

Trial Hearing
Witness: CAR-D04-PPPP-0060

(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 Friday, 14 September 2012
9 (The hearing starts in open session at 9.01 a.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 morning.
14 Could, please, court officer call the case.
15 THE COURT OFFICER: Thank you, Madam President. Situation in the Central
16 African Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo,
17 ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you.
19 Good morning Prosecution team, legal representatives of victims, Defence team,
20 Maître Kilolo welcome back, Mr Jean-Pierre Bemba Gombo. Good morning to our
21 interpreters, court reporters.
22 We will continue this morning and maybe conclude the testimony of
23 Witness -- Defence Witness D-60. For that purpose I ask, please, court usher to bring
24 the witness in.
25 (The witness enters the courtroom)

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- 1 WITNESS: CAR-D04-PPPP-0060 (On former oath)
- 2 (The witness speaks English)
- 3 PRESIDING JUDGE STEINER: Good morning, Professor Bokamba.
- 4 THE WITNESS: Good morning, Madam President.
- 5 PRESIDING JUDGE STEINER: Welcome back.
- 6 THE WITNESS: Thank you.
- 7 PRESIDING JUDGE STEINER: I hope you had a restful night?
- 8 THE WITNESS: Yes, ma'am, I did.
- 9 PRESIDING JUDGE STEINER: We will continue this morning with your
- 10 questioning by legal representatives of victims, and for that purpose I give the floor to
- 11 Maître Zarambaud. You have the floor, Maître.
- 12 MR ZARAMBAUD: (Interpretation) Thank you, your Honour. Good morning,
- 13 your Honours.
- 14 QUESTIONED BY MR ZARAMBAUD: (Interpretation)
- 15 Q. Good morning, Professor.
- 16 A. Good morning, Maître Zarambaud.
- 17 Q. Yes, indeed, I am Professor -- correction, Counsel Zarambaud. I am a member
- 18 of the Bar in the Central African Republic and here I am serving as one of the legal
- 19 representatives of a group of victims. I have been authorised by the Chamber to put
- 20 a number of questions to you. I may not have to put questions to you in actual fact,
- 21 because in response to questions put by the Prosecution you have given a number of
- 22 explanations that were entirely satisfactory to me, so I'll be putting a few follow-up
- 23 questions to you.
- 24 Professor, in your opening remarks you assured us that as an expert you were going
- 25 to remain impartial and this is what I observed because you have not asked for

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1 release of the accused and that is not your position of course and I thank you for that.
2 Regarding your expertise, I've learned a great deal from your testimony; for example,
3 the difference between Bantu languages and Ubangian languages, Sango is a
4 Ubangian language, Sango being the official language of the CAR. I also learned a
5 great deal about the structure of the language and its expansion.

6 So you have already answered many of the questions and provided us with expertise
7 and theoretical linguistics.

8 Now, sir, you recommended to the Chamber, and that is the transcript of
9 12 September, page 36, lines 13 to 19, you made mention of Professor John Rickford
10 and Roger Shuy among others. Why did you make that recommendation?

11 A. Thank you, Counsel, for the question. First of all, correction on the names that
12 I gave. The first forensic linguist whom I recommended is Professor William Labov,
13 that is L-A-B-O-V, of the University of Pennsylvania. The second one was Professor
14 Roger Shuy, and it's spelled S-H-U-Y of formerly Carnegie Mellon University and the
15 third Professor John Rickford, Rickford, of Stanford University. The reason I
16 mentioned their names in recommending was on my argument that what I stated
17 with respect to the use of language being a sufficient criteria that if you do not accept
18 my conclusion you can have other scholars consider the same question, and that these
19 are individuals who have had experience in testifying even in much more fine issues
20 involving listening to speeches of individuals and discerning whether or not the voice
21 that was heard during a commission of a crime was that of the accused, or somebody
22 else. So it was simply to demonstrate, to attempt to show that this is not a matter of
23 an opinion of a single individual but something that could be proven wrong or
24 backed up by other scholars, sir. That was the intent.

25 Q. Thank you, Professor. The response is entirely clear. I've always thought that

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1 science - social science - experts or scientific experts in general are somewhat like
2 forensic specialists who come and look into a death and determine whether the case is
3 suspicious. Well, usually these doctors have to look at -- examine the corpse and
4 even cut into the corpse to see what has gone -- what has happened. In this
5 particular case, soldiers committed murders, rapes and looting in a country where the
6 dominant language is Sango and the victims of the looting have said that the
7 perpetrators spoke another language, namely Lingala, so my question is this: In
8 such a case, would it have not been useful for the expert to actually travel to the field
9 to see and to answer that question, because some people say that it was MLC soldiers
10 who did these things? Others say that it was Bozizé's rebels. Some even say that it
11 was regular FACA troops who committed these crimes.

12 Now, to make sense of all this, would it have not been useful to have an expert
13 actually travel to the location and take stock of the situation? In your own particular
14 case, since you have never been in the Central African Republic and you say that you
15 have not specifically studied Ubangian languages or Sango in particular, did you not
16 go because, as it was said, because no one paid for an air ticket and no one asked you
17 to do this?

18 A. Counsel, your again question is well-taken. I would have considered the
19 possibility of travelling to ascertain to a certain degree for myself what the
20 sociolinguistic profile of Bangui is, if I was given that opportunity, but the
21 opportunity was not offered to me by the Court or anyone, and secondly, even if
22 I had gone, sir, it would have been helpful only in looking at the sociolinguistic
23 profile in a rather superficial quick way without understanding the communicative
24 practices of that community in terms of when they interact. True, you would expect
25 that Sango would be used, but in a case involving military conflict, and in a situation

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1 where a democratically-elected president is facing a coup d'état, it is entirely
2 possible -- I'm not a military expert, or even an amateur, but it stands to good logic
3 that every effort would be made by that president to try to retain the power that was
4 given to him or her by the electorate and it would not be far-fetched.
5 In fact yesterday, when Maître Badibanga pointed out that there were four armies, the
6 army of the Central African Republic, the army of Libya, or let's say soldiers from
7 Libya, soldiers from Chad and soldiers from MLC, that this particular president it
8 seems to me and his opponent did exactly what worrying parties would do in
9 inviting assistance from other countries.
10 They could do the same thing in recruiting, recruiting battalions if they thought that it
11 was strategic for them, that spoke other languages and therefore I would not be in a
12 position to ascertain whether that was one of these occasional responsive kind of
13 cases in which the language in this case Lingala was used by an elite, okay, battalion,
14 or not.
15 So my point, sir, is that, yes, I would have benefited, but at the same time it would not
16 have been conclusive in surveying the utilisation of the languages in communicative
17 events, particularly ones that have already expired and that they are no longer
18 available for me to inspect.
19 I'm not sure if I have answered your question, sir, in a way that you wanted to, but
20 I'm prepared to follow up if you have more along this line? Yes.
21 Q. Thank you, Witness. Given those conditions, as I was saying to you, it's a
22 matter of determining who should bear responsibility for the crimes, for the rapes and
23 the other acts, the other crimes that were committed that occurred during that time.
24 Now, to make sense of all this, do you think that the mandate that was given to you
25 by the Defence, namely studying the social linguistic aspects of Lingala and its spread

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1 through Africa and elsewhere, do you think that this mandate would have provided
2 an answer to the question, or do you think it was a little bit off topic really?

3 A. No, Counsel, I do not think that the mandate was out of topic. If one examines
4 closely Professor Samarin's study report, what will emerge from that report is that he
5 focused on linguistic issues and that is what I was invited to respond to, and it is also
6 for that reason that my response incorporates his wherever we disagreed in terms of
7 conclusions or observations that he arrived at.

8 I was not asked to ascertain whether in the given situation that we are -- you are
9 examining here if people who committed the crimes that they've been accused of
10 spoke Lingala, at what point, et cetera, but rather "Is Lingala a language that could
11 have been spoken in Central African Republic, particularly in Bangui?"
12 My understanding then was would it have been possible that individuals who spoke
13 that language may not have necessarily been members of the MLC and that could
14 have been locals who happened to be Lingala speakers, whether they are citizens or
15 non-citizens and so on, sir. So in that respect I was responding to a linguistic
16 question, but not one involving the actual aspects of the crime that was committed
17 and specifically whether or not Lingala was determined to be the only factor in that
18 commission, sir.

19 So the bottom response is that I don't think that the mandate or request to me was
20 irrelevant, or not applicable, to the situation under consideration.

21 MR ZARAMBAUD: (Interpretation) Thank you, sir. I have no further questions
22 for you.

23 Thank you, your Honour.

24 PRESIDING JUDGE STEINER: Thank you, Maître Zarambaud.

25 Professor Bokamba --

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1 THE WITNESS: Yes, ma'am.

2 PRESIDING JUDGE STEINER: -- Maître Douzima Lawson, legal representative of
3 victims, and she has not submitted to the Chamber any questions to address to you,
4 but she was authorised to put to you some follow-up questions on issues arising from
5 your testimony in this courtroom, and for that limited purpose we give the floor -- I
6 give the floor to Maître Douzima Lawson.

7 MS DOUZIMA LAWSON: (Interpretation) Thank you, your Honour.

8 QUESTIONED BY MS DOUZIMA LAWSON: (Interpretation)

9 Q. Professor, good morning.

10 A. (Interpretation) Good morning.

11 Q. Sir, we had an opportunity to meet last Monday. I think you realise what role I
12 am playing here. I play the same role as the role of my learned friend,
13 Mr Zarambaud, who just put a number of questions to you. I am also a member of
14 the Bar in the Central African Republic and a native of that country.
15 In this particular case, I represent a sizeable number of victims who have been
16 authorised to participate in the trial. As the Chamber has just mentioned, I have
17 been given leave to ask you a number of follow-up questions, but I must acknowledge
18 that all those who came before me were able to cover the terrain and I really just have
19 one clarification to ask of you.

20 Now, Professor, during the hearing of 12 September, page 32, lines 22 and *23,
21 you said that because of the various -- the knowledge of the various knowledges, one
22 can detect accent, and yesterday you had a long discussion with Mr Badibanga about
23 that particular issue and I've not been able to look at yesterday's transcript, but you
24 did have a discussion about issues relating to accent.

