

Trial Hearing
Witness: CAR-D04-PPPP-0056

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and
6 Judge Kuniko Ozaki
7 Trial Hearing
8 Monday, 13 May 2013
9 (The hearing starts in open session at 1.33 p.m.)
10 THE COURT USHER: All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE STEINER: Good afternoon.
14 Could, please, court officer call the case.
15 THE COURT OFFICER: Thank you, Madam President. Situation in the
16 Central African Republic, in the case of The Prosecutor versus Jean-Pierre
17 Bemba Gombo, ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you very much.
19 I welcome the Prosecution team, legal representatives of victims, the Defence
20 team, Mr Jean-Pierre Bemba Gombo.
21 Good afternoon and welcome our interpreters, our court reporters.
22 Good afternoon, Mr Rojas.
23 THE COURT OFFICER (DRC): Good morning, Madam President.
24 PRESIDING JUDGE STEINER: Good afternoon, Mr Witness. How are you?
25 WITNESS: CAR-D04-PPPP-0056 (On former oath)

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1 (The witness speaks Lingala)

2 (The witness gives evidence via video link)

3 THE WITNESS: (Interpretation) Good afternoon, your Honour. I am well.

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

6 THE COURT OFFICER (DRC): No Lingala interpretation.

7 PRESIDING JUDGE STEINER: Problems with the Lingala interpretation?

8 THE COURT OFFICER (DRC): We are currently receiving the interpretation.

9 Maybe, Madam President, I suggest if you please repeat the question for the
10 witness to answer.

11 PRESIDING JUDGE STEINER: Mr Witness, I asked you whether you are
12 ready to continue with your testimony.

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

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

16 THE WITNESS: (Interpretation) Yes, I realise that.

17 PRESIDING JUDGE STEINER: I also wanted to remind you, Mr Witness, that
18 you are under protective measures, that your image and voice that are

19 broadcast outside the courtroom are being distorted so that the public cannot
20 identify you and, in order to keep your identity protected, it's important,

21 Mr Witness, that during public sessions you don't mention any information

22 that could lead to your identification. If need be, you just ask and we go into
23 private session. I think now you are quite aware on how the system works,
24 aren't you?

25 THE WITNESS: (Interpretation) Yes, that's entirely so.

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1 PRESIDING JUDGE STEINER: Today the legal representatives of victims will
2 continue questioning you and for that purpose I give back the floor to Maître
3 Zarambaud.

4 Maître Zarambaud, you have the floor.

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

6 QUESTIONED BY MR ZARAMBAUD: (Interpretation) (Continuing)

7 Q. Good morning, Witness.

8 A. Good afternoon.

9 Q. I think you'll recall, Witness, that Friday, just as the hearing was coming
10 to an end, I was asking you some questions about the events that occurred in
11 Damara. Unless I'm mistaken, you mentioned six rapes and you also told us
12 how you were informed of those rapes. This morning I'd like to begin by
13 asking you questions about the rapes that occurred in Bangui.

14 Now, if we look at the transcript 313, page 29, lines 2 to 4, you spoke of some
15 gang rapes that occurred and you said, "Those were the ones that I experienced,
16 but in other neighbourhoods they occurred but what I just said were the cases
17 that I experienced. The other cases I did not experience."

18 So my question is this: What do you mean by experiencing these cases?

19 A. Well, it means that when I saw someone crying and saying that she had
20 just been raped. So I saw some women who were crying and who were
21 saying that they had been raped.

22 Q. We are talking about rapes that occurred in the Bangui neighbourhood in
23 PK12.

24 A. Yes, that's what I'm saying.

25 Q. Thank you. Regarding Bangui, you mentioned the rape of a white

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1 woman at 36 Villas and you said that "There was a group and they came and
2 told me," and I quote, "As you can see, this is the first time that they raped a
3 white woman," and you mentioned two corporals and then you went on to say,
4 "Those were the ones who came and told me that," so it meant that for the
5 white woman, you didn't actually see her crying. Rather, you heard this from
6 the two corporals who came to you and told you that they had raped her?

7 A. That's right. However, I was in the neighbourhood when the report was
8 provided and I heard what people were saying, so the incident occurred at the
9 place where I was located.

10 Q. Thank you. Regarding the rape that occurred at PK12, you said this, "It
11 was the family of ...", and then you gave the name. "The daughter was
12 raped ...", and then you also provided the name of a lieutenant. "That was in a
13 morning. That is when he came and raped their daughter and we called that
14 woman to the headquarters so that she could explain to us how she had been
15 raped, and this was in a drainage ditch alongside the road," page 41, lines 7 to
16 9.

17 At line 17 you said, "This is what I am telling you. This is what I saw." So
18 my question is this: You didn't see the rape? You just saw this girl who
19 came and made a complaint?

20 A. I heard that girl report on what had happened to her. I was in the
21 neighbourhood and I heard everything that people were saying about that
22 incident, because I was indeed in that neighbourhood.

23 Q. Thank you. Now, the third case of rape that you mentioned that
24 occurred in Bangui and surrounding areas, you said that it happened in the
25 Fohu neighbourhood and a woman had been raped by soldiers under the

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1 command of a particular commander, you gave the name of the commander,
2 then you said this: "The family complained that their daughter had been
3 raped and the communications person sent a report and then the report was
4 sent on to headquarters." Once again, page 42, lines 14 to 19, transcript 313.
5 Now, this wasn't something that you actually saw, but you heard? Rather you
6 heard this family coming and reporting this rape?

7 A. Yes, that's right.

8 Q. Thank you, Witness. I would now like to turn to the killing, or rather
9 the murder -- the murder of Captain Isidore Laoulé, transcript 313, page 39,
10 lines 8 and 9. You said, "We took a captain hostage from the FACA forces.
11 We killed him in the Damara area."

12 Witness, who took this man hostage?

13 A. It was our troops who took him hostage. We took him to PK12. We
14 took him close to Damara and that is where he was killed.

15 THE INTERPRETER: Interpreter correction: The captain's name was Isidore
16 Laoulé.

17 MR ZARAMBAUD: (Interpretation)

18 Q. Thank you, Witness. Do you know the people who killed him and did
19 you yourself take part in his murder?

20 A. I know the identity of the people who killed him, but I wasn't part of that
21 group. It was our soldiers who killed him, but he was not killed by all the
22 members of the group.

23 Q. Thank you, Witness.

24 Now, since you say you know the identity of the person who killed him, could
25 you give us that name? Could you tell the

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1 Chamber who that person was and we can go into private session, your

2 Honour, I suppose, if that is -- if you deem that to be necessary?

3 PRESIDING JUDGE STEINER: Do you know the names, Mr Witness? Just
4 say if you know, or not.

5 THE WITNESS: (Interpretation) Yes, I know their names.

6 PRESIDING JUDGE STEINER: Then I ask, please, court officer to turn briefly
7 into private session.

8 (Private session at 1.49 p.m.)* Reclassified as Open session

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

10 PRESIDING JUDGE STEINER: Now you can say the names, if you know
11 them?

12 THE WITNESS: (Interpretation) (Redacted) who killed him.

13 Unfortunately, I learned that this person also died in 2006.

14 PRESIDING JUDGE STEINER: And have you seen with your own eyes this
15 murder?

16 THE WITNESS: (Interpretation) He was taken somewhere and then the
17 murderer went in and he told us that he had just killed him. He was shot.

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

20 (Open session at 1.50 p.m.)

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

22 MR ZARAMBAUD: (Interpretation)

23 Q. Witness, if we could turn briefly to the issue of looting. You said that in
24 order to loot you used the Lingala language, and in this regard transcript 313,
25 page 48, lines 18 to 22, you said, "This was a technique. Even if the members

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1 of the local population did not understand the meaning, we spoke to them in
2 Lingala and they would do what we said and I think that people from the CAR
3 understand Lingala." Now, in your opinion -- well, rather, why -- why were
4 the local people so afraid and why did they immediately obey the orders when
5 they were ordered to do things in Lingala?

6 A. When we would give orders, they put up no resistance. They would
7 comply with our orders and that is why I said that.

8 Q. Witness -- well, I was very specific in my question. The orders might
9 have been given in French, in Lingala, in Sango, but you said, "When the local
10 people -- when we spoke Lingala, the people did what we said." So I would
11 like to know this: Do you know why the local people obeyed the orders when
12 you were speaking in Lingala? I'm really focusing on the fact that you were
13 speaking Lingala.

14 A. Well, you can ask that question of a civilian from the CAR. Only a
15 civilian from the CAR can answer that question because, well, they would obey
16 us when we gave them orders.

17 Q. Witness, it seems to me - and correct me if necessary - to your mind that
18 looting occurred because the soldiers hadn't been paid and because, for
19 example in Sido, they had no place to sleep. Once again transcript 313, page
20 34, line 28, and the following page, line 1. You said this: "Just imagine when
21 a soldier has not received his wages," and at page 39, or rather you also said,
22 and you've said this again, once again, same transcript, page 39, you said that
23 you saw the looting and you said, "I was not anything out of the ordinary. I
24 wasn't being paid. It was a general movement."
25 Similarly, you said, "We would take money out of people's socks, out of their

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1 clothing. We would find pushcarts and use them and we would take away
2 the television sets and everything like that." You also said -- page 50 you said,
3 "I too, I had my pushcart, just as the other soldiers did," lines 26 and 27. So
4 how many trips did you actually make with this pushcart to take away these
5 looted goods?

6 A. When I had things to loot, I would give them to a young fellow who
7 would carry them away. It's not that we made several trips back and forth.
8 It was once or twice.

