot instead of turning back the day after to the same -- same
5 point for clarification.

6 In any case, you will be given back the time that was stolen from
7 you, don't worry.

8 Mr Witness, it's time for us to adjourn. It's already 1.30. We
9 don't have time to continue. We wish you have a restful weekend. We
10 will continue with your testimony on Monday, this time in the afternoon.
11 We will start at 1.30 in the afternoon. So I hope you take the
12 opportunity to rest during the weekend and that you come on Monday
13 prepared for concluding - we hope so - your testimony.

14 I thank very much for the Prosecution team, legal representatives
15 of victims, Defence team, Mr Jean-Pierre Bemba Gombo. I thank very much
16 our interpreters, our court reporters.

17 Thank you very much, Mr Rojas.

18 THE COURT OFFICER (DRC): (Interpretation) You're welcome, Madam
19 President.

20 PRESIDING JUDGE STEINER: Thank you, again, Mr Witness. We see
21 each other again on Monday afternoon.

22 This hearing is adjourned.

23 (The hearing ends in open session at 1.30 p.m.)

24 RECLASSIFICATION REPORT

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

Witness: CAR-D04-PPPP-0056 (Open Session)
Evidentiary Matters

Page 64

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