25 Now, you have studied Lingala and, since you come from the DRC, could you tell us

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1 what is the Congolese accent? What does it sound like?

2 A. Counsel, thank you for your question. Technically speaking, there is no such a
3 thing as a Congolese accent. What would be considered an accent in Lingala would
4 be determined not on a basis of someone coming from the Congo for the simple
5 reason that the speakers of Lingala as you can gather, or have been able to gather,
6 from my presentation, including my report, come from various parts of the country.
7 As Mr Badibanga - Maître Badibanga - pointed out, or rather read to us one of the
8 excerpts from one of the witnesses, the different languages that people speak as their
9 first or what is normally referred to as mother tongue, often - not always,
10 often - colour the way we pronounce words, and as such when it comes to Lingala
11 you cannot say that there is a Congolese accent.

12 One could say there is a Kinshasa Lingala type of accent, there is a Mankandza or
13 literally Lingala type of accent, or even if it is Mankandza it could be closely related to
14 let's say a speaker of, you know, Mbaka and so on. So what I'm trying to portray
15 here, Counsel, is that it's a misnomer to say that there is a Congolese accent and I did
16 not try to push that question to the technical aspect of the description. People can
17 perceive non-specialists perceive accent as being generic. They can say "You have an
18 American accent," as I was told one time when I was in Nigeria.

19 If I may, your Honour, give the anecdote so you can understand the misperception?
20 I was buying plantains at an open market and as I was negotiating for the price the
21 lady told me that it would cost me something like 40 Naira for a hand of bananas, and
22 I said, "That's very expensive." And she said, "No, it's not expensive for you." I
23 said, "What do you mean? She said, "It's not expensive for you, American." I said,
24 "I'm not an American. You can see I am an African, just like you." She said, "No,
25 you have an American accent."

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1 But if you were to ask any linguist what an American accent is, they would tell you
2 there's no such a thing. There are American accents. There are at least 11 major
3 accents in the United States of the language called English. We can do, you know,
4 the same thing in surveying the accent in Britain. So, yes, I sort of bypassed that and
5 did not elaborate, but there is no such a thing, Counsel, as a Congolese accent.

6 Q. Thank you, Professor. Well, let us set aside Lingala. When a Congolese
7 person speaks in French, does that person have an accent?

8 A. Yes, and I admitted as much yesterday, that when they speak such a language
9 we can say such-and-such an individual has what sounds like a Congolese accent
10 generally, and that presupposes that regardless of their linguistic background,
11 whether they are Bakongo speakers or Kiswahili et cetera, speakers, that there is a
12 certain accent that they have acquired and part of that comes from the formal training
13 that they receive and part of it comes also from the school where they went, and so
14 there is some degree of recognising for a foreign language as such something that
15 could be viewed as a Congolese accent in French.

16 Q. Thank you. I was seeking clarification and I will give you an example. I am
17 not a linguist, but as we live in society we are able to understand a number of things.
18 Let me take the example of Cameroonians. When they speak French, they tend to
19 put a "g" at the end of a word. Now, what about Congolese? What is it that stands
20 out in their own case?

21 A. To be quite frank with you, I have not studied the so-called Congolese accent in
22 French so as to determine what is peculiar to it; in other words, what is it that
23 distinguishes them from other speakers of French in Africa, but if there is one, and
24 here I'm speaking without having studied the matter, giving it attention, so as to be
25 able to give you the fine, you know, print, it would be something that reflects in part

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1 the rhythm that they use in producing words in French, as opposed to actual
2 pronunciation of the segments. And this is also characteristic of a number of accents
3 of let's say Cameroon, Burkina Faso or Côte d'Ivoire that will stand out. It's a
4 question of rhythm and their rhythm I think is influenced by the languages that they
5 speak. Intonation is another factor that comes into play, and so as a general factor I
6 would suspect that that would be one where I could see someone speaking
7 Cameroonian I don't have to look at them. I will just hear. I'd say "Ça c'est un
8 Camerounais" versus someone and Cameroonians or Bantu speakers as opposed to
9 Burkinabe who are not Bantu, they speak, you know, West African languages of the
10 Mande group and so on. So that is what I would say, but if you were to ask me
11 about certain structural features, that's different. I could, for example, point those
12 out because I've looked at them in a different context, but overall accent, no, Counsel,
13 I cannot speak frankly about that.

14 MS DOUZIMA LAWSON: (Interpretation) Thank you, Professor. Yes, indeed,
15 yesterday you said that accent includes pronunciation and rhythm, so your answer is
16 very clear and I thank you.

17 Madam President, I thank you. That will be all.

18 PRESIDING JUDGE STEINER: Thank you very much, Maître Douzima.

19 I now give back the floor to Mr Haynes to redirect.

20 QUESTIONED BY MR HAYNES:

21 Q. Professor, we are very near the end of your journey. Are you familiar with the
22 language Mandja?

23 A. No, Counsel, I don't know what that language is.

24 Q. Then I will take that no further. Yesterday afternoon Mr Badibanga read to
25 you a selection of pieces of evidence from the trial to date, and it was a selection. I'm

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1 going to put something to you in rather more general terms. How would it impact
2 on your conclusions if there were evidence in this trial that soldiers who committed
3 crimes against the population spoke Sango?

4 A. The way the question is put to me is difficult to answer at the spur of the
5 moment, but I would raise the same question as I did with respect to the commission
6 of the crime of -- or crimes by individuals who spoke Lingala; that there would not be
7 a sufficient criterion to determine that those who spoke Sango in the commission of
8 such crimes were necessarily from Central African Republic or from outside. And
9 the reason is what I've given previously. Many of us know various languages. I
10 should have said the reasons, plural, various languages and upon appropriate context
11 we could use -- choose to use one or the other depending, you know, how we
12 ascertain the communicative event with regard to the context of the situation.
13 Second, as I illustrated, there are military personnel or soldiers in various armies who
14 come from other nationalities and are part of an army because they are either
15 permanent resident or they have been recruited per se for, you know, specific
16 purposes and, as such, if it was strategic to the commander-in-chief that they use a
17 particular unit for specific, you know, security reasons in a particular neighbourhood
18 and so on, that's a choice I suppose that the officer in question would opt to, but I
19 cannot speculate on that since I'm not in that domain to say how likely that would
20 have been.

21 What I can state unambiguously is that the language alone would not have been a
22 sufficient criterion for determining that those individuals were from one country
23 versus another, although on the basis of what I stated yesterday in response to Maître
24 Badibanga the initial impression would have been these were locals, but that does not
25 exclude the other possibility that they were not locals.

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1 Q. You were correct to criticise me. It was perhaps a difficult question to answer
2 and, having thought about it, the follow-up question logically is: To your
3 knowledge, is the Democratic Republic of Congo a Sango-speaking country, or does it
4 have a Sango-speaking population?

5 A. The answer is "Yes", sir. Sango is derived from Mbaka. The Mbaka and
6 Mbandi people live just across the river from Bangui and that there are populations in
7 Congo in that region who are knowledgeable of and speakers of Sango, so much so
8 that even Professor Samarin in his study points out one thing that he thought was
9 unusual that Sango speakers who in using nouns have adopted the Bantu prefix "ba,"
10 which you will recall from my presentation, is a marker for plural of human being
11 and attach it to a Sango word. I don't have the reference handy, but if we need to we
12 can look at Professor Samarin's example that he had given and he was talking about
13 double prefixing which is something that is characteristic of Kinshasa Lingala. So,
14 yes, there are speakers of Sango in the Congo. How many of them I do not know
15 because I did not focus on examining that aspect of it to determine what the
16 percentage is, but it is now logged as they say that there are speakers of Sango.

17 Q. Thank you. Now, I'm right at the end. Of course, you haven't read every
18 document available to this Court, have you?

19 A. No, sir.

20 Q. And you haven't heard or considered every word of evidence that has been
21 heard to date by this Trial Chamber?

22 A. No, sir.

23 Q. There is in fact one quite enormous body of evidence that nobody has heard.
24 It's called "the Defence case," and my last question to you is: When we have heard
25 the Defence evidence about who was committing crimes in the Central African

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1 Republic, what language or languages they were speaking and perhaps even why,
2 would you be so kind as to come back and consider that with us and give us the
3 benefit of your expertise again?

4 A. Yes, sir.

5 MR HAYNES: Thank you, Professor Bokamba. That is all I have to ask you.

6 I omitted to say earlier in-chief that of course the Defence do tender document 1,
7 Professor Bokamba's report, and document 2, the references. The ERN numbers are
8 CAR-D04-0003-0440 and CAR-D04-0003-0509.

9 PRESIDING JUDGE STEINER: Thank you, Mr Haynes. I was really about to
10 answer exactly this question to Defence team.

11 Please, Professor?

12 THE WITNESS: Your Honour, if I may make a request?

13 PRESIDING JUDGE STEINER: Of course.

14 THE WITNESS: You will recall that last Tuesday, if my memory does not fail me,
15 I was asked by Counsel Haynes to point out where Lingala was born and I marked
16 that on a map and affixed my signature to it. The following day I wanted to make a
17 correction, stating that in looking at the map provided in my colleague's book and
18 that these maps are much more detailed, because they mention Mankandza
19 specifically, as opposed to the map that we were looking at which doesn't list it, that if
20 I could enter that and make a correction in the interest of the record.

21 I have two maps here from this book and I'm wondering if I may request that they be
22 copied and that I mark properly where Lingala was born and from which it spread in
23 the country? I think that would be much more accurate with respect to the record.

24 PRESIDING JUDGE STEINER: Yes, Professor. It's not very common that witnesses
25 bring evidence, but being you an expert for the Defence I will ask whether we could

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1 maybe display the map and assign it a number and upload directly from the
2 equipment that I never remember the name.

3 What would Defence say about that?

4 MR HAYNES: (Microphone not activated)

5 PRESIDING JUDGE STEINER: The microphone, please.

6 MR HAYNES: I'm sorry. If it is possible to do it in that way, then that is obviously
7 the most expedient way if the Professor can put the map directly there and it can
8 be -- and an image can be captured. If the name of the town is on the map then I
9 don't see any need further to mark it, because the name of the town is in the record
10 and we will all be able to see the town on the map. So perhaps taking it step-by-step
11 if we put the town -- put the map on the overhead projector, I think is probably the
12 name of it. The alternative is that we take a short break, we photocopy it and it's the
13 subject of some agreed fact between the Prosecution, Defence and the legal
14 representatives.