9 Q. Thank you, Witness. Well, you can see in this trial there are two parties:
10 The Prosecution and the accused. Now, the Prosecution brought a witness,
11 and I would imagine it was to confirm the charges against the accused, and the
12 Prosecution brought this witness and we can assume that it was, well, to bear
13 out the charges -- correction, the witnesses brought by the Defence have been
14 called to confirm matters and we're talking about the abuses and violence of
15 the Banyamulengue, transcript 314, page 22, lines 9 to 11, and you said
16 something about the violence and the abuse by the Banyamulengue. You said
17 you knew nothing of that. You said that you would speak only about things
18 that you actually saw and you said that you had no information - no
19 intelligence - regarding these matters.

20 Now, concerning these charges against the accused, Mr Bemba, are you saying
21 that you have no knowledge of any of these things?

22 A. Well, before my testimony I made an oath to tell the truth. As I said, I
23 shall tell the truth about everything I experienced. I can't give testimony
24 about something that I did not see with my own eyes.

25 Q. Just to be perfectly clear, so you saw the violence and the abuse occurred

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1 by -- by Bozizé's troops, but you know nothing about abuses or violence by
2 Mr Bemba's troops?

3 A. I can only give testimony about events for which I have proof, not the
4 contrary.

5 Q. Thank you, Witness. I think the Chamber has understood what you've
6 said. Now, this, Mr Witness, is why. You see, it is important to deal with the
7 whole issue of Bozizé's rebels. At page 23, transcript 214, you said, "They
8 spoke more about those people. Mention is being made of the newspapers,
9 but why did they not talk about the crimes that we committed? Why did they
10 not say that Bozizé's troops also committed crimes? That is why, if you wish
11 to tell the truth, you have to tell the entire truth and also talk about the crimes
12 committed, because we too, we looted. We extorted money from people.
13 We too committed crimes. So we also have to talk about the crimes we
14 committed."

15 Now, these crimes were committed by Bozizé's troops, the crimes that you
16 mentioned. Those crimes were committed by Bozizé's troops in general and
17 by you as well in particular?

18 A. Yes, I also committed some crimes. That is correct.

19 Q. Thank you, Mr Witness. When one is asked to speak the truth here in
20 the courtroom about what Bozizé's troops did by way of acts of violence and
21 yet those troops are not being prosecuted, do you think that your contribution
22 to this Court helps us to understand what happened and what was done by the
23 Banyamulengue troops?

24 A. I have come here, as I said from the beginning, because I'm a believer and
25 because I want to speak the truth so that I can assist the Judges in discovering

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1 the truth about what happened, so this might help them. You see, the Court is
2 like God himself on earth and that is why it is important for me to tell them the
3 crimes, or about the crimes that we committed so that they can be aware of
4 those crimes and take them into account. In doing so, I intend to help all my
5 brothers and sisters to discover the truth, rather than to rely on a truth that has
6 been distorted.

7 MR ZARAMBAUD: (Interpretation) Thank you, Witness, for answering all
8 my questions.

9 Madam President, that will be all and I thank you.

10 PRESIDING JUDGE STEINER: Thank you, Maître Zarambaud.

11 Mr Witness, before I give the floor to Maître Douzima, I would like just to seek
12 a clarification in terms of chronology.

13 You said that Bozizé's men attacked Bangui as from 25 October 2002; is that
14 correct?

15 THE WITNESS: (Interpretation) That is correct.

16 PRESIDING JUDGE STEINER: And then on 31 or 1 November/2 November
17 you started withdrawing to Sido; is that correct?

18 A. On 30th we left Bangui, that is PK12, and went to Damara. We got to
19 Damara, and from Damara went straight on to Sido. Now, later on, on the
20 29th or 30th, we began to withdraw.

21 PRESIDING JUDGE STEINER: And when you arrived more or less, as an
22 estimated date that you arrived in Sido?

23 THE WITNESS: (Interpretation) I am not in a position to give you an exact
24 date. You know, all these things happened during that time of withdrawal
25 and it also depended on the times at which various companies moved. Ours

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1 moved at a particular time and others at different times, so I cannot give you
2 the exact time within the context of that falling back or withdrawal strategy to
3 the extent that the various companies fell back or withdrew at different times.

4 PRESIDING JUDGE STEINER: Mr Witness, I didn't ask you to give me an
5 exact date. I asked you to give me an estimated date and about when you was
6 back in Sido.

7 THE WITNESS: (Interpretation) This is what I have been telling you. The
8 withdrawal did not only involve my own company. When we were
9 withdrawing, some of the companies withdrew at different times. So
10 regarding my own company, we did not waste time in Sido. We left on the
11 2nd, but there might have been other companies still remaining in Sido at the
12 time we left. We did not all withdraw at the same time.

13 PRESIDING JUDGE STEINER: You left on the 2nd? You left Sido on the
14 2nd of what? I did not understand, Mr Witness. Can you repeat to me,
15 please?

16 THE WITNESS: (Interpretation) I did not say that we left. I'm speaking
17 about myself. During the time of that withdrawal, several companies left at
18 different times. I don't know whether you've understood that? Not
19 everybody withdrew at the same time. This is what I'm trying to say.

20 PRESIDING JUDGE STEINER: Could you please help me in answering my
21 question in a more objective way. On the 2nd of which month you left which
22 city?

23 THE WITNESS: (Interpretation) In November, I had already left Sido with
24 my company and the headquarters.

25 PRESIDING JUDGE STEINER: You left Sido and went to what place?

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1 THE WITNESS: (Interpretation) Please, could you ask your first question all
2 over again, because maybe I did not quite understand your question? Please
3 kindly repeat your first question, which I did not quite understand.

4 PRESIDING JUDGE STEINER: Mr Witness, I just want to have a chronology
5 of the facts and places in which you were present. So let's go step-by-step,
6 very slowly. On 30 October, you were still in Damara? Is that correct, or
7 not?

8 THE WITNESS: (Interpretation) That is correct.

9 PRESIDING JUDGE STEINER: And you left Damara in which day?

10 THE WITNESS: (Interpretation) I did not spend much time in Damara.
11 The same day, in the evening, I left Damara for Sibut.

12 PRESIDING JUDGE STEINER: In what day did you arrive in Sibut?

13 THE WITNESS: (Interpretation) I arrived in Sibut on 2 November.

14 PRESIDING JUDGE STEINER: And how long - for how long - did you stay in
15 Sibut?

16 THE WITNESS: (Interpretation) I spent 24 hours there and left thereafter.

17 PRESIDING JUDGE STEINER: And you left to Sido; is that correct?

18 THE WITNESS: (Interpretation) That is correct.

19 PRESIDING JUDGE STEINER: And for how long did you stay in Sido?

20 THE WITNESS: (Interpretation) I remained in Sido 'til March, 'til the month
21 of March.

22 PRESIDING JUDGE STEINER: Where exactly did you pillage goods from the
23 population? Was it in Bangui, in Damara, in PK12, in Sibut? Where exactly
24 did you commit the acts of pillaging?

25 THE WITNESS: (Interpretation) The pillaging took place in several

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1 locations and in several neighbourhoods. It happened in all areas where our
2 troops were present.

3 PRESIDING JUDGE STEINER: I'm not asking about your troops. I'm asking
4 about yourself. Where did you commit acts of pillaging?

5 THE WITNESS: (Interpretation) At PK12, along the Damara road and along
6 the road to Sibut, as well as in Sibut.

7 PRESIDING JUDGE STEINER: And during all this time that you were
8 withdrawing to Sido, you were carrying the goods you pillaged?

9 THE WITNESS: (Interpretation) That is correct.

10 PRESIDING JUDGE STEINER: And one more question: From
11 3 November 2002 'til March 2003, you were not aware or were you on what
12 was going on in Bangui, Damara, Sibut, PK12 and other villages in the Central
13 African Republic? Were you informed about what was going on, or not?

14 THE WITNESS: (Interpretation) We were able to receive information about
15 was going on -- about what was going on, so we knew what was going on.

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

17 THE WITNESS: (Interpretation) You may know that I was on the ground.
18 (Private session at 2.17 p.m.) * Reclassified as Open session

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

20 PRESIDING JUDGE STEINER: Mr Witness, according to your testimony
21 from 3 November 'til March you were not on the ground, you were in Sido.
22 So my question is: What kind of information did you receive during three
23 months and how did you receive the information on what was going on in the
24 battle-field?

25 THE WITNESS: (Interpretation) My colleagues provided me with

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1 information. There were also soldiers who deserted and came to join our
2 camp. We were able to get information from them. We also were able to get
3 information from civilians who joined us, so we got information from deserters
4 and from civilians who joined us. I was able to get some information from
5 those sources.

6 (Redacted) and they had
7 transmitters and we used what was referred to as "the walkie-talkies" and
8 through that medium we were also able to glean some information.

9 PRESIDING JUDGE STEINER: And which kind of information you received?

10 THE WITNESS: (Interpretation) We received information about the fighting,
11 rapes, pillaging, the suffering to which the population were subjected to and all
12 manner of complaints from the population. Then we also had information
13 about how the attacks had taken place in various towns.

14 PRESIDING JUDGE STEINER: So can you say then that between November
15 and March there were many, many troops -- Bozizé's troops - that were
16 not -- that had not withdrawn to Sido? Is that correct?

17 THE WITNESS: (Interpretation) These were war times. We didn't go to
18 any locations to settle there. These were war times, or times of war.

19 PRESIDING JUDGE STEINER: Mr Witness, I'm just trying to understand the
20 chronology since you said many times that Bozizé's troops were withdrawing
21 to Sido as a strategy, they withdraw not all at the same time but in groups or in
22 companies, so I want to understand who stayed in the field to commit the
23 crimes? This is what I'm trying to understand. It's a matter of chronology.

24 THE WITNESS: (Interpretation) To be able to understand that those who
25 remained on the ground were those who were working is a very difficult

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1 matter, because even I myself as a soldier, I could not easily know. You see,
2 when a soldier went out to commit a crime, he did not come up and disclose
3 his intent that way.