15 PRESIDING JUDGE STEINER: Maître Badibanga?

16 MR BADIBANGA: (Interpretation) Thank you, your Honour. In principle we
17 have no objection whatsoever if Defence thinks that the circle on the card has
18 probative value, at least equal to the cross that Prosecution witnesses put on their
19 maps. I have no problem with that. I remember Mr Haynes raising that point.
20 Anyway, we do not intend to challenge the birthplace of Lingala so we do not have
21 any objection whatsoever and, if this were to be for the benefit of the Court, then we
22 could proceed accordingly given that the Prosecution has no objection whatsoever to
23 this manner of proceeding.

24 (Presiding Judge and court officer confer)

25 PRESIDING JUDGE STEINER: Professor Bokamba, we appreciate very much your

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1 need to be absolutely precise in all details of your statement, but the Chamber agrees
2 that if the exact place of birth of Lingala is not a contentious issue between the parties
3 in this proceeding that maybe it's not necessary for us to upload in the eCourt another
4 map. So although we appreciate your suggestion, we think that there is no such a
5 need in terms of, as Maître Badibanga said, there is not a contentious issue here.

6 Professor, that concludes your testimony before this Chamber and the Chamber
7 would like to thank you very much for having travelled to The Hague and give your
8 assistance to us. Expert testimony is of great importance in helping the Chamber to
9 assess particular aspects of the evidence and you therefore leave this Court with our
10 thanks for your very, very important contribution over the past few days.

11 Before you leave, however, I would like to ask whether you have anything you would
12 like to address the Chamber, and for that purpose I give you the floor, Professor?

13 THE WITNESS: Thank you very much, your Honour. I was not prepared for this
14 extemporaneous speech, but I have had a number of questions as I've been answering
15 the Defence counsel's questions as well as the Prosecution counsel's questions, but
16 perhaps before I ask those questions I wanted to once again express my deep
17 gratitude to you and to your colleagues on both sides of the aisle for giving me this
18 opportunity to put in real practice what I have learned as a linguist.

19 It is not often that linguists are seen, particularly those in theoretical linguistics, as
20 doing something that is constructive. They think that we are involved in exotic
21 abstraction, just like physicists, theoretical physicists, but ultimately from time to time
22 we do serve a purpose and if my testimony is going to be helpful to the Prosecution
23 and to the Defence I feel even more grateful that I am of some use to our society.

24 The questions, your Honour, that I have had include out of curiosity as an
25 investigator, in this case a linguist, but we are very inquisitive, is to know what has

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1 happened to the individual who invited the MLC and others to join in this conflict,
2 namely former President Patassé, in the sense that we see Mr Bemba here in court and
3 I'm wondering if there is a case pending on his side too, considering that he was the
4 principal individual who invited these various soldiers?

5 So that's my first question that kept coming to my mind and I was thinking, "Okay,
6 nobody has told me about this," but just out of curiosity.

7 The second question has to do with the extent to which the knowledge that is
8 available on this case is being aired and shared across the globe through the internet.

9 I discovered to my amazement two days ago that the individual who preceded me,
10 whose testimony was given here I think up to the 7th, that his interview was
11 broadcast on the internet and members of my extended family sent me and said "Did
12 you know this?", and I heard my name being mentioned.

13 The reason I'm raising the question, your Honour, is that some of us in testifying in
14 cases such as this, as you can be well aware, may be at some risk since we are
15 testifying in open court and I did not request any security arrangement for my
16 testimony to be closed because I didn't think that it was that important, but as an
17 American of Congolese descent, I think that in light of the oath that I took to tell the
18 truth and nothing but the truth - but the truth - in this Court, this is a highly political
19 matter and I just wanted to bring to your attention that some of us may be perceived
20 in testifying on one side or the other to be at some risk politically back in the Congo,
21 or our families, just for the record, your Honour.

22 PRESIDING JUDGE STEINER: Thank you, Professor Bokamba. As you yourself
23 recognise, your first question is out of curiosity and I don't think the Chamber or any
24 of the parties are in a position to satisfy your curiosity at least in the formal
25 environment of a courtroom.

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1 Your second question, or your second is not even a question. It's much more a
2 concern.

3 THE WITNESS: Yes, ma'am.

4 PRESIDING JUDGE STEINER: The Court has or has been following many different
5 mechanisms of witnesses' protection that may start even before a witness comes to
6 testify, during the period of the testimony and following the period of the testimony.
7 For that purpose a security assessment is made, starting by a request by -- usually by
8 the parties calling the witness.

9 When a witness does not reveal or expresses any concern in terms of security and
10 decides to testify in open and public session, of course at any point even after the
11 testimony if any security concern arises this person is entitled to contact VWU, the
12 Victims and Witnesses Unit of the Court, for the necessary assessments if need be.

13 In principle, the Court cannot avoid individuals from leaving the Court and
14 contacting the press, if we are talking about individuals that testified in open session.
15 Of course, the Court would prefer that legal issues and testimonies are restricted to a
16 courtroom. This is the more appropriate procedure but the Court, unless some
17 relevant issue that could generate a risk not only for that person but for other persons
18 involved in the proceedings, VWU in principle would not intervene.

19 But just in relation to your concern, if for any reason you have concerns in relation to
20 your personal security, or of your family, you can contact at any time, or the Defence
21 team that is the calling party, or directly VWU, and the necessary assessments will be
22 made and I hope that answers to your question.

23 In any case, now that you leave the Court after your testimony, VWU will still be with
24 you and you can ask for whatever clarifications you need in relation to this concern of
25 yours. I hope that answers your second question.

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(Private Session)

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1 THE WITNESS: Yes, ma'am. Thank you very much, your Honour. Thank you.

2 PRESIDING JUDGE STEINER: We thank you very much and we hope you have a
3 very nice travel back to the country where you live now and again with the thanks of
4 the Chamber for the time and effort you've taken to come and give your expertise
5 before this Court.

6 THE WITNESS: Thank you.

7 PRESIDING JUDGE STEINER: I will ask, please, court usher to accompany the
8 witness outside the courtroom.

9 (The witness is excused)

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

12 *(Private session at 10.03 a.m.) Reclassified as Open session

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

14 PRESIDING JUDGE STEINER: (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Let's go back into open session, please.

2 (Open session at 10.05 a.m.)

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

4 PRESIDING JUDGE STEINER: Thank you.

5 My question is if the Defence is ready to start immediately with the questioning of

6 Witness 65?

7 MR HAYNES: I'm informed by the Victims and Witnesses Unit that he will be ready

8 to commence at 11.30.

9 PRESIDING JUDGE STEINER: You have then privileged information. We don't
10 have such information.

11 I ask, please, court officer to check with -- we were informed that the victim is already
12 here, just waiting to be brought into the courtroom.

13 MR HAYNES: Ah, well the information I have is no fresher than yesterday evening.

14 (Presiding Judge and the court officer confer)

15 PRESIDING JUDGE STEINER: Yes, Maître?

16 MR BADIBANGA: (Interpretation) Just a housekeeping matter, your Honour. If
17 the witness has to start right now, we will need two minutes to change the staff
18 because I will not be the one cross-examining this witness. We will need the next
19 team here. Thank you.

20 PRESIDING JUDGE STEINER: Even if the witness is ready, we need to have a very
21 short break because in order to change transcripts and tapes et cetera.

22 I am informed that the witness is ready. I then ask whether Defence is ready after
23 this short break to start with the questioning?

24 MR HAYNES: Technically, yes. I'm simply in the Court's hands as to whether we
25 take a very short break or a half-an-hour break at this juncture? It's of no

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1 consequence to us.

2 PRESIDING JUDGE STEINER: Mr Haynes, if we start in five minutes we still have
3 until 11 and then we go to the normal break, which means that we will have
4 two-and-a-half hours. If we have the half-an-hour break now and we start later, we
5 can have only two hours. So I will leave to the Defence at the convenience of the
6 Defence in this case.

7 MR HAYNES: Shall we say ten minutes?

8 PRESIDING JUDGE STEINER: Ten minutes.

9 So we will suspend this hearing for ten minutes and we will be back at 20-past-10
10 therefore.

11 The hearing is suspended.

12 THE COURT OFFICER: All rise.

13 (Recess taken at 10.09 a.m.)

14 (Upon resuming in open session at 10.21 a.m.)

15 THE COURT USHER: All rise.

16 Please be seated.

17 PRESIDING JUDGE STEINER: Welcome back.

18 Since every minute is precious, we will start immediately with the next witness.

19 Before that, I was informed that Prosecution would like to take the floor.

20 Ms Kneuer?

21 MS KNEUER: Good morning, Madam President, your Honours. Thank you for
22 giving me the opportunity to address the Bench with a logistical matter.
23 Your Honours had ruled in decision 2141, paragraph 25, that the respective parties
24 calling a witness should submit a weekly and monthly schedule and I would like to
25 inform the Chamber that so far the Prosecution had received one monthly schedule,

1 which is ending after this witness, and never received a weekly schedule which
2 makes it a little bit difficult for the Prosecution to properly plan and prepare, in
3 particular with submitting the list of evidence -- the list of documents which we are
4 supposed to submit three days before we start the questioning of the witness. If I
5 don't have a schedule, I cannot calculate.

6 Thank you, Madam President.

7 PRESIDING JUDGE STEINER: I would like to give the floor to Defence, since we
8 notice that lately some of the time-limits assigned to Defence were not complied with,
9 we don't have a list of documents for the present witness and now Ms Kneuer
10 informs that the weekly report, or scheduling of the next witness, was not delivered.
11 So maybe if Mr Haynes could give us an explanation?

12 MR HAYNES: Well, I can answer your questions. There is no list of documents for
13 this witness because we're not going to use any documents with him. If we were
14 going to use documents with him, we would have served a list of documents. We
15 note that the Prosecution's list of documents yet again served yesterday contains
16 documents only disclosed yesterday, as appears now to be the practice.
17 There will be an updated weekly list I hope later today and this witness I think is
18 commencing on precisely the date we said he would. Those are my immediate
19 answers. We will update you later, but for our purposes, as your Honour has
20 observed, every minute is precious and I would prefer to spend court time hearing
21 evidence with respect to everybody. We'll deal with the remainder of any queries by
22 correspondence.

23 PRESIDING JUDGE STEINER: But, Mr Haynes, you agree that providing
24 Prosecution and the Chamber in advance with the schedule of witness is of utmost
25 importance?

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1 MR HAYNES: Quite, yes, but I don't think to date anybody has really much to
2 complain about.

3 PRESIDING JUDGE STEINER: Ms Kneuer?

4 MS KNEUER: Well, Madam President, there is a ruling existing where the Chamber
5 instructed the parties to submit a weekly and a monthly schedule. So far there was
6 never a weekly schedule and only one monthly schedule.

7 If we want to disregard now rulings of this Chamber because there may be no
8 complaints, well, I'm not sure if that is the right basis, and actually there is a
9 complaint because we don't know how to proceed next week and when am I
10 supposed to submit the list of documents for the next witness? Should I make up the
11 dates? I mean, it's very simple logistics, Madam President, seriously.

12 PRESIDING JUDGE STEINER: The Chamber will turn back. Maybe a more formal
13 decision is needed on that respect.

14 I ask, please, court officer to bring Witness 65 into the courtroom.

15 (The witness enters the courtroom)

16 WITNESS: CAR-D04-PPPP-0065

17 (The witness speaks French)

18 PRESIDING JUDGE STEINER: Good morning, Mr Witness, and welcome to this
19 courtroom.

20 THE WITNESS: (Interpretation) Good morning.

21 PRESIDING JUDGE STEINER: First of all, we would like to thank you for taking the
22 time to come and give evidence before this Court.

23 Mr Witness, probably in front of you there should be a card. You will be
24 given -- you will be given, Mr Witness, a card on which is printed a solemn
25 undertaking and I would like you, please, to read out the words on the card.

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

3 PRESIDING JUDGE STEINER: Thank you, Mr Witness.

4 Mr Witness, you will be testifying in open session and with your identity known to
5 the public. There are other persons, victims, potential witnesses or persons that
6 could be seen as co-operating with the Court, that can be considered as vulnerable,
7 and therefore their identities - their names - should not be revealed in open session.
8 With the help of the Defence, the Prosecution and of course of the Chamber as well,
9 whenever you need to mention a name of a person that could be seen as vulnerable,
10 we will go into private session. In private session, you can feel free to speak
11 whatever you want because the public cannot hear what you say. You are heard
12 only within this courtroom.
13 You will be questioned first by the Defence, the calling party, then by the Prosecution,
14 followed by legal representatives of victims if authorised to put questions to you and
15 finally Defence will have again the opportunity to put to you some follow-up
16 questions.

17 Mr Witness, there are some important and very annoying ground rules that must be
18 observed during your testimony. As you can see, we have interpreters and court
19 reporters that are here to provide us with real-time interpretation and transcript of
20 your testimony.

21 In order to facilitate their work, it is crucial that you speak slower than normal. It
22 may seem unnatural and it's quite likely that you will start speeding up. In that case,
23 I will have to interrupt you and ask you to slow down. Please don't take offence.
24 It's just for practical reasons.

25 We have another important rule, Mr Witness, that we nicknamed "five-seconds

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1 golden rule." That means that after a question is put to you, you should wait five
2 seconds before you start giving your answer in order to allow interpreters and the
3 court reporters to finalise the translation and the interpretation of the question. So
4 we very much appreciate your efforts in following these rules in order to facilitate
5 everyone's work.

6 Is that fine with you, sir?

7 THE WITNESS: (Interpretation) That's just fine.

8 PRESIDING JUDGE STEINER: And finally, Mr Witness, if at any time you feel
9 distressed, or for any reason you want a break, just let us know and we can have as
10 many breaks as needed. Feel free to address the Chamber in that respect.

11 We'll start then with the questioning by Defence. Mr Haynes, you have the floor.

12 MR HAYNES: Thank you, your Honour.

13 QUESTIONED BY MR HAYNES:

14 Q. And good morning to you, sir.

15 A. Good morning, Mr Haynes.

16 Q. So that you understand what is going to happen, I'm going to be asking you
17 some questions today, I hope to finish today, and then the people sitting to your right
18 will be asking you questions after the weekend because the Court does not sit on
19 Saturday and Sunday. Did you understand that?

20 A. Yes.

21 Q. And I'm going to start by asking you some questions that are personal, that are
22 about you, so can you start by telling us your name, please, sir?

23 A. I'm Prosper N'Douba.

24 Q. And could you tell us when you were born?

25 A. I was born on 26 March 1955.

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1 Q. And where were you born?

2 A. I was born in Bekolo in the Central African Republic.

3 Q. And do you mind telling us what the names of your parents are, or were?

4 A. Martin Samuel N'Douba and Anne Kero (phon).

5 Q. And are you a married man?

6 A. Yes.

7 Q. And do you have any children?

8 A. I have four children.

9 Q. And I don't particularly want to know their names, but what age are each of
10 your children?

11 A. My first son is 30 years of age. He turned 30 on 12 May last. My second girl
12 is 27. My second son is 24 and my last daughter is 18 years of age. She turned 18 in
13 June.

14 Q. Thank you very much, Mr N'Douba. Now, can you tell us a little bit about
15 your working life? What did you do, or do you do, for work?

16 A. I was the spokesperson and adviser of President Patassé and spokesperson of
17 the Office of the President of the Central African Republic.

18 Q. And during what period of time did you hold that position?

19 A. I began carrying out those duties along with President Patassé in August of
20 1997 -- correction, 1996.

21 Q. And what did the job involve you doing?

22 A. My job was to speak on behalf of President Patassé. He was the Head of State
23 and often a Head of State uses a spokesperson to announce instructions or decisions
24 taken within the office of the Presidency of the -- of the President of the Republic. At
25 the same time I was in charge of his communications, so I would ensure that the

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1 messages that he transmitted to the people of the Central African Republic were
2 suitable so as to improve his image within the eyes of the Central African Republic
3 people.

4 Q. Thank you. And was that an elected position, or an employed position?

5 A. I was appointed by President Ange-Félix Patassé himself. I was not elected.

6 Q. And just to clear this up, did you hold any elected office?

7 A. No. Let me repeat: It was President Patassé who appointed me pursuant to a
8 presidential decree that he issued himself.

9 Q. Thank you, Mr N'Douba. And where were you living when you did that job?

10 A. I was living in Bangui.

11 Q. And precisely where in Bangui?

12 A. I was living in the neighbourhood that is called Dedengue, not far from the
13 cross-roads of the fourth arrondissement in Bangui.

14 Q. And did you live there with your family?

15 A. No, I was living all by myself, because -- well, you see, I had a house in the
16 neighbourhood of 36 Villas, but that house was being lived in -- well, my younger
17 brother and sister were living in that particular house; that house in the
18 neighbourhood of 36 Villas.

19 Q. So where did your family live?

20 A. My family remained in Paris.

21 Q. Okay. Now, I want to come to the month of October 2002. Where were you
22 living then?

23 A. I was living in the Dedengue neighbourhood. I was living by myself, and that
24 neighbourhood - that area - is not far from the Notre-Dame d'Afrique Cathedral, not
25 far from the cross-roads in the fourth arrondissement.

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1 Q. What particular event took place in October 2002?

2 A. On 25 October 2002, I was coming back from the office of the President of the
3 Republic where I had been. Just a few moments earlier there had been a ceremony.
4 An ambassador had been received. He was presenting his letters of -- his credentials.
5 Two or three days before that, with President Patassé, I had come back from Beirut,
6 Lebanon, where a summit of Heads of State had been held. It was a summit meeting
7 of francophone Heads of State. Coming back from the office of the President, I was
8 returning to my home. President Patassé had asked me after the ceremony to come
9 back and to go back to his residence in relation to a number of files that we had
10 brought back from the francophone summit in Beirut, so I was on my way to my
11 home to change clothes. I was going to put on some lighter clothes, and then I was
12 intending to go back -- rather to go and meet President Patassé at his residence, and
13 then all of a sudden, once I got to the lycée, the Barthélemy lycée, close to the
14 cross-roads of the fourth arrondissement, my car was stopped by an armed individual
15 who ordered my driver to stop.
16 My driver obeyed, he stopped the car and this person drew closer and seeing that
17 I had a bodyguard who was sitting in the front beside the driver he had him come out
18 of the car, he took his weapon away from him immediately, he asked me to get out of
19 the car, which I did, and then another individual came up from behind him and
20 informed him that simply -- well, he asked me who I was and I was a bit slow in
21 replying.
22 This man -- well, you see, another man came out of nowhere behind him and said that
23 I was a spokesperson of the president and I was a person of interest to them. I was
24 of great interest to them, and he asked me to go along with them. So I went along
25 with them. They took me to the service station in the fourth arrondissement.