4 PRESIDING JUDGE STEINER: Mr Witness, it's still not clear to me, I must
5 confess, and I'm trying to give you the opportunity to explain. Sometimes
6 you say that you received lots of information, because (Redacted)
7 (Redacted), and sometimes you say that you
8 didn't receive any information. What I'm trying to understand is that, during
9 the months of November, December, January and February, where were the
10 Bozizé's troops? Still fighting, or in Sido, or just one part in Sido, the other
11 part fighting? This is what I'm trying to understand.

12 THE WITNESS: (Interpretation) When I returned to Sido, I received some
13 information. Now, when we left Damara, we also had some information.
14 Some shops had been burnt down, there had been several cases of rape. In
15 Sibut, we were told that things were even worse because soldiers had looted
16 and had been involved in many other acts of violence and abuse. I was also
17 told about how attacks had taken place in Bossembélé and Bossangoa and all
18 over in all those places where attacks had taken place, but I personally was not
19 along that road. It was simply according to information that had been
20 brought to our attention. You see, when something happened we were told,
21 for example, that these people had withdrawn from such-and-such an area and
22 that's the kind of information that became available to me.

23 PRESIDING JUDGE STEINER: Court officer, turn into open session please.
24 (Open session at 2.24 p.m.)

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

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1 PRESIDING JUDGE STEINER: What I can conclude, Mr Witness, is that from
2 3 November 'til at least beginning of March you were not present at any of the
3 places where crimes were committed. You just heard about it. Is my
4 conclusion correct?

5 THE WITNESS: (Interpretation) I saw some crimes being committed at
6 PK12 with my own eyes. I saw crimes committed in Damara, such as rapes
7 and pillaging. I even saw how civilian houses and some shops were burnt
8 down. I saw those with my eyes. I also experienced the same thing in Sido
9 and I saw them happen. I also saw with my own eyes some of the things that
10 happened in Sido.

11 PRESIDING JUDGE STEINER: Sido where the troops were stationed?

12 THE WITNESS: (Interpretation) Sorry, sorry, I was referring to Sibut. It
13 was a slip of the tongue. Not Sido, Sibut.

14 PRESIDING JUDGE STEINER: But all of these was before 3 November, am I
15 correct?

16 THE WITNESS: (Interpretation) Some of the crimes were committed after
17 those dates. Now, what I've talked to you about is in relation to the things
18 that I saw with my own eyes, but even after that many other very serious
19 crimes were also committed.

20 PRESIDING JUDGE STEINER: I'm only interested in what you saw with your
21 own eyes and with your own eyes you only saw crimes being committed 'til
22 3 November. Am I correct, or not?

23 THE WITNESS: (Interpretation) That is correct. The other information is
24 information that became available to me through others, because I also
25 belonged to the troops.

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1 PRESIDING JUDGE STEINER: Thank you very much.

2 Mr Witness, now I'm -- sorry, Maître Badibanga?

3 MR BADIBANGA: (Interpretation) Madam President, I'm sorry to rise
4 because I know that it is not for us to rise when the Chamber is seeking
5 clarification from the witness. I wanted to point out something to you for
6 your appreciation, your Honour. I don't know whether the witness is
7 confusing Sido and Sibut towns in his answers. There have been a series of
8 questions that you put to him a short while ago. At page 12, for example, line
9 12 in the French version, this is what the witness says: "From Damara, we went
10 directly to Sido," and then you tried to clarify that point by asking him to be
11 objective in his answers. Then he tells you that on 2 November he had
12 already left Sido and then further on at page 14, line 7, he said that from
13 Damara they went to Sibut, and then he says that he arrived in Sibut on
14 2 November and that he spent 24 hours there. And then thereafter he went,
15 and you asked him whether he went to Sido and he said, "Yes". So the
16 transcript is not very clear. Had the witness left Sido on the 2nd with his
17 company, as he appears to be fully aware of it, or did he spend 24 hours in
18 Sibut, and if that were the case then he would have left Sibut to Sido along
19 those dates? So I think the information is not very clear.

20 Now, if this is something that he experienced himself, I think he should be able
21 to provide very clear answers. I am pointing out these items simply to clarify
22 the transcript.

23 Thank you.

24 PRESIDING JUDGE STEINER: I thought that at the end the witness -- the
25 witness had made clear these various steps of the withdrawing, but I will of

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1 course confirm with the witness.

2 Mr Witness, you heard what the Prosecution said? There is some confusion in
3 the transcript. Let's make it clear. From PK12 you went to Damara; is that
4 correct?

5 THE WITNESS: (Interpretation) That is correct.

6 PRESIDING JUDGE STEINER: You arrived in Damara on 30 October and in
7 the same day you left Damara to Sibut; is that correct?

8 THE WITNESS: (Interpretation) Correct.

9 PRESIDING JUDGE STEINER: And on 2 November you left Sibut and went
10 to Sido; is that correct?

11 THE WITNESS: (Interpretation) That is correct.

12 PRESIDING JUDGE STEINER: And you arrived in Sido on 3 November; is
13 that correct?

14 THE WITNESS: (Interpretation) That is correct.

15 PRESIDING JUDGE STEINER: Thank you. I think now it's clear, the route
16 you took 'til you arrived in Sido.

17 Mr Witness, now I'll give the floor to Maître Douzima Lawson. Maître
18 Douzima is, as well, a legal representative of victims and she was authorised
19 by the Chamber to put some questions to you.

20 Maître Douzima, you have the floor.

21 MS DOUZIMA LAWSON: (Interpretation) Thank you, Madam President.

22 QUESTIONED BY MS DOUZIMA LAWSON: (Interpretation)

23 Q. Good afternoon, Mr Witness.

24 A. Good afternoon.

25 Q. Mr Witness, as the Presiding Judge has said, I am Maître Douzima

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1 Lawson. I am a lawyer at the CAR Bar and I am representing here a certain
2 number of victims in this case; that is the case in which you are testifying.

3 Madam President, I would like to go into private session for the first series of
4 questions.

5 PRESIDING JUDGE STEINER: Maître Douzima, we will turn into private
6 session, but just to remind you that if you prefer to put your questioning while
7 seated, you feel at ease, please.

8 Court officer, please turn into private session.

9 (Private session at 2.34 p.m.) * Reclassified as Open session

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

11 MS DOUZIMA LAWSON: (Interpretation) Your Honour, thank you, but I
12 feel more at ease on my feet.

13 Q. Mr Witness, I asked for a private session in order to put to you questions
14 which might identify you. The victims that I represent would like to know
15 you better; that is before I proceed to ask you further questions.

16 Mr Witness, in the hearing of 7 May - and this is transcript 313, page 15 of the
17 French version and page 13 of the English version - (Redacted)

18 (Redacted)

19 (Redacted) I will explain, page 54 for the French

20 version and page 50 in the English version. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Mr Witness, why did you state an (Redacted) date of birth in your answers to
2 the Court?

3 PRESIDING JUDGE STEINER: Maître Douzima, I think the information the
4 witness gave in court is that (Redacted) and the date that is the
5 incorrect one is the date that is on his documents. Is that what you're asking,
6 because he didn't give a wrong date to the Court, unless I'm wrong?

7 MS DOUZIMA LAWSON: (Interpretation) Madam President, at the
8 beginning of the hearing of the 7th, and that is page 15 of transcript 313, the
9 French version, and page 13 in the English version, a question was put to the
10 witness, (Redacted)
11 (Redacted)

12 PRESIDING JUDGE STEINER: I don't have the transcript here with me, but I
13 was just remembering what he said when he was asked by the Prosecution, but
14 in any case I think the witness can clarify.

15 Mr Haynes?

16 MR HAYNES: This is a question arising as it were from the transcript and I'm
17 a little troubled by the justification which is advanced for it; namely, that "The
18 victims I represent would like to know you better." As far as we're concerned,
19 the victims whom Ms Douzima Lawson represents have no right to know who
20 the witness is at all and in those circumstances, that being the only reason
21 advanced for the question, I submit the question is impermissible anyway.

22 PRESIDING JUDGE STEINER: I think maybe again Maître Douzima was not
23 really using the right wording when saying that the victims would like to
24 know the witness. The witness is testifying about his identity in closed
25 session exactly in order for anyone outside this courtroom to know better about

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1 him.

2 MR HAYNES: And as a second -- I'm sorry.

3 MS DOUZIMA LAWSON: (Interpretation) You're quite correct, Madam
4 President, because I asked for a private session.

5 PRESIDING JUDGE STEINER: Mr Haynes?

6 MR HAYNES: (Redacted)

7 (Redacted)

8 PRESIDING JUDGE STEINER: Let's shorten that.

9 Mr Witness, could you please tell the Court and Maître Douzima exactly what
10 is your date of birth?

11 THE WITNESS: (Interpretation) (Redacted)

12 (Trial Chamber confers)

13 PRESIDING JUDGE STEINER: (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 THE WITNESS: (No interpretation)

18 PRESIDING JUDGE STEINER: Wait for me to finish before you say anything,
19 Mr Witness.

20 What is exactly your question, Maître Douzima? You put -- put it again to the
21 witness, please.

22 MS DOUZIMA LAWSON: (Interpretation) Thank you, Madam President.

23 Q. My question was as follows: Why did the witness (Redacted)

24 (Redacted) to the Court? The purpose is to know what he was

25 afraid of when he (Redacted) to this Court.

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1 A. Do you want me to answer that question?

2 Q. Yes, of course.

3 A. I think that I raised this issue. I said that at the end of my testimony I
4 would explain myself. I knew this, because when I came here it was that
5 identity that I used. It was a (Redacted) identity, and I said that I would explain
6 myself at the end of my testimony. That is what I said.

7 Q. Mr Witness, at the end of your testimony I will no longer have the
8 opportunity to put that question to you.

9 PRESIDING JUDGE STEINER: I'm sorry to interrupt again, but when this
10 issue was brought by the witness, it was the Chamber to decide that he would
11 come to this issue at the end of his testimony, so I would ask you, please, not to
12 insist on this topic.

13 MS DOUZIMA LAWSON: (Interpretation) Very well, Madam President.

14 Q. Mr Witness, still relating to transcript number 313 of 7 May 2013, you
15 stated on page 14 of the English version as follows: (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted), and that is in transcript

25 number 313, page 15, line 24. (Redacted)

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1 (Redacted)

2 (Redacted)

3 is in (Redacted)

4 Q. During the hearing of 7 May, you stated that you (Redacted)

5 A. Yes, I speak that language.

6 Q. On the other hand -- and this is line 24, page 15, in French and page -- line
7 23, page 14, in the English version, you stated, "I do not speak Sango very
8 fluently"; is that correct?

9 A. Yes, that is correct. I do not speak Sango fluently.

10 MS DOUZIMA LAWSON: (Interpretation) Madam President, I think we
11 can revert to open session.

12 PRESIDING JUDGE STEINER: Court officer, please turn into open session.
13 (Open session at 2.49 p.m.)

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

15 MS DOUZIMA LAWSON: (Interpretation)

16 Q. Mr Witness, still on 7 May, transcript number 313, page 23 French version,
17 and pages 21 to 22 in the English version, whilst speaking about your troops
18 this is what you stated: "We had military boots, the ones used by the FACA,
19 because we had been FACA soldiers before, but others who had been recruited
20 did not have military boots and so could be wearing ordinary shoes." You
21 were asked, "Which type of ordinary shoes?", and you said, "The ordinary
22 types of shoes that civilians wear, such as sports shoes."

23 My question is this: Apart from the sports shoes that you referred to as
24 "ordinary shoes," did your troops wear other types of civilian shoes?

25 A. I think that the rebellion was not well-equipped. Those of us soldiers

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1 who were from the FACA we wore our boots and the other soldiers could
2 receive uniforms from Chadians, but those who did not have any means were
3 wearing ordinary clothes because we did not have uniforms.

4 Q. I'm sorry, Mr Witness, but I'm talking about footwear, shoes, not
5 uniforms or clothes.

6 A. This is what I'm telling you. If it's difficult to have a uniform, that
7 would be the case for shoes also.

8 Q. I can see that you are not answering my question, but I will move on to
9 something else. It is still on the same page. You stated, Mr Witness, that you
10 received food -- foodstuffs. Where did this food come from?

11 A. We had a common kitchen where food was prepared and distributed to
12 the soldiers.

13 Q. Thank you. Mr Witness, on page 48 of the same transcript the Defence
14 asked you a question about Article 15. You were asked whether that rang a
15 bell, whether it meant anything to you, and you said, "We did not have a salary,
16 so we had to manage on our own on the ground to survive and to support our
17 families and also to have something to eat," page 49 of the French version and
18 page 45 of the English version. You added, "When we retreated, we no longer
19 had any hope of receiving our salary. That is why we had to apply Article 15,
20 which means that everyone was left to their own devices. They had to
21 manage the best way they could."

22 Mr Witness, this Article 15 that you refer to, which part -- which document is it
23 part of?

24 A. When I talk about looking for food, I meant that the rations were not
25 sufficient. Everybody managed the best way they could. It does not mean

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1 that a document had to be signed stipulating that, "When you go to battle, you
2 have to find a way to feed yourself". It was the soldiers who did whatever
3 they could to survive. They did not need a decree for that.

4 PRESIDING JUDGE STEINER: When you please read excerpts of the
5 transcript, do it slower. You are doing too fast for the interpreters.

6 MS DOUZIMA LAWSON: (Interpretation) Thank you. I'm sorry, your
7 Honour. I will try to make a big effort.

8 Q. Mr Witness, in which country do people talk of Article 15?

9 A. I do not know in which country, but I know that this is an expression that
10 was used to mean that everybody would try to find their own food in order to
11 try and survive, but I do not know from which country this expression comes
12 from. I know that this was simply the method that we used.

13 Q. Mr Witness, in the same transcript, page 40, and the English version it is
14 page 37, you said that you sold some items that you had looted to members of
15 the population so as to have some money to survive. You were asked what
16 you did with the remaining goods that you did not sell and your answer was
17 this: "Some soldiers took the goods to Sido, because we did not have a place to
18 sleep."

19 Mr Witness, can you tell us which items were transported to Sido by some of
20 your soldiers -- some of you soldiers?

21 A. That would depend on each individual. Some of them took away
22 clothes, shoes or mattresses. Others sold looted goods along the road. So it
23 depended on the individual. Personally, I sold the goods that I had looted
24 along the road, because I did not want to carry them with me.

25 Q. Thank you, Mr Witness. Now, page 44 in the French version and page

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1 41 in the English version, speaking about the abuses perpetrated by your
2 troops, Mr Witness, you said the following:
3 "With regard to the soldiers I would say that was the case, but regarding the
4 abuses committed by our soldiers and I am talking about rapes, looting and
5 extortion only." And then on page 45 in the French version and page 42 in the
6 English version, you added the following after a question was put to you as
7 follows: "After Damara, which was the next town that you went to after your
8 withdrawal?" And your answer was this: "In Sibut, the same thing
9 happened. Extortions were committed along the road. The members of the
10 population were harassed and money was forcibly extorted from them and this
11 continued until we arrived in Sibut." And a short while ago, page 14, line 27,
12 of the French version, a question was put to you by the Presiding Judge,
13 "Where did you loot?" And on page 15, line 1, you answered, "At PK12 and
14 along the Damara road, as well as along the road to Sibut and in Sibut itself."
15 Better still, on page 17, lines 23 onwards, you added that, "In Sibut the abuses
16 were serious."

17 Mr Witness, at this point I'm going to read out the statements of an inhabitant
18 of Sibut to you relating to the behaviour of the various troops on the ground.
19 For the parties, this is -- this is transcript 223 of 4 May 2012, French version, as
20 of line 8, document number 3, and in the English version it's page 30, lines 21 to
21 25.

22 Now, the question that was put of this inhabitant of Sibut was this, "When you
23 said that there was not a great deal of ammunition, and this was in relation to
24 your troops, I wish to speak of the rebels which did not have any arsenal and
25 were waiting for fresh supplies from their leader." Then the question was put,

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1 "When they -- was it in Sibut, was that when they did not have ammunition?"

2 And that person said, "I've told you that they were just passing through. They
3 spent very little time in Sibut. They went and set up headquarters in Dekoua
4 and Kadabogo (phon), so it was there that they were running short of
5 ammunition."

6 Later on, line 28, you were asked this -- or, correction, he was asked this, "Now,
7 these evil people, did they do anything bad or evil in Sibut?" And his answer
8 was this: "I didn't say that Bozizé's rebels did damage in Sibut. I told you
9 that they were soldiers who were all hyped up."

10 Page 51, line 12 to 24, French version, line 17 -- as of line 17, the question was
11 this, "You mentioned Bozizé's rebels. After their departure, that was after one
12 week, and then the Banyamulengue came. After the Banyamulengue, came
13 the FACA, and after the FACA, once again Bozizé's troops came to drive them
14 out when they took power. Now, other than those three sets of troops, have
15 you knowledge of any other troops that got there or maybe went through or
16 passed through the town of Sibut at that time?" And his answer was this,
17 "The only troops that took over from the others in that town were those three.
18 There were the rebels, then there was the Banyamulengue who came and
19 committed the various acts of violence and abuse. After their withdrawal, the
20 FACA troops arrived, and a few days later Bozizé's men came back and drove
21 them out and took power in Bangui." And then he concluded by saying, "The
22 wrongdoers were only the Banyamulengue."

23 Witness, what do you have to say in light of this statement made by a person
24 from -- this person from Sibut?

25 A. Well, I just listened to what you said. I was talking -- I'm talking about

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1 what our soldiers did. You see, in his account that person talks about the
2 Banyamulengue. There was confusion between the Banyamulengue and
3 ourselves and thus I can't confirm whether -- I can't give any confirmation as to
4 what that inhabitant said.

5 Q. Witness, if we look at transcript 314 of 8 May 2013, page 23, French
6 version, page 22, English version, you said, "I'm a man of God." And further
7 on, line 14, you said this, "What I wanted to add, they -- he was speaking more
8 of those people, but why did he not talk about the crimes that we committed?
9 Why did he not say that Bozizé's troops also committed crimes?"
10 Now, when you say "he," Witness, who are you talking about?

11 A. I said that in relation to the document that was shown to me, the one I
12 was supposed to read, so in my reply I said, "If they said that, why did they
13 ignore the other aspect of the information, since you have to be fair when you
14 make a statement?" That is why I said that all the various accounts had to be
15 made. That is what I meant by that statement I made at that time. I don't
16 have any proof in relation to the people who committed the crimes that I did
17 not see myself with my own eyes.

18 PRESIDING JUDGE STEINER: Sorry to interrupt you, Maître Douzima.
19 Mr Witness, let's see if the transcript is correct. You say here that in relation to
20 the document that you were shown that you were supposed to read. What
21 document? Who showed you any document? What document you are
22 talking about?

23 THE WITNESS: (Interpretation) The documents that I read. I don't know
24 how to explain it to you, but I do remember that you asked me to read out
25 some documents that were put on my computer screen.

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1 PRESIDING JUDGE STEINER: It is frozen.

2 Mr Rojas, can you hear me?

3 THE COURT OFFICER (DRC): Yes, Madam President, I can hear you now.

4 PRESIDING JUDGE STEINER: Okay, now the image has been restored.

5 Thank you, Mr Witness. Now I understood your answer.

6 You can proceed, Maître Douzima.

7 MS DOUZIMA LAWSON: (Interpretation)

8 Q. Witness, which language did Bozizé's rebels communicate?

9 THE INTERPRETER: Interpreter correction: "In which language did
10 Bozizé's rebels communicate?"

11 THE WITNESS: (Interpretation) Bozizé's rebels would speak in Sango, the
12 ones who were from the CAR, and as well French and Lingala.