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1 There's two of them, two stations, and he took me to one, and some people came out
2 of nowhere and they started to threaten me.
3 This is very difficult for me to tell you about. This is a very painful memory. In
4 one month and a few days it will be the tenth anniversary of this event and this was a
5 very difficult event for me. I went through a very difficult trial, because there was a
6 whole series of events that finally led to General Bozizé assuming power. These
7 events are quite difficult for me to talk about.
8 My house in 36 Villas was entirely looted. I nearly died. I was abducted and held
9 hostage for 38 days, taken into the bush. I was subject to mental torture and I've had
10 health problems. During 38 days I couldn't take my medications. I am a diabetic.
11 I have high blood pressure. I'm supposed to take medication every day and during
12 those 38 days I couldn't take my medication.
13 My family was told that I'd been shot, so for three weeks my family, and my wife, my
14 children in Paris, my mother, my brothers and sisters in Bangui, they were
15 traumatised by all these things that happened to me, so it's very difficult, it's very
16 painful for me to speak of these memories before the Court, this trial that I was put
17 through. It was terrible, because all of a sudden by life was turned upside down.
18 Bozizé's men came into Bangui. I would like to have him here facing me today and
19 ask him some questions, because I am a victim of those men. I was just doing my
20 work with President Patassé and all of a sudden my life was turned upside down. I
21 was dragged off and taken into the bush. I was an eye-witness. I saw people being
22 tortured, beaten up. I saw looting. I saw massacres, killings. I wasn't present
23 when people were killed, but I heard gun-shots and, when I asked questions
24 afterwards, I was told that people had been shot dead.
25 So 38 days, during 38 days I went through hell. My life was hell because of Bozizé's

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1 men. I heard things. I experienced things. I saw young people involved in the
2 rebellion taking delight in torturing people and raping women. When they came,
3 that was 25 September and they wanted to -- correction, 25 October. They wanted to
4 take power and they said that they had suffered in the bush and, you see, these
5 people had come to take vengeance to overthrow President Patassé and grasp power,
6 so they told me that if things went sour they would burn the entire town of Bangui to
7 the ground and no one would escape alive.
8 So that's -- that's what happened on 25 October. I was kept -- I was held at the
9 northern exit of Bangui, held by these men, from 25 to 29 October, so for five days I
10 went through hell. I was eaten alive by mosquitoes, I had nothing to eat, nothing to
11 drink during that time. I was subject to tremendous stress. They didn't even give
12 me anything to eat or drink.
13 I myself I had a huge knot in my throat. I couldn't -- I didn't want to eat or drink
14 because of the situation. I went through hell and on the 29th in the evening, the 28th
15 or the 29th, they dragged me along the road, the Boali road, to PK26. They took me
16 to a cemetery and they faked an assassination. They threw me into a cabin just
17 alongside the village by the cemetery. I spent a whole evening there, the 28th and
18 the 29th. They committed acts of violence, abuse.
19 There was a farm there. There were some Chinese people who had a farm who were
20 raising Chinese and goats. They razed it to the ground. They looted everything.
21 They stole all the chickens, just like that. They didn't have any food, you see, any
22 rations, so they had to feed off the back of the beast so to speak so that they could
23 have something to eat. They set up their headquarters at the cross -- at the
24 check-point, Begoua, PK13 was right beside there, and they spread terror throughout
25 the northern neighbourhood all the way to the cross-roads of the fourth

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1 arrondissement. PK11, PK10, PK9, PK8, Fouh, Boy-Rabé and so on and so forth, 36
2 Villas.
3 They started a reign of terror in that neighbourhood. They stole vehicles, they killed
4 people, so that's the kind of terror that they created, those men, Bozizé's men, when
5 they entered the town of Bangui when they came in the northern entrance to Bangui
6 on 25 October. They kidnapped me, held me hostage, dragged me all the way to
7 Chad before bringing me back and at a place about 350 kilometres away from Bangui
8 in the main town of another province. So I spent some days there.
9 Thanks to lobbying by the Red Cross, a French minister, a number of Heads of State,
10 they all put pressure on General Bozizé who was in Paris at the time trying to get me
11 freed, and finally he had to order my release and that is how it came to be that on one
12 fine day on 1 December 2002 a delegation from the International Red Cross came and
13 fetched me at that place and brought me back to Bangui.
14 And on the 2nd I arrived and I believe it was 1800 hours. It was night-time and I
15 refused. At first I said I didn't want to travel at night, so I spent the night at the
16 Catholic mission in Kaga-Bandoro, this is a town that they completely looted. I
17 experienced that for more than a month. I saw some absolutely horrific things and
18 so I was -- finally I was taken back to Bangui.
19 When they found me at Kaga-Bandoro, they brought me back on 2 December. They
20 brought me back to Bangui. I had been brought -- when I was brought back to PK13,
21 the home of Colonel Moustapha, who was the commander of the MLC troops in
22 Bangui. The two people from Switzerland from the International Red Cross insisted
23 upon thanking him because he had been informed about their departure, they had left
24 the day before to come and get me, and they came back with me. I was the hostage,
25 you see.

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1 They brought me to the home of President Patassé, who received me briefly. I was
2 in bad shape, but he greeted me very briefly. I had a chance to take some rest and
3 then President Patassé asked me to go with the first minister to the -- correction, the
4 prime minister to the Security Council in New York to explain the situation, because it
5 had been decided that a complaint would be lodged with the Security Council
6 regarding Bozizé and his men's bursting into the town on 26 October and the acts of
7 violence and abuse that they committed when they arrived in the town of Bangui.
8 So there you have it. That's what happened, Counsel.

9 MR HAYNES: Thank you. I think we have to now have a break because our
10 recording tape is only so long.

11 PRESIDING JUDGE STEINER: Mr Witness, it's 11 o'clock now. That means that
12 we'll have our half-an-hour break 'til 11.30. At 11.30 we will resume with your
13 questioning by Defence.

14 I ask, please, court usher to accompany the witness outside the courtroom. In the
15 meantime, we will suspend and resume at 11.30.

16 (The witness stands down)

17 THE COURT OFFICER: All rise.

18 (Recess taken at 11.00 a.m.)

19 (Upon rsuming in open session at 11.33 a.m.)

20 THE COURT USHER: All rise.

21 Please be seated.

22 PRESIDING JUDGE STEINER: Welcome back. We'll continue with questioning of
23 Witness D-65.

24 I ask, please, court usher to bring the witness in.

25 (The witness enters the courtroom)

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1 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

2 THE WITNESS: (Interpretation) Thank you, madam.

3 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?

4 THE WITNESS: (Interpretation) Yes, yes.

5 PRESIDING JUDGE STEINER: Mr Haynes.

6 MR HAYNES: Thank you, your Honour.

7 Q. And welcome back, sir.

8 A. Thank you.

9 Q. I want to go back into what you were telling us before we had our break and get
10 from you some of the detail. The armed men who stopped you in your car, how
11 were they dressed?

12 A. The person who stopped me was in civilian attire. He was wearing a Djellaba
13 and a turban on his head, but he was armed. He was carrying a Kalashnikov.

14 Q. And how many men stopped you at first and arrested you?

15 A. Initially there were two of them. The man who stopped me and started
16 questioning me, he asked me to introduce myself. He wanted to know my identity.
17 As I hesitated to answer and to give him my identity, someone else came forward
18 from behind, from behind him, and who clearly knew me, and he told him that I was
19 the spokesperson - the spokesperson of the Presidency - and that I was a person of
20 interest to them. Later on I found out that it was a former aide-de-camp of Madam
21 Lucienne Patassé.

22 So the person who stopped me and those -- that other man were those two who then
23 took me and handed me over to other rebels, who then took me to the filling station at
24 the fourth arrondissement before I was later taken to the headquarters of the MLPC,
25 the party in power, and then on to PK12.

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1 Q. In what language did they speak to you, the soldiers who detained you?

2 A. The one who stopped me was speaking broken French, so to speak. He was a
3 French -- a Chadian mercenary and he said, "You who? You who?" That is broken
4 French; quite broken French.

5 Q. And approximately how many of these armed men did you see on the first day
6 of your detention?

7 A. On the first day about one-third or two-thirds of them were Central Africans,
8 rebels, ordinary soldiers, people who were not even soldiers who had joined General
9 Bozizé's rebel movement. So there were about a third of them, and I think that's
10 what I saw at PK12, and two-thirds of them were Zaghawa and Chadian mercenaries.
11 Those are the proportions that I can provide as estimates, but the numbers increased
12 from the evening of the 25th. When they came from Moïssala in Chad on the 25th
13 they were driving Toyota vehicles bearing skulls and various other insignia or
14 drawings, and there were not many of them at that time, but other vehicles came in
15 subsequently and, as I could hear around me, some of the rebels mentioned that other
16 vehicles had come in, while others were stuck on the way in and as they came out of
17 the mud they would then join the others in Bangui. And that's how the numbers
18 grew over the evening, but the proportion was about one-third Central African and
19 two-thirds from elsewhere, as I said a short while ago.

20 Q. Thank you. And can you give us an overview of what languages they spoke
21 collectively?

22 A. Collectively, the Central African rebels spoke central -- or Sango, rather, among
23 themselves. Then they also spoke Chadian Arabic with the other Chadian
24 mercenaries. You see, they had spent more than a year in Chad - I'm referring to the
25 Central Africans - and while there they picked up Chadian Arabic and were able to

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1 communicate with them in Chadian Arabic, whereas among Central Africans they
2 spoke Sango.

3 Q. Okay. Now, they took you to the headquarters of the MLPC. What was there
4 when you got there?

5 A. When we got there, I was able to see many people sitting on the ground without
6 any shirts and who clearly had been arrested and who were brought to that location.
7 Apparently they were soldiers picked up here and there as they came into the town,
8 so when they picked up any soldiers they would take off their uniforms and bring
9 them to the MLPC headquarters. And so they were there, sitting on the ground,
10 bare-bodied.

11 Q. And what happened to these people who were taken prisoner at the MLPC at
12 PK12?

13 A. I did not spend much time at that location; that is at the MLPC headquarters.
14 It must have been about 15 minutes, and during that time I heard a gun-shot. A
15 rocket was fired while I was there, and that was the very first time that I saw an
16 RPG-7 rocket being fired, right next to me, close to me, and it was shot into the sky
17 and that was a terrible experience. I was there for about 15 minutes and then taken
18 in a vehicle to PK12.

19 At PK12, they had been there in the morning -- when they arrived in the morning,
20 they had virtually upset everything. In fact, at the PK12 roadblock you have units of
21 the customs and the presidential security, as well as forest guards and of the
22 gendarmerie.

23 So when they came there they fired at everything using heavy weaponry in their
24 possession and it was such thunderous noise that everybody fled, and so all those
25 loyalist forces that had been at PK12 were dislodged. They made me to sit on a chair

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1 across from the roadblock and there was no one there, apart from them. They were
2 the ones controlling that area, or that neighbourhood.
3 They were the only ones moving about in that neighbourhood. They placed mortar
4 shells next to me and they just killed as they wanted. It was a very difficult
5 experience for me, it was like hell. It was like hell. It was a horrible, dreadful
6 situation. They were the only ones who moved about and did whatever they
7 wanted to. They had taken full control of the situation.

8 Q. What area did they have full control of?

9 A. PK12, Begoua neighbourhood, at the entrance to the city. They had set up their
10 headquarters at the gendarmerie brigade at PK12. They also had a small logistics
11 unit. They had a large military transport vehicle with fuel and cases of ammunition
12 that was -- that were parked at the Begoua school.