13 MS DOUZIMA LAWSON: (Interpretation)

14 Q. Now, you who have lived -- well, can you make a distinction between a
15 Central African Republic person and a Congolese person when they speak
16 Lingala? Can you distinguish between the two?

17 A. Some Congolese people have spent a lot of time in the CAR, so they
18 behave like people from the CAR in terms of the way they express themselves,
19 so it's difficult to distinguish between them -- between them and people who
20 speak in the Congo.

21 Q. And what is the language spoken in the CAR? What is the language of
22 communication there?

23 A. In my family, we would speak French and we understood it well. Sango
24 was also a language spoken in the CAR.

25 Q. Now, when you say that Sango is also a language spoken in the CAR,

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1 what other languages are spoken there? But in actual fact my question is
2 what is the language that the people from the CAR use to speak amongst
3 themselves to communicate with one another?

4 A. I just said this: Sango is the language used by the people of the CAR,
5 but they also use French when they talk to one another.

6 Q. And why Lingala? Why would Lingala frighten people from the CAR
7 and allow you -- I'm speaking about transcript 314, 8 May 2013, page 25 in
8 French, at page 26 in English. Why would this language frighten the people
9 of the Central African Republic?

10 A. Well, I think I've already answered that question several times. Now, to
11 be more specific, you should ask someone from the CAR. Ask him why
12 during that time when the violence and abuse was going on, ask them, ask one
13 of them, why they were afraid when Lingala was spoken and that person or
14 those people can clear this up for you.

15 Q. Witness, you were the one --

16 PRESIDING JUDGE STEINER: Sorry, Maître, just to finish the
17 translation - the English translation - you need to give the five seconds.
18 You can proceed.

19 MS DOUZIMA LAWSON: I am sorry.

20 Q. (Interpretation) Witness, I was saying that you were the one who made
21 that statement here and that is why I'm asking you the question. I can't pick
22 up my phone and call some people from the Central African Republic and ask
23 them for explanations.

24 Witness, would you like me to repeat the question?

25 A. Yes, you can repeat your question. I haven't understood it.

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1 Q. Witness, you stated that the Lingala language allowed you to carry out
2 crimes. Those are your words, that this language scared the people of the
3 Central African Republic. Why did that language frighten the people of the
4 Central African Republic?

5 A. I know that it was a strategy. If we did it, we could then commit those
6 acts and get everything that we needed. That is why I said it was a strategy.
7 By speaking Lingala, the central -- because of that, because we were speaking
8 Lingala, the Central African Republic population would yield.

9 Q. Well, if I've understood you correctly, Witness, all the people who spoke
10 in Lingala were thought to be dangerous people?

11 A. No, I didn't say that. I'm talking about the time during which the
12 rebellion was underway.

13 Q. Witness, do you know how your fellow CAR citizens referred to the
14 troops at the time; the MLC troops?

15 A. I know that they would refer to them as their allies, but I also know how
16 the other people would refer to them.

17 Q. Go ahead.

18 A. We were told that Mr Patassé had called upon the MLC movement for
19 help. On the 29th -- around the 29th and the 30th, we were already aware of
20 that.

21 Q. Indeed. The MLC movement that you mention, my question is this:
22 What did the population call these people; these people from the MLC?

23 A. I don't understand what you're driving at. Could you explain? Some
24 people are talking about the MLC soldiers and others called them
25 Banyamulengue. I don't understand what the purpose of your question is.

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1 Could you please clarify?

2 Q. Well, you've just answered my question, Witness. So some people
3 called them "the Banyamulengue." Now, you also said, transcript 314, same
4 page, page 25 in French, 26 in English, you said that, "If you spoke in Lingala
5 and the members of the population thought you were a Munyamulengue, that
6 would strike fear into the hearts of the population." Now, are you talking
7 about the MLC troops?

8 A. That's what I just said. There was confusion. Even ourselves, we
9 called ourselves "the Banyamulengue." Well, it meant that we were the MLC
10 troops -- correction, we were being referred to as "Banyamulengue".

11 Q. Did you ever hear about a certain Colonel Moustapha at that time?

12 A. Yes, I did hear of him.

13 Q. And what did you know about him?

14 A. I know that he was the person in charge of that unit. He was also in
15 charge of the troops.

16 Q. Do you know how the operations were organised at the time; those
17 operations against Bozizé's rebels?

18 A. (Redacted)

19 (Redacted)

20 Q. Could you explain this to us?

21 A. Well, I do know that there was Thierry Lengbe who was the Commander
22 of the Land Forces, General André Mazi, also one of the commanders. There
23 was also Mr Bombayake. They were commanders of the troops, who were in
24 Bangui. They were FACA officers.

25 PRESIDING JUDGE STEINER: Maître Douzima, we have to suspend. I'm

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1 sorry to interrupt.

2 Mr Witness, it's 3.30. It's time for you to take your break, a half-an-hour break.

3 Our interpreters as well, they need to take their break. We will resume at

4 4 o'clock.

5 The hearing is suspended.

6 THE COURT OFFICER: All rise.

7 (Recess taken at 3.28 p.m.)

8 (Upon resuming in open session at 4.07 p.m.)

9 THE COURT USHER: All rise.

10 Please be seated.

11 PRESIDING JUDGE STEINER: Welcome back.

12 Welcome back, Mr Witness.

13 THE WITNESS: (Interpretation) Thank you.

14 PRESIDING JUDGE STEINER: I will give back the floor, Maître Douzima,
15 reminding Maître Douzima that it's expected to conclude soon.

16 MS DOUZIMA LAWSON: (Interpretation) I'm very aware of that, your
17 Honour.

18 Q. Witness, just before the pause I was asking you about the organisation of
19 operations against Bozizé's rebels. You explained to us how the FACA troops
20 were organised and their command structure, you talked about Thierry Lengbe,
21 a Commander of the Land Forces, General André Mazi was one of the
22 commanders and then you also talked about Mr Bombayake, who was one of
23 the commanders of the troops in Bangui, and that those were the officers of the
24 FACA. I'm referring to the real-time transcript in French, page 39.

25 Mr Witness, I also want to remind you -- and I put this question to you because

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1 yesterday -- I'm sorry, not yesterday. That was the hearing of 10 May,
2 transcript 315, page 22 in the French and page 24 for the English version. The
3 Prosecutor at that time asked you whether the name Antoine Kaimba did ring
4 a bell, and your answer to him was that he replaced the Chief of General Staff
5 who was there before. Then he asked you, "When you say 'Chief of General
6 Staff,' which Chief of General Staff are you referring to?", and you answered at
7 page 23, line 2, in the English version page 25, lines 1 to 4. Your answer was,
8 "I am referring to the General Staff of the FACA, so I am actually referring to
9 the FACA soldiers."

10 So, Witness, which period are you referring to here? At what time was
11 Mr Antoine Kaimba -- or at what time did Mr Antoine Kaimba replace and
12 become the Chief of General Staff of the FACA?

13 A. On that day, I think I mixed up some names. The first name Antoine
14 was used, which confused me. What I meant to say was Betibangui Antoine.
15 He was the Chief of General Staff, and I confused him with Antoine Kaimba
16 whom I really do not know. So that it was a mix-up on my part.

17 Q. If I understand you properly then, the Chief of Staff was not replaced by
18 Antoine Kaimba. It was rather Betibangui who replaced him; is that the case?

19 A. Yes, that is correct.

20 Q. Who did Betibangui replace in that capacity as Chief of General Staff
21 then?

22 A. Betibangui replaced Henri Ziguélé, who had been the Chief of General
23 Staff.

24 Q. Henri Ziguélé, when exactly was he Chief of General Staff? During
25 what period?

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1 A. At the time of the events I was a member of the rebel movement, so I can
2 only provide you with information that I became aware of during that time of
3 the rebellion.

4 Q. Did Henri Ziguélé hold the two positions of Minister of Defence and
5 Chief of General Staff at that time cumulatively?

6 A. I am a little confused and so, please, I beg you to spare me this issue of
7 names, which I am afraid I could mix up. You see, what I know is that
8 Antoine Betibangui replaced Henri Ziguélé, and that's as much as I can tell you.
9 It was not Antoine Kaimba, as I had previously stated.

10 Q. Witness, I put this question to you because at the hearing of 10 May, page
11 25, French version, page 27 for the English version, you mentioned Henri
12 Ziguélé and said that he was the Minister of Defence at the time. That is why
13 I ask you whether he held those two positions cumulatively at the same time,
14 namely, Minister of Defence and Chief of General Staff. Answer: "No, that's
15 not the case."

16 So what is the correct position?

17 A. The truth is that Betibangui, Antoine, is the one who became Chief of
18 General Staff. He had a deputy. That is the truth.

19 Q. Can you tell us the name of his deputy?

20 A. General André Mazi was his deputy.

21 Q. Thank you. Witness, at the hearing of 8 May, this is what you said, that
22 there were 500 men in your camp. Do you know the strength or the numbers
23 of MLC troops at that time?

24 A. No, I did not know the number of soldiers in the MLC at the time.

25 Q. In what language did the MLC troops communicate, or talk?

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1 A. Are you asking about the MLC troops, or the FACA troops?

2 Q. I'm referring clearly to the MLC troops.

3 A. All I know is that they came from the Democratic Republic of the Congo,
4 so they could very well have been speaking Lingala.

5 Q. Very well. Mr Witness, it was your testimony at page 26, transcript 314,
6 that is of 8 May 2013, French version for that page, and page 22 in the English
7 version, you said the following: "When I spoke in Lingala, I saw members of
8 the population tremble." When you spoke in Lingala, was there any
9 difference with Sango?