13 When they took me on the 28th and the 29th to PK26, I was able to see with my own
14 eyes a number of lorries and Toyota vehicles that they had used on the first days
15 when they arrived. So those were parked at the Begoua school at PK13. They had
16 taken control of the entire neighbourhood, as far as the junction of the fourth
17 arrondissement. So they had control over the entire area and moved about as they
18 wanted. I must also say that some of the rebels were soldiers, former soldiers,
19 soldiers of the Operational Defence Regiment, which was located at PK11/12, and
20 these are the areas that Bozizé had occupied before he fled to Chad.

21 Those soldiers, therefore, were resident in Gobongo, in Boy-Rabé, Fouh and other
22 neighbourhoods but they had left more than a year ago and when they returned they
23 took control of that neighbourhood and were therefore able to go to their homes and
24 return to PK12 and what have you so all of that area was basically under their control.

25 Q. How did the local population react to the arrival of Bozizé's forces on

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1 25 October?

2 A. The people were terrorised. There was gun-fire all over the place and that
3 was the situation in Bangui and people were frightened, they were terrorised and
4 people hid in their homes and those who were able to travel along the roads were
5 only the rebels. Now, when I was taken from the MLPC headquarters to PK12 there
6 was virtually nobody on the roads. From the Independence Avenue to PK12 there
7 was virtually no one on the roads.

8 Q. Where were you taken in PK12?

9 A. Initially, they put me in one of the small houses belonging to the loyalist forces
10 opposite the roadblock, up until about 9, 9.30 p.m. Then they took me from there to
11 about 200 metres away along the PK12-Damara road where there is a weigh-bridge
12 around the triangle that is part of the Boali-Damara road intersection, and they put
13 me in a small hut which in fact had served as a drinking spot or a bar nearby and
14 that's where they put me and the owner had fled, and they took possession of that
15 area and that's where they put me and then they had a number of machine guns that
16 were pointing towards the Bangui airport.
17 They would fire from time to time from that position, and I was there, nearby, and it
18 had become, so to speak, my area or my position, or my place until the 29th, when
19 they took me away and then, in the evening, they took me from PK -- rather on the
20 28th and there was nobody at that location any longer.

21 Q. Who else was there with you?

22 A. At the beginning my driver was with me. When they took me to the PK12
23 roadblock, my driver was with me. And then there was also another young man
24 who unfortunately was passing by at the time they stopped my vehicle. There was
25 another young man who was driving behind me and they also arrested him at that

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1 time and took him along with me or along with us.

2 At some point I asked them to release my driver and that young man, because they

3 really were not part of this. I was a politician, but my driver was not; neither was

4 the young man whom I did not know and who was also arrested. So I pleaded their

5 case, so to speak, and then they concerted among themselves and around 10 p.m. they

6 decided to release them. It was already dark, and the entire area from PK12 to the

7 fourth arrondissement roundabout, all of that area was under their control.

8 So my driver and that young man decided to spend the night at PK12 outside so that

9 they could return to town in the morning. It would have been extremely dangerous

10 for them to go out at night, at 10 p.m. on that road. So those are the people with

11 whom I was arrested and taken to PK12.

12 Q. You've referred several times in your answer to "they," meaning I think the rebel
13 soldiers. What rebel soldiers were with you?

14 A. Yes, yes.

15 Q. What number of rebel soldiers were there guarding you?

16 A. Once they took me to PK12 roadblock, they called using a satellite telephone

17 briefcase, which I saw them use. It was right there in front of the gendarmerie

18 brigade. I saw them use that satellite telephone, so I guessed that they were talking

19 to General Bozizé at that time, and I was able to guess, or understand, that he must

20 have given them instructions or orders.

21 So my captors would then tell me later on that General Bozizé had told them that I

22 was an important personality. They had told him that I had been abducted and so

23 he told them that I was an important personality, and that for that reason they had to

24 assign three or four persons to guard me so that nothing unfortunate would befall me.

25 That appears to be what General Bozizé had said to them by way of orders.

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1 So, on a permanent basis, I had four rebels guarding me. Each of them was armed
2 with a Kalashnikov. They had grenades hanging on the pockets of their shirts. So
3 that is the number of people who were guarding me 24/7. For the entire period that I
4 was in their hands, there were four people permanently guarding me. And even
5 when I was taken in a vehicle, I would be sitting in the back of the vehicle, one to my
6 left, one to my right and then there would be a driver and another one of them to the
7 right. This was the number of people who guarded me throughout the time that I
8 was held in detention.

9 Q. Did you get an impression of how many soldiers were stationed in PK12 during
10 the time of your detention?

11 A. 200 to 300; 200 to 300. There must have been about 200, 250 to about 300
12 Chadian Zaghawa mercenaries and about 150 Central African rebels, General Bozizé's
13 rebels.

14 Q. And could you see where they were stationed or billeted.

15 A. They were all over the place. They were not stationed at a specific location.
16 They were mobile. Now, what I noticed throughout was the disorderly manner in
17 which they operated. They went and came as they wished. There was no officer,
18 officer who seemed to be in charge or who commanded them. The highest ranking
19 of them were either lieutenants or second lieutenants because these were Bozizé's
20 relatives, whom he had sent to training in west Africa, who joined his rebellion
21 immediately after their training. These were people who were just there like that
22 and who did not have any control over the troops that were committing these abuses.
23 So they were not stationed in any particular location. I know that their vehicles and
24 their reserve fuel and ammunitions were at the Begoua school, but between the
25 Begoua school, PK12 and the other neighbourhoods, they had control over that area

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1 and they moved about freely. They would take vehicles from people and take them
2 to PK12. They would go to PK26 and pillage the Chinese farm and bring it back to
3 the headquarters.

4 They would take things from the neighbourhood back to their homes and hand them
5 over to their wives in this entire area which was under their control. They were not
6 stationed in any particular location but they were in control of PK12, of the
7 gendarmerie brigade and all those other locations that had been under the loyalist
8 forces before they were dislodged. They were not in any specific station or they
9 were not stationed at any specific location and they moved about freely.

10 Q. Thank you. What property did they steal?

11 A. They looted the small stores in the neighbourhood. You see, PK12 is at a
12 junction of the road from Bangui to Damara and Bangui to Boali, so there are many
13 petty traders in that area. You have a number of hawkers in that area as well, there's
14 a filling station and there are a number of bars in that -- at PK12. So they were there,
15 the people or the inhabitants had been terrorised and had fled, and so they took
16 control of the area, they broke into the various shops and stores that were there.
17 And this is the same attitude that they had, and I was able to see it throughout
18 the -- my experience with them as we went from town to town, right up to the
19 Chadian border. As we moved along, we -- I noticed that they would break into the
20 stores and shops that they came across. So at that location they stole from the shops,
21 they stole from the bars, they looted the bars, they took whatever alcohol they could
22 find and they drank it in order to get some courage and strength and so on and so
23 forth.

24 So all those whom they came across, anybody who dared to come to PK12 was
25 arrested and they would take away their mobile telephones and all -- any property

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1 that they came across they would take, and they also even went to pick up vehicles
2 from people's private homes and took them back to PK12.

3 PRESIDING JUDGE STEINER: Mr Witness, I'm sorry to interrupt you. I'm really
4 sorry. You need, please, to slow down a little bit. You are speaking too fast. I'm
5 sorry. Thank you.

6 THE WITNESS: (Interpretation) Very well.

7 Yes, they were pillaging, stealing and racketeering anything that they came across, so
8 in a few days they practically razed the entire PK12 neighbourhood close to the
9 barrier. That is the place where they put me.

10 The proprietor of that place came in the morning and realised that there was a lot of
11 damage done. His drinking place had been looted, all alcohol stocks had been taken
12 away and he was able to salvage a fridge and a freezer. He managed to take those
13 away, but everything else had been looted.

14 MR HAYNES:

15 Q. Thank you. What other abuses did they commit against the population?

16 A. From the hut in which they had placed me in PK12, I was able to observe people
17 being tortured. There were two young people that they had taken away from an
18 employee of the telecommunications company of Central Africa, who was living
19 somewhere in PK11. They went there, but they did not find him, and they took
20 away his younger brothers, who were at home. They brought them to PK12, they
21 tied these people up and then beat him up right in front of me. Later on, I was to
22 learn that they had killed those young people and had gone and buried them
23 unceremoniously on Boheram (phon) Hill.

24 And while I was still at the barrier, that is when they brought me from the fourth
25 arrondissement intersection, right in front of me they also beat up a young man who

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1 had actually come to join them. He had in fact intended to join them, and they
2 discovered -- I don't know whether it was imaginary, or whether it was true, but they
3 are supposed to have recognised him as someone who had taken a Kalashnikov when
4 they were near Batangafo, near the Chadian border, and who is supposed to have fled
5 with that weapon and came to Bangui. They recognised him, then they tied him up,
6 beat him up and caused him to bleed by stabbing him with the bayonet of a
7 Kalashnikov, and I was to learn later that they also ended up killing that young
8 person.

9 They killed other young people in homes in PK12. It was after my release that I
10 came to hear about all this. I heard that when it came to killings, members of some
11 families were killed and the surviving family members told me that they had lost one
12 member or the other, or several of their family members; that is to those rebels when
13 they had come to Bangui on 25 October 2002.

14 MR HAYNES: I'm going to ask that we pass, out of an abundance of caution, briefly
15 into private session.

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

17 *(Private session at 12.07 p.m.) Reclassified as Open session

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

19 MR HAYNES:

20 Q. Mr N'Douba, do you know the names of any of the people who were murdered
21 by Bozizé's rebels?

22 A. The two young people that I was talking about a short while ago were the
23 younger brothers of (Redacted)

24 (Redacted) I also know a former soldier

25 of the Presidential Security Unit, whose name is (Redacted)

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1 (Redacted) There was also
2 another case, which became known immediately, and this was a case of a (Redacted)
3 (Redacted)
4 (Redacted) and he was killed immediately, not far away from the Protestant Youth
5 Centre, as soon as those rebels entered Bangui on 25 October. That person was
6 killed on that day, so those are the cases that I know about.
7 I also know that the (Redacted)
8 (Redacted) this person was abducted in the residence of
9 (Redacted), and I'm saying this because this person was a lieutenant.
10 While I was in the hut in PK12, I surprised one evening two young rebels whispering
11 to themselves that (Redacted) had just been brought in. His name
12 was (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 One afternoon I saw the vehicle of the (Redacted)
18 and I recognised that vehicle, which is why I understood that those rebels had (Redacted)
19 (Redacted) and that is why that vehicle was brought to PK12. So in
20 that evening I overheard the conversation between the two young rebels, and they
21 were saying that they had brought in (Redacted)
22 (Redacted)
23 So these are the people that I can say with some certainty that were killed on that
24 occasion. I do not know whether there were any other killings, but I can say with
25 certainty that those I've mentioned were killed by the rebels after having been

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1 abducted from their homes.