10 A. I haven't understood your question.

11 Q. Witness, have you ever spoken Sango?

12 A. We speak French at home. We usually speak French at home.

13 Q. The reason for my question is that, on 7 May, at that hearing you said
14 that you speak some Sango. Is that not the case?

15 A. That is correct, but I do not speak Sango fluently, because the language
16 we use at home is French. I am not used to speaking Sango.

17 Q. When you spoke to or with your colleagues of the rebel movement, what
18 language did you communicate in?

19 A. I could speak to them in French, with some of them, and there were
20 others who also spoke Lingala, and I was able to speak Lingala with them.

21 Q. Witness, a short while ago I asked you about the strength or the numbers
22 of the MLC troops, and you asked me whether I was referring to the FACA.
23 Now, my question is to find out from you whether you are able to distinguish
24 MLC troops from FACA troops?

25 A. At the time of the events I was not able to distinguish the troops of both

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1 camps because they wore the same uniform. It was not possible for me to
2 distinguish between the troops of one camp against another.

3 Q. How did you distinguish between Bozizé's rebels and the FACA troops?

4 A. It was possible for one to be mistaken. When we retreated, they took
5 over the areas we had occupied. You see, in our group we had some Central
6 Africans and in the other group there were also some Central Africans and this
7 could have given rise to some confusion.

8 Q. I'm putting this question to you personally. How did you manage to
9 distinguish between the various troops of the different camps?

10 A. I am a soldier and I'm able to identify soldiers of the enemy camp.

11 Q. That is exactly my question: Can you explain to the Court how you are
12 able to identify those other troops?

13 A. I was in the company of our -- my colleagues, my comrades. I knew
14 them very well. I knew their behaviour. I knew where they were located. I
15 knew what companies they belonged to. Now, as for the others, if they came
16 by, I would know that they were not members of our group.

17 Q. Very well, Witness. I will not belabour that point.

18 Witness, let me return to the hearing of 7 May 2013, transcript 313, for the
19 French version, page 49 -- no, rather, page 52 and for the English version, page
20 49. The question was from the Defence as follows: "Could you explain the
21 reason for which you accepted to appear before this Court and testify on behalf
22 of Mr Bemba?" This was your answer: "I agreed to testify in order to help
23 the Judges to understand what clearly happened in Bangui in 2002. I did not
24 want the Judges to remain in a state of confusion." What do you mean by that?
25 What type of confusion were you trying to spare the Judges from?

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1 A. According to me, it is important for the Judges to be aware of the crimes
2 that we too committed; that is the type of confusion I am referring to, simply
3 that the Judges should know that our group also committed some crimes.

4 Q. When you say that it is necessary for the Judges to know that your group
5 also committed crimes, does this mean that you were aware that the others also
6 committed crimes?

7 A. I am not in a position to know. All I testify to is about what concerned
8 me, so please understand me very well. I wanted the Judges to be aware of
9 what we did. I hope that you can understand that this is what I meant.

10 MS DOUZIMA LAWSON: (Interpretation) I believe that the Judges have
11 fully understood you and will take note of your answers. Thank you very
12 well. Thank you very much, Mr Witness, for answering all my questions.
13 And that will be all, Madam President.

14 PRESIDING JUDGE STEINER: Thank you very much, Maître Douzima. I'm
15 informed that Judge Aluoch needs some clarification and follow-up questions.

16 JUDGE ALUOCH: Mr Witness, good afternoon.

17 Now, Mr Witness, I'm afraid I'll go back to transcript 315 of Friday, 10 May, the
18 issue of unruly soldiers lacking discipline, as you referred to them at page 39
19 from lines 14 to 18, the soldiers whom you said went back to places that you
20 had withdrawn from and committed acts of violence and abuse.

21 Can you clarify why you think these soldiers -- these were rebel soldiers, i.e.
22 Bozizé soldiers, and not loyalist or any other forces? I pose this question
23 because at page 39 of the same transcript you said the following, and I quote
24 you, Mr Witness, "The loyalist forces only came in to occupy areas from which
25 we had withdrawn." So if the loyalist forces came to occupy the areas you

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1 had withdrawn from, your unruly soldiers you say went back to those places,
2 how can we tell then who was committing atrocities, Mr Witness?

3 THE WITNESS: (Interpretation) I am not speaking on behalf of those who
4 came and replaced us. I'm talking about what happened on our side. That is
5 why I said that, when we withdrew from a location, the unruly soldiers would
6 go back and commit crimes and then come back to join us. That is what
7 happened.

8 JUDGE ALUOCH: But that's why I stressed that I was quoting you when you
9 said, "The loyalist forces only came in to occupy areas which we had
10 withdrawn from." So there was confusion, Mr Witness, would you agree with
11 that, as to who was doing what?

12 THE WITNESS: (Interpretation) It is true that there was confusion, because
13 we would do something and other people would come and replace us, so it is
14 difficult to know who had committed the abuses. There was a lot of
15 confusion.

16 JUDGE ALUOCH: Thank you. And I want to pursue a question that was
17 put to you by Mr Bifwoli about the description of the Chadians. I think that
18 was transcript 314 of 8 May, and you gave a very vivid description of who the
19 Chadians were and this is what you said, Mr Witness. I'll just quote it very
20 briefly so that I put my question for clarification. You said, "I know there
21 were Chadians in Central African Republic, but ..." -- sorry, this was Mr Bifwoli.
22 "... but are you able to distinguish someone from the Chadian origin from a
23 normal Central African?" And then you said, "Yes, I can distinguish. We are
24 different from them. A Chadian speaks a language that is different from
25 Central African, they are dark in complexion, they are built differently and

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1 they walk differently from Central African," unquote. That was your answer.

2 My question that I seek clarification on, Mr Witness: You are able to give that

3 vivid description of Chadian, and this afternoon in answers to Ms Douzima

4 you referred to that some of the troops that -- MLC troops or Central African

5 refer to them as MLC, and you said they came from DRC and spoke Lingala.

6 That is the current transcript, page 42, lines 5, 6 and 7.

7 These MLC troops that came from DRC, or from across of the river, can you

8 describe them as vividly as you described the Chadians, please?

9 THE WITNESS: (Interpretation) I was right next to the Chadians, I could see

10 them on a daily basis and we advanced together, but I was not near the MLC

11 soldiers. We did not share the same space or area, so how can I describe them?

12 If you ask me to describe the people who were next to me, I can do so.

13 JUDGE ALUOCH: Thank you, Mr Witness. I will spare you that because

14 I don't know who the people were next to you, but I'll ask you a further

15 clarification from transcript 313, at page 31. When Mr Haynes was asking you

16 questions about the incidents which occurred before the rebel forces withdrew

17 from Bangui, his question was, "Before you withdrew, you had been under

18 attack from loyalists?" And your answer was, "Yes, we had come under

19 attack." And Mr Haynes then said, "What form of attack?" And your answer

20 was, "The attack was quite strong and was more vigorous than the previous

21 attacks. Had it not been for the intervening force, we would have taken over

22 all of Bangui."

23 For the sake of the record, Mr Witness, which intervening force were you

24 referring to right at this juncture?

25 THE WITNESS: (Interpretation) Those who had come to support which side?

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1 Our side, or the loyalists? Can you kindly specify, please?

2 JUDGE ALUOCH: Mr Witness, what I'm putting to you is what I've taken
3 from your answers. When you said, "Had it not been for the intervening force,
4 we would have taken over all of Bangui," I'm assuming that was not from your
5 side. I'm just assuming, but that's what you said.

6 THE WITNESS: (Interpretation) Yes, that is true. It is when their allies
7 arrived, when the MLC arrived around the 28th. On the 29th, they had
8 reinforced them. There were others. There were Namibians and French
9 people also. It was not only the MLC. So based on the information that we
10 had there were even French mercenaries who came to support the loyalists, so
11 the FACA had many other allies.

12 JUDGE ALUOCH: So, Mr Witness, when you said "the intervening force" you
13 mean all those forces, not just one force? Is that what you're saying?

14 THE WITNESS: (Interpretation) Yes, it was all those people who made up
15 that force. When the others arrived, they joined together, made up a force and
16 started a counter-offensive against us.

17 JUDGE ALUOCH: And finally, Mr Witness, this afternoon before the break,
18 whilst answering questions from Ms Douzima, that is page 37 from line 23, her
19 question was, "Do you know how your fellow CAR citizens referred to the
20 troops at the time; the MLC troops?" And your answer was, "I know they
21 referred to them as allies and some called them 'Banyamulengue.'" And your
22 further answer was, "There was confusion. Even ourselves, we called
23 ourselves 'Banyamulengue.'" Well, it meant that we were being referred to as
24 'MLC.'"

25 The question that I want you to clarify, Mr Witness, is in this state of confusion,

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1 would you be certain of who then was committing crimes; whether it was your
2 troops, the rebels, the loyalists, the MLC? Would you be able to know who
3 was really doing what?

4 THE WITNESS: (Interpretation) That is why I was speaking only about the
5 crimes committed by ourselves, so my explanations related to crimes
6 committed by us, not crimes perpetrated by the others.

7 PRESIDING JUDGE STEINER: Thank you, Mr Witness.

8 I'm informed that Defence would like to redirect. Mr Haynes?

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

10 QUESTIONED BY MR HAYNES:

11 Q. Mr Witness, we're very much on the home straight now, but I just want
12 you to look at a few things with us, please, before we finish and the first thing
13 I'd like you to look at is Defence document 14. That's CAR-D04-0004-0041, if
14 that can be put on the screen in front of the witness, and can Mr Rojas tell us
15 when he can see it?

16 This is a confidential document and it should not be broadcast, your Honour.

17 THE COURT OFFICER (DRC): (Interpretation) Mr Witness, this is
18 document number 4 of the Defence list, CAR-D04-0004-0041.

19 MR HAYNES:

20 Q. Mr Witness, who is that in that photograph?

21 A. This is myself.

22 Q. And can you tell us when and where that photograph was taken?

23 A. It is a photograph of me and this was taken during the rebellion.

24 Q. Can you tell us in what location of the rebellion this photograph was
25 taken?

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1 A. It is a photograph that was taken very close to staff headquarters in the
2 bush.

3 Q. And what uniform are you wearing in that photograph?

4 PRESIDING JUDGE STEINER: Yes, Maître Badibanga?

5 MR BADIBANGA: (Interpretation) Thank you, your Honour. Can

6 Mr Haynes explain to us how related this line of questioning is to any new

7 information that may have been raised during the cross-examination of the

8 Prosecutor? I think once again the rules of procedure are not being observed.

9 MR HAYNES: Yes. Throughout the cross-examination, not only of the

10 Prosecutor but also of both of the legal representative of victims, there was a

11 subliminal implication that this man was not a soldier in Bozizé's forces during

12 the rebellion. It seems to us that contemporaneous photographic records that

13 he was are highly relevant to contradict that suggestion. And I'm astonished

14 by the objection.

15 PRESIDING JUDGE STEINER: You can proceed.

16 Maître?

17 MR BADIBANGA: (Interpretation) Madam President, I would really want

18 the record to show that this way of proceeding by the Defence does not seem to

19 be acceptable. Is not acceptable to us. It is unfair. This photograph was

20 disclosed by the Defence and I think Mr Haynes knows the date better than

21 myself, about ten to 15 days before the witness started testifying. Asking

22 questions during re-examination means that the Defence is depriving the OTP

23 of the possibility of asking questions on this type of evidence, so this manner of

24 proceeding, that is not mentioning this in the direct examination and waiting

25 for re-examination to bring this up, is a way of depriving the Prosecution from

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1 asking questions on this matter. So if Mr Haynes wanted to ask his witness
2 whether he was indeed a soldier, he didn't need the Prosecutor or the legal
3 representatives to raise this, so the fact that he's saying it is prompted by the
4 questions posed by us seems to us to be superfluous.

5 Thank you.

6 PRESIDING JUDGE STEINER: The objection raised by Prosecution is on the
7 record. The Chamber will allow the Defence to put the questions, although in
8 principle this photograph was, since the presentation of the list of documents,
9 was already in the Defence list of evidence and it's true that Defence could
10 have used it during his questioning of the witness. But since for the Chamber
11 I can see no prejudice, I will allow the question to be put.

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

13 Q. Mr Witness, I asked you if you can tell us what uniform you're wearing
14 in that photograph?

15 A. This is the combat uniform that I had. This is how I dressed during the
16 rebellion.

17 Q. Thank you very much. And can we now have a look at --

18 PRESIDING JUDGE STEINER: Mr Haynes, before you follow to the next
19 point. Mr Witness, do you have any idea when this picture was taken?

20 THE WITNESS: (Interpretation) This photograph was taken, I would say, at
21 the end of 2001 or early 2002, when I was in Sido. So it is a photograph that is
22 a souvenir of when we were in the rebellion in Sido.

23 PRESIDING JUDGE STEINER: Mr Witness, could you please pay attention to
24 what you're saying? You said end of 2001, early 2002. Are you sure about
25 the dates?

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1 THE WITNESS: (Interpretation) This was when we left Bangui and
2 retreated to Sido, in order to start the attack. We retreated at the end of 2001,
3 early 2002.

4 PRESIDING JUDGE STEINER: Mr Haynes.

5 MR HAYNES: Thank you. Can we briefly look at document 13, please.

6 THE COURT OFFICER (DRC): (Interpretation) 0004-0040, this document is
7 in front of the witness.

8 PRESIDING JUDGE STEINER: It's not being displayed, I suppose?

9 MR HAYNES: No, it's another confidential document.

10 Q. Mr Witness, just for the time being, tell us if you are in that photograph?

11 A. Yes, I am in it and I am on that photograph with a colleague.

12 Q. And when and where was that photograph taken?

13 A. It was while we were in the bush in Sido. It was in 2002.

14 MR HAYNES: And your Honour, can we go briefly into private session?

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

16 (Private session at 4.55 p.m.) * Reclassified as Open session

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

18 MR HAYNES:

19 Q. So what is the name of your colleague depicted in that photograph?

20 A. Can you kindly repeat your question? I did not quite get it.

21 Q. Yes. We're in private session so nobody can hear the name you give us,
22 but do you know the name of your colleague in that photograph?

23 A. (Redacted)

24 Q. Thank you very much.

25 MR HAYNES: Your Honour, can we go back into public session, please?

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

2 (Open session at 4.57 p.m.)

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

4 MR HAYNES:

5 Q. Sir, do you remember Mr Bifwoli asked you a series of questions about
6 radio reports and, in particular, the reports of someone called Carine Frenck?

7 A. That report, as far as I'm concerned, is not true. That person did not
8 report on the crimes that we committed; that is why personally I do not accept
9 the statements of that person.

10 Q. Well, I want to give you the chance to have a look at some other reports
11 she made. And I wonder if the court officer could present to the witness
12 Defence document number 10.

13 THE COURT OFFICER (DRC): (Interpretation) CAR-D04-0004-0030 is being
14 shown to the witness.

15 MR HAYNES:

16 Q. Sir, this is the Afrique midi report of Radio France Internationale for
17 14 December 2002 and Carine Frenck is interviewing Monseigneur Pomodino,
18 the Bishop of Bossangoa. Can you see the second paragraph that begins
19 "Actuellement la ville ..."?

20 A. Yes.

21 Q. Sir, in your very best and clearest French and nice and slowly, would you
22 read that paragraph out for us, please?

23 A. "Currently the town of Bossangoa is totally deserted. People are fleeing
24 because the rebels are the masters of this particular place. There is no longer
25 any health care. The general hospital has been looted. The operating room

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1 was totally looted as well. Everything has been looted. People no longer
2 have access to drinking water. The plant that provided drinking water to the
3 town has also been ransacked. So things are very difficult right now, and at
4 any point in time one risks being shot by the rebels. I heard people tell me
5 that cases of rape had occurred. This is a disaster that Bossangoa is going
6 through. This must stop. The various parties must be encouraged to
7 dialogue. There is no other way out. If we opt for a military solution, the
8 civilians are the ones who are going to pay the price constantly."

9 Q. Thank you. In the line below that we see two names, Ghislaine Dupont
10 and Parfait Mbay. Do you recognise those names?

11 A. I know Mbay.

12 Q. Thank you. What role did he fulfil in General Bozizé's troops?

13 A. He was responsible for transmission.

14 Q. Did you ever hear stories of rape, pillage and the destruction of property
15 by Bozizé's troops in Bossangoa?

16 A. I heard talk. Everything said about looting and ransacking is the truth.
17 They're speaking the truth. I want the truth to be told.

18 MR HAYNES: Thank you. I want now, please, for you to be shown
19 Defence document number 11 because of some questions that were put to you
20 both by Mr Bifwoli and Ms Douzima Lawson about what did and did not
21 happen at Sibut and who was responsible for it.

22 So, Mr Rojas, can you show the witness Defence document number 11 and,
23 when it's in front of him, let us know.

24 THE COURT OFFICER (DRC): (Interpretation) The first page of this
25 document, CAR-D04-0004-0032, is being shown to the witness.

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1 MR HAYNES: And so that it is on the record, this is an Agence France Presse
2 release dated 25 February 2003 at 11.57 in the morning.

3 Q. Mr Witness, is the print big enough for you to read?

4 A. "Images of burnt out houses, civilians flashing the victory sign, V for
5 victory. The CAR government media have been reporting for several days
6 now on the towns in the hinterland that have been taken over by rebels of
7 former Head of Defence Staff, François Bozizé.
8 Journalists from the national radio television system and the government
9 weekly, Forum de l'unité, travelled recently to Bozoum and Sibut, two towns
10 that were taken mid-February by the rebels of the loyalist -- of the forces loyal
11 to President Ange-Félix Patassé and their foreign allies.

12 The towns had been occupied ever since the withdrawal by the rebels from
13 Bangui, where they had attempted to overthrow the government on
14 25 October.

15 The Bangui radio station and television station are broadcasting information in
16 French, or in the national language Sango, reporting on life returning to normal
17 in the areas that had been occupied since November last by the rebels.

18 Bozoum was retaken and that led to deadly fighting, which claimed at least 20
19 lives amongst the attackers, and the bodies wearing amulets were visible on the
20 television screen.

21 Young children, men and women were out of their minds with delight and
22 asked to bear witness to what they had gone through.

23 'this is a dream to us. Each time we saw a vehicle go by, we had to hide in the
24 bush. Thanks to the attacks of the loyalists. We are now saved,' stated one
25 young man.

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1 'They started to rape girls and women and take. It was time. We are very
2 happy to be liberated,' said another CAR inhabitant. The commander of
3 military operations, Coup-Par-Coup, said that 'The fighting to take over
4 Bozoum lasted ..." --

5 THE INTERPRETER: Inaudible.

6 THE WITNESS: (Interpretation) -- "... 14 February. The enemy gave up and
7 abandoned.'

8 At Galafonfo, a few kilometres from Sibut, a young girl shows her arms
9 showing various wounds and stitches. She said, 'The rebels did this to me.
10 Their leader, Emi, went and snatched me from the house and tortured me
11 because I refused to join up with them,' she said.

12 "They beat me for long periods of time and they raped the daughter of the chief
13 of the subdivision of public works, who was barely out of her diapers, and the
14 wife of the N'Géréngou pastor,' said Lucien Maléyombo, the former mayor of
15 Sibut."

16 Q. Thank you. I don't want you to read any more. The sort of report that
17 was read out there about the behaviour of Bozizé's troops towards the civilian
18 population of Sibut, how does that accord with your personal memory of how
19 they behaved?

20 A. Indeed, because we burnt down houses. We did many things that have
21 been reported on in this particular account. It is the truth.