2 MR HAYNES: Thank you very much. We're going to go back into open session
3 now, so please be careful about what names you give out.

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

5 (Open session at 12.13 p.m.)

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

7 MR HAYNES:

8 Q. How did Bozizé's forces behave towards women?

9 A. I really did not personally witness any such incidents, but I heard some of
10 Bozizé's young rebels around me bragging that if they came across any women they
11 would have their revenge, because they had been in the bush for one year and
12 President Patassé's regime had compelled them to abandon their wives and go and
13 live in the bush, so now that they had come back to the capital, the women that they
14 came across should beware. I heard them talking about this and this is a fact.
15 However, I never personally witnessed any incident involving them and women. In
16 a way, I was a prisoner. I was not able to move about freely to be able to observe
17 such incidents.

18 Q. Please don't give me a name or names at this stage but did you ever hear of any
19 particular cases of women being raped by Bozizé's rebels?

20 A. I heard about it. The situation created by General Bozizé in the Central African
21 Republic was as from November 2001, and that situation persists even up 'til today
22 because General Bozizé's men continue to kill citizens right up 'til today but
23 unfortunately not much is said about it. Even when they entered the capital on 15
24 March 2003, there were further cases of rape.

25 I know a lady who today is living in the Paris area, who was raped when the rebels

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1 entered Bangui in March 2003. I can give that person's name if you make it possible
2 for me to do so. But I know that girl, and she was the daughter of an authority in
3 Patassé's government. She was raped in broad daylight in Bangui.

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

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

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

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

8 MR HAYNES:

9 Q. Mr N'Douba, I've now created the conditions I hope in which you can give us
10 the name of the lady you've talked about. What was her name, or is her name?

11 A. Her name is (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted) This is

16 quite a well-known case, (Redacted)

17 (Redacted)

18 (Redacted)

19 MR HAYNES: Okay, thank you. We're going to go back into public session now so
20 please don't mention that lady's name again.

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

22 (Open session at 12.19 p.m.)

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

24 MR HAYNES:

25 Q. Mr N'Douba, how many days and nights were you held at PK12?

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1 A. Five days. I was arrested on 25 October. I was taken there and detained.

2 Then you had the 26th, the 27th, the 28th and the 29th, and it was in the night of the
3 29th to the 30th that I was taken from PK12 towards the Chadian border.

4 Q. And during the time of your captivity there, were there any other armed men in
5 PK12 other than Bozizé's rebels?

6 A. There were no other armed men, only General Bozizé's men.

7 Q. What happened to you when you left PK12?

8 A. When I left PK12 it was at night. They decided to take me with them because
9 in the afternoon they had taken me to PK26, just like the day before, and when they
10 brought me back to PK12 it was at nightfall, and when we arrived in the CAR my
11 captors, who were still around me, realised that their comrades were no longer in
12 PK12, so they were worried. They panicked a little bit, and then they supposed that
13 while they were with me in PK26 something must have happened, because they were
14 living in fear of a counter-offensive by the loyalist forces, so they were afraid of that
15 counter-offensive.

16 So when they brought me from PK26 on Boali road they realised that PK12 was
17 practically deserted. They became afraid and that is why they decided to take the
18 road to Damara with me. We did not even alight from the vehicle, and they simply
19 took that decision to take me along on the road to Damara. They thought that the
20 counter-offensive had been launched by the loyalist forces so they took me to Damara,
21 Sibut, Dekoua, Kaga-Bandoro, Kabo and Sido on the border with Chad before
22 bringing me back once again to Kaga-Bandoro where I spent 33 days in captivity
23 before being released. That is what happened.

24 Q. Well, that's what I was coming to. Were you held for any period of time in
25 Damara?

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1 A. We just passed through Damara. We got into the town and stopped at the
2 Damara filling station. They inquired around, simply to know whether those people
3 who were there had seen a convoy of armed people pass through there, and they
4 were told, yes, indeed, several vehicles passed through there. And that is how come
5 we left Damara towards Sibut, the next big town.
6 We arrived there at around 11 p.m. and that is where we met the vehicles in the
7 convoy, a long convoy of rebel vehicles including vehicles that they had snatched
8 from people in Bangui. There were about 50 vehicles, and they were on their way to
9 their rear base in Sido. So in Sibut, because of the headlights of our vehicle, I was
10 able to observe that they had broken down all the doors to the stores and they helped
11 themselves to things.
12 They also broke the pumps of the Sibut filling station so as to fill up their tanks.
13 They even told my own captors that they too should go and fill up their tanks, and
14 also take away some fuel containers in the Sibut filling station.
15 Q. Okay. And after Sibut, where did you go then?
16 A. After Sibut, we continued on our way. We stopped at Dekoua very early in the
17 morning. The road is very bad. Many vehicles had gotten bogged down, they had
18 been stuck, and we had to help them get out and it took many, many hours to cover
19 110 kilometres.
20 So after Sibut we went to Dekoua. We arrived very early in the morning, we did not
21 spend a lot of time there and then we continued right up to Kaga-Bandoro, and they
22 stopped in front of the hospital in Kaga-Bandoro. I saw Chadians alight from some
23 of the vehicles and they immediately went and broke down the door of the drugstore
24 of the hospital, and I saw them return with boxes of medicines that they would take
25 away with them to Chad.

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1 I asked them to take me to the Kaga-Bandoro Catholic Mission, because
2 Kaga-Bandoro is a prefecture and there is a bishopric there. I knew that the bishops
3 always had at their disposal a satellite phone which they used to communicate with
4 Bangui, and so on and so forth, so I wanted them to take me to the bishop and I
5 would ask the bishop to assist me to call General Bozizé and speak with him.
6 Unfortunately, when we arrived at the Catholic Mission, the bishop was not there,
7 two days before that he had left for Bangui, but the vicar-general who was there told
8 me that he had travelled with his satellite phone, so we could not use it. However,
9 he suggested that I should go to the local UNDP office, because they had a satellite
10 phone there also, but since I was told that the bishop had travelled to Bangui with his
11 telephone, one of the Chadian Zaghawa rebels who was also present asked the
12 vicar-general to go and break down the doors of the private apartments of the bishop
13 so that he should search the apartment himself and ensure that the telephone was in
14 fact not there.
15 I told him that that would be inappropriate. I thought asking for them to take me to
16 the bishop's house was already daring enough and it would not be a good thing to
17 break down the doors there, and that is how I was taken back to the Kaga-Bandoro
18 city centre. That is what happened in Kaga-Bandoro, and we spent two days there
19 before continuing towards the Chadian border.
20 Q. Thank you. And where, finally, were you detained?
21 A. After that they took me to Sido, on the border with Chad, and then
22 Kaga-Bandoro. In Kaga-Bandoro, I spent more than a month there. First of all I
23 was with some local people in the home of a young lady, and the rebels knew this
24 young woman. They had met her in Bangui. This lady was living in that place and
25 this lady was selling -- was selling liquor to people in that area.

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1 So they had me stay in her home, and they asked her to find a spot for me in the home
2 where I could sleep. So I spent about 15 days, and that was a neighbourhood -- well,
3 it was necessary to keep an eye on me 24-hours a day and in a way this home became
4 their headquarters. Each day I would see that it was a place where the local people
5 would come and meet the rebels and complain, because they had been subject to
6 racketeering, or things had been stolen from them, for example shotguns or scooters.
7 The local people came to complain about all these thefts to the rebels at that particular
8 place where I was being kept.

9 So I spent 15 days there. After that, they decided me -- they decided to hold me
10 elsewhere. They took me to the home of a local trader, who had a bit of a shop.
11 They took me there and they asked this gentleman to host me, and he was able to put
12 a little bit of bed in a hut and I spent the rest of the month there. That is where, on
13 the day of my release, the Red Cross people came and got me and then later took me
14 back to Bangui.

15 Q. Thank you. And where were you taken to in Bangui on the day of your
16 release?

17 A. When I was taken back, as I said earlier, I was taken to see Colonel Moustapha
18 at PK13, then I was taken to the residence of President Patassé and after that I was
19 taken to my house at 36 Villas. As I said earlier, that is where my family rejoined me
20 and my -- that's where my younger brothers and sisters were, as well as my mother,
21 so they saw me there at my place.

22 I didn't stay there for long. Two or three days after that I was obliged, upon the
23 instructions of the president, to go with the Prime Minister to New York for the
24 complaint that the CAR was filing with the Security Council of the United Nations.

25 Q. What complaint was that?

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1 A. President Patassé had decided to bring the matter to the attention of the Security
2 Council of the United Nations; namely the entry of Bozizé's rebel troops into the town
3 and their acts of violence and abuse. In particular, when they came into the town,
4 this compromised the whole CAR file, which was to come before the board of
5 directors of the International Monetary Fund, and he thought this was extremely
6 serious and decided to bring the matter to the attention of the Security Council. The
7 entry of Bozizé's rebels into the town had to be condemned, and so he decided that I
8 was to go with Martin Ziguélé, the Prime Minister, who was alive. He was a -- he
9 wanted to have someone who was a victim and still alive to come and give testimony,
10 to testify as to what had happened in the capital of the Central African Republic as of
11 25 October 2002.

12 Q. And did you do that?

13 A. Yes, I did. I did that. We flew from Bangui with the Prime Minister Martin
14 Ziguélé to Paris, by way of Douala, Cameroon. Then we went Paris and then to
15 New York. That's what we did. After New York we went to Washington, and we
16 were received at the US Department of State, Prime Minister Martin Ziguélé and
17 myself, as well as General Cissé who was representing the Secretary-General of the
18 UN in Bangui at the time. He too travelled with us.
19 When we came back from Washington, the Prime Minister, Mr Ziguélé, continued on
20 to Bangui, but General Cissé and an economic councillor, we remained in London.
21 We were received by people at the Foreign Office in London. After that, we also
22 were received in Brussels by the Development Commission of the European Union.
23 So after the three trips, I spent some time with my family in Paris. I decided that I
24 would begin writing my account, the account of my misadventures, and that
25 ultimately was published in Paris in 2006; my account of what I experienced and what

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1 I saw throughout that entire period of time.