22 Q. Did you ever hear of the rape of the daughter of the Minister of Public
23 Works, or the wife of a pastor, by Bozizé's troops?

24 A. All those cases of rape are the ones that I said, because I said earlier that I
25 heard talk about all those things and I myself took part and I feel really very

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1 badly about everything that happened. Personally, I'm not in agreement at all.

2 There were cases of rape. What's more, everything we see here, that's not all.

3 Other cases were not reported on, or at least are not reported on here.

4 Q. And one final thing about this report. Having read this, can you now
5 recall when it was that Sibut was retaken by the loyalist forces?

6 A. Indeed. Before the arrival of the loyalist forces, who occupied the town
7 of Sibut, I was no longer there. I had already gone. Everything having to do
8 with rapes, looting, looting goods and -- from the population in Sibut, that was
9 done by our troops before the arrival of the FACA troops and the arrival of
10 Jean-Pierre Bemba's troops. Our troops had already committed those acts of
11 violence and abuse.

12 MR HAYNES: Sir, I have no more questions for you. I want to thank you
13 very much because I know that it's not been an easy journey for you to appear
14 in front of this Trial Chamber, but you have my gratitude and I'm sure
15 everybody else's.

16 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

17 Mr Witness, this now concludes your evidence. And before you leave the
18 court, I want -- just wait a minute, Mr Witness. Just listen first, then I'll give
19 you the opportunity to talk.

20 The Chamber wants, as with all other witnesses in this case, to express the
21 thanks of the Court for the time you have taken to give evidence in this trial.

22 In order for us, Mr Witness, to find the truth, it's critical that witnesses such as
23 yourself are willing and prepared to give evidence and to assist us on the
24 relevant issues. We are aware that this may have been inconvenient for you.

25 We know how inconvenient it has been for you, and therefore you leave us

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1 with our thanks. But as I mentioned before, Mr Witness, as with all other
2 witnesses in this case, before you leave, you have the opportunity to address
3 the Chamber in any issues that you want to address the Chamber. In your
4 case, Mr Witness, I just would like to remind you that, as far as we were
5 concerned, the issues you intend to address are not related to the case, so I ask
6 you whether you really want to address issues that are not related to the case
7 and in relation to which there is nothing the Court can do. If you want to
8 address the Chamber, we go into private session and you have the opportunity
9 to say whatever you want in private session. It's up to you to decide,
10 Mr Witness.

11 THE WITNESS: (Interpretation) I would like to ask if we could go into
12 private session so that I could tell you something.

13 PRESIDING JUDGE STEINER: Of course, Mr Witness.
14 Court officer, please turn into private session.

15 (Private session at 5.17 p.m.) * Reclassified as Open session

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

17 PRESIDING JUDGE STEINER: Yes, Mr Witness.

18 THE WITNESS: (Interpretation) I would like to say something about my
19 testimony. I agreed to give testimony to help the Judges and to allow for a
20 history of everything that happened in Bangui in 2002. I would like the truth
21 to be known. I don't want future generations to have a false version of what
22 occurred. I am talking to you now as a man of God. I want to say the truth.
23 I wouldn't want to take someone's words and attribute them to someone else.
24 After my testimony -- (Redacted)
25 (Redacted)

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1 (Redacted)
2 (Redacted)
3 (Redacted) When I came to give testimony, I
4 thought that I was going to be giving testimony in The Hague because the
5 people who came to get me said -- told me that I was going to be going to The
6 Hague. If I had known that we were going to go to (Redacted) for me to give
7 my testimony, well, I had to set some conditions because they said we would
8 just be here temporarily and, you see, this affects my security (Redacted)
9 They told me that I had to stay here and I would have \$5 a day. I would like
10 to ask what -- what did I do for my life to be sacrificed like this? Because to
11 give someone \$5 is like, well, you can't even buy a cup of tea with that. And
12 they said after six months, I would be abandoned and left to my own devices.
13 That is why I'm asking the Judges.
14 Of course, I did make the sacrifice and I came here to give testimony. I'm
15 asking you to review my case. If I have to stay here and if I only get \$5 a day
16 to sacrifice my life, well, I don't agree with that because the International
17 Criminal Court is a large institution that is supposed to protect people.
18 (Redacted)
19 (Redacted) This is why I'm making this
20 complaint to the Judges.
21 PRESIDING JUDGE STEINER: Mr Witness, soon after we finish with this
22 hearing, VWU will be in contact with you. I would like you to report to VWU
23 all your concerns and the Chamber will ask VWU to file with the Chamber, as
24 soon as possible - maybe tomorrow or no later than Wednesday - a complete
25 report in relation to your personal situation. One needs to bear in mind,

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 The Court, International Criminal Court, Mr Witness, is responsible for
9 ensuring the security and safety of its witnesses, but in relation to their
10 testimonies, on the risks they face when they give testimony. These factors,
11 Mr Witness, need to be taken into account in order for the Chamber to see
12 whether there is a need for the Chamber to intervene in relation to your
13 personal situation.

14 What I can say now on behalf of the Chamber, Mr Witness, is that you are
15 invited to expose with details about your situation to VWU, and VWU will
16 provide the Chamber, no later than Wednesday, with a full report. Only after
17 the full report, the Chamber will be in a position to decide whether there is
18 something that the Chamber needs to intervene or not. We cannot make
19 promises, Mr Witness. The Court never makes promises. We are just
20 ensuring you that we are going to analyse.

21 Do you understand, sir?

22 THE WITNESS: (Interpretation) (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted) All the

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1 people within the VWU saw that. (Redacted)

2 (Redacted) or

3 (Redacted)

4 PRESIDING JUDGE STEINER: (Redacted)

5 (Redacted)

6 (Redacted) Everything is going to be

7 analysed, Mr Witness, before we decide whether there is anything that the

8 Chamber needs to do or VWU, et cetera. It's the only thing I can promise you.

9 Do you understand that, sir?

10 THE WITNESS: (Interpretation) Yes, I've understood.

11 PRESIDING JUDGE STEINER: Court officer, please turn back into open

12 session.

13 (Open session at 5.27 p.m.)

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

15 PRESIDING JUDGE STEINER: Again, Mr Witness, thank you very much. I

16 will ask, please, to Mr Rojas to accompany the witness outside the video link

17 transmission room.

18 Before adjourning, the Chamber has an oral instruction for the record.

19 Thank you very much, Mr Witness.

20 (The witness is excused)

21 PRESIDING JUDGE STEINER: By oral decision of 14 April 2013, and this is

22 transcript 306, edited, page 61, line 23 to page 62, line 12, the Chamber

23 approved the order of appearance of witnesses to be called by the Defence after

24 the conclusion of the testimony of Witness D04-21. According to this schedule,

25 witnesses were to be heard in the following order: Witnesses D04-39, D04-56,

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1 D04-17, D04-12, D04-13 and D04-40. As approved, Witness D04-39 provided
2 testimony from 22 to 24 April 2013 and Witness D04-56 as from 7 May 'til
3 today.

4 On 3 May 2013, the Chamber held a public status conference to discuss issues
5 related to the presentation of evidence by the Defence, transcript 311, edited.

6 During the status conference, the Chamber requested the Defence to provide,
7 and I quote, "detailed information and assurance (...) on when further
8 witnesses will be available to testify without conditions attached." Page 6, line
9 3 to 5.

10 In addition, after stressing that Defence should be in a position to conclude its
11 presentation of evidence by 19 July 2013, except for exceptional circumstances,
12 it requested the Defence to, and I quote again, "carefully review its list of
13 witnesses, with a view to avoid irrelevant and repetitive testimony and to
14 ensure that witnesses to be called are indeed available and willing to testify
15 without conditions." Page 31, lines 9 to 12.

16 On 10 May 2013, the Defence filed its Defence Submissions on the remaining
17 Defence Witnesses, filing 2624, in which, and I quote, "With a view to
18 streamlining the evidence and allowing the Defence to conclude its
19 presentation of evidence in the most expeditious manner possible," it informed
20 the Chamber of its intention not to call the following witnesses: Witness
21 D04-40, Witness D04-63, Witness D04-67, Witness D04-46, Witness D04-61,
22 Witness D04-12, Witness D04-62, Witness D04-20, Witness D04-43, Witness
23 D04-42, Witness D04-47, Witness D04-28, and Witness D04-23.

24 Although the Chamber does not entire agree with the reasons given by the
25 Defence for the withdrawal of some of the witnesses mentioned above from its

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1 list, the Chamber takes note of such withdrawal. In light of this and pursuant
2 to the order of appearance of witnesses approved on 14 April 2013, the
3 following witnesses to be called by the Defence should have been Witness
4 D04-18, followed by Witness D04-17 and D04-13.

5 However, by its "Bi-weekly update - week 20" submitted by email on
6 10 May 2013 at 8.15 p.m., the VWU informed the Chamber that Witnesses
7 D04-18's and D04-17's authorisation to testify have not yet been received and
8 that Witness D04-13 will be able to testify, at the earliest, as of 21 May 2013.

9 In light of this situation, the Chamber instructs the Defence to clarify, at the
10 latest by tomorrow - tomorrow - by 4 pm, whether it intends to request an
11 alteration of the order of appearance of the witnesses to be called to testify after
12 the conclusion of Witness D04-56's testimony and the specific dates in which
13 these witnesses are expected to appear before the Chamber.

14 Having said that, I just would like to thank very much the Prosecution team,
15 legal representatives of victims, the Defence team, Mr Jean-Pierre Bemba
16 Gombo. I thank very much our interpreters, our court reporters, and declare
17 that this hearing is adjourned.

18 The Chamber will inform in due time when the Chamber will resume.

19 THE COURT USHER: All rise.

20 (The hearing ends in open session at 5.36 p.m.)

21 RECLASSIFICATION REPORT

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

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

24 Public