2 Q. How do you feel as a result of what happened to you?

3 A. A great deal of pain and sorrow. I went through some extremely difficult
4 times. My family and my children, they too went through some extremely difficult
5 moments because for three weeks they had no news of me. My brothers and sisters
6 and my mother in Bangui, they did not have any news of me either, and they even
7 started to prepare and to even begin the mourning period because everyone was
8 saying that I'd been executed. They didn't have any information. So for three
9 weeks everyone began to resign themselves to the idea that I was no longer alive.
10 So this was very traumatic, and this lasted from 25 March -- October until March,
11 when Bozizé came to power, because in my home at 36 Villas, which had been looted,
12 they had even taken a tombstone that I had prepared, a granite slab that I had bought
13 in Paris, and this was intended for the grave of my father who had passed away in
14 2001. They even stole that, and from an emotional point of view that was a very
15 important item to me.

16 When I was taken from Kaga-Bandoro to Bangui, on 2 December 2002, the very next
17 day I spoke on the telephone with Radio France Internationale. I gave an interview.
18 They called me, and during that interview I said that I had pardoned everyone who
19 had done me harm, Bozizé who had done me harm; that I had pardoned these people.
20 However, after the looting of my home in March 2003, particularly the theft of this
21 tombstone which was intended for my father's grave, I said that I would no longer
22 pardon General Bozizé.

23 As I said a few moments ago I am very frustrated now, truly, but at the same time I
24 am relieved to have this opportunity to tell the Court - the ICC - what's happened.
25 I'm happy to be here. This is a relief, but at the same time I am very frustrated and

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1 disappointed that Bozizé is not here, because he did tremendous harm and continues
2 to do tremendous harm to the country, the Central African Republic, and its people.
3 Unfortunately, he is in power. He is all-powerful. He is protected by presidential
4 immunity.
5 And I must remind you that when I was being held by his men, my wife in Paris filed
6 a complaint with the Parisian courts for kidnapping and abduction of her husband.
7 And when I was able to meet up with my family again in Paris, the Prosecutor asked
8 my wife to be heard before the -- at the police station in our neighbourhood, and the
9 day that I went with my wife for the hearing the police officers decided that, since I
10 was present myself, they decided to cancel the hearing and to hear me directly.
11 So they heard me for hours. The information was passed on to the Prosecutor of the
12 Pontoise Court where we reside, and a few months later the Prosecutor wrote to me
13 and said that, since Bozizé was now a Head of State, it was not possible to begin legal
14 proceedings against him and I would have to wait until Bozizé was no longer Head of
15 State before prosecution could begin.
16 So you can imagine just how frustrated I was. The one who bears the primary
17 responsibility for this terrible trial that my family and I endured is not here today and
18 has not had an opportunity to provide explanations regarding his responsibility here
19 before the ICC. Ange-Félix Patassé had been obliged. Owing to his powers as a
20 president, he needed to call upon the MLC troops to help him push back these rebels.
21 He is no longer alive, President Patassé has passed away, and that's one more reason
22 for me to feel this frustration. He didn't even have an opportunity to come here and
23 provide explanations regarding everything that happened, so now, given the
24 situation, I find myself here.
25 By chance I was called upon to come and give testimony, and I am proud to do this

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1 and I am happy to be here to speak to these events so that the truth shall be known,
2 the truth about these events, and unfortunately soon it will be the tenth anniversary
3 of the events, because it was on 25 October 2002 that I was subject to these events, that
4 I was subject to these acts on the part of General Bozizé's rebels.

5 So for me, I'm experiencing great sorrow and pain. This is still very fresh in my
6 heart and in my mind. I'm thinking of all these things that I much prefer to forget,
7 but these things remain with me in my very flesh, in my mind, and also for my wife,
8 my children, my family, this has been very difficult. We lost possessions. Our lives
9 were -- our lives were turned upside down, and I do think that these people should be
10 brought before the courts so that they can be confronted with what happened, so that
11 they can account for themselves, but at the same time this is also a relief. This is
12 difficult for me and painful to tell you about what happened, but in a way it's also a
13 relief. So those are the feelings that I'm experiencing, sir.

14 Q. Well, thank you for sharing that with us. Has anybody ever offered to
15 compensate you for what happened to you ten years ago?

16 A. No compensation at all. I lost possessions. Psychologically I was destroyed.
17 I received no offer up until now.

18 Q. And did anybody offer to investigate what happened to you or punish those
19 responsible for it?

20 A. I would have liked the ICC to have looked into this and I would have liked the
21 Court to help me to reach that goal, but I'm only one person and I'm facing an
22 all-powerful general who is now in power and does whatever he wants, and no one
23 asks him to account for any of his actions. He's there, he continues to assume
24 responsibility for deaths. The killings continue.

25 All kinds of thugs are still there in the country and they go unpunished and it's a true

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1 scandal, a true scandal, and I want to say this here before this Court because General
2 Bozizé, well, with everything that I've experienced, everything I saw, the violence, the
3 abuse, during those 38 days, if there were some divine court perhaps it's a pity that
4 we could not have turned to such a court.

5 It is such a shame that someone who bears such responsibility for so many deaths, but
6 now he's still there, he keeps on going and ordinary life in the CAR is difficult. Utter
7 poverty, a very, very difficult life. Nothing can be done. He is still there. He's still
8 in power. All he cares about is his own power, and the other victims receive no
9 compensation and we have to stand aside and watch this injustice that continues as
10 Bozizé continues as president of the country.

11 Q. Mr N'Douba, you've anticipated my next question, which is: So far as you
12 know, has President Bozizé ordered any inquiry into the murders, rapes, tortures and
13 lootings you have told us about?

14 A. Not at all, in no way, shape or form. Not only has he asked (sic) for any of that,
15 it goes on. It continues. His men continue to behave as I saw during my captivity,
16 when I was being held by them. I saw. He is leading a quiet life, so to speak, and
17 the thing -- and these things just keep on happening.

18 Q. Now, I don't want you to tell us where you live, but you don't live in the Central
19 African Republic any more, do you?

20 A. That's right. I no longer live in the CAR. I live in the region; in the Parisian
21 region. I've been there since that time.

22 Q. If you did live in the Central African Republic, would you have felt able to come
23 to this Court and tell your story?

24 A. I don't know. It is true I could have turned to the ICC office in the CAR, and I
25 could have asked to have a hearing, but I don't know whether the procedure would

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1 have allowed me to come here. In any event, I'm very happy. I'm very content that
2 I've had this opportunity to come here, to tell you about what I experienced, about the
3 misadventures that I had.

4 Q. When did you leave the Central African Republic?

5 A. I left the Central African Republic after I had gone back. After spending a few
6 months, after I had been to New York, Washington, London and Brussels, I went back
7 home to Paris where I had some -- I had my health checked. I also began writing my
8 book, my account.

9 After that, I had an opportunity -- when my health was better, President Patassé came
10 to -- early in February 2003 he came to take part in a summit of Heads of State, it was
11 the France-Africa conference, and at that time I met up with him and we worked
12 together at that summit.

13 Shortly after his return to Bangui I too went back down to Bangui, and not for a long
14 time, and I had to go with him to Niamey, Niger with President Patassé where there
15 was a summit of the Heads of State of CEN-SAD with General Qadhafi, and when I
16 came back from Niamey on 15 March our aeroplane could not land in Bangui and we
17 learned that heavy artillery was being fired at the airport. By whom? Once again
18 by Bozizé's men, and we needed -- well, our aeroplane needed to be rerouted.

19 President Patassé in the aeroplane asked me to speak to the crew and to place a call to
20 the president of Gabon, which I did. I telephoned President Bongo. I told him
21 what was happening and President Patassé wanted to speak to him and he ordered
22 that our aircraft be sent to Libreville, and so President Bongo said, no, no, that you
23 should head for Yaoundé, and so that is how it came to be that -- well, I think you
24 know the rest of the story.

25 Bozizé had taken power and overthrown the government. I remained with

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1 President Patassé in Yaoundé for a week. Then after that we went to Lome, in Togo.
2 We spent two months there with him. After that I went back to my family in Paris
3 where I've remained ever since.

4 MR HAYNES: Mr N'Douba, thank you very much. Those are all the questions that
5 I want to ask you. You'll now be asked some questions by Ms Kneuer for the
6 Prosecution.

7 PRESIDING JUDGE STEINER: Thank you very much, Mr Haynes. Ms Kneuer?

8 MS KNEUER: Thank you, Madam President, your Honours.

9 QUESTIONED BY MS KNEUER:

10 Q. Good afternoon, sir.

11 A. Good afternoon, ma'am.

12 Q. My name is Petra Kneuer, as you know, since we met yesterday, and I'm a
13 senior trial lawyer in the Office of the Prosecutor and will ask you some questions.
14 Is that fine with you?

15 A. Yes.

16 Q. If you need a break at any time, please let me know.

17 A. Very well.

18 Q. I also would like to remind you to speak slowly and wait for five seconds after I
19 finished, to give the interpreters and stenographers a chance to follow the questioning,
20 and I will do my best to do the same.

21 Mr Witness, I would like to start asking you a few questions about your encounter
22 with the Defence team. Do you recall when you first met with Defence counsel?

23 A. A few months ago. A few months ago. I had a call from one of the Defence
24 lawyers who wanted to meet with me, after reading my book, the story of my account
25 of what had happened. So I got a phone call, so I agreed to talk to him about that.

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1 Q. Who did call you from the Defence team?

2 A. It was Maître Kilolo who called me.

3 Q. And you mentioned that you met with Maître Kilolo; correct?

4 A. Yes, we met. We met once after that phone call, somewhere in Paris.

5 Q. And how long did that meeting take place?

6 A. It did not take long. He came along with another gentleman, whom I did not
7 know. We exchanged our identities, so to speak. We discussed a little bit, for about
8 half-an-hour. He was holding a book, so we talked for about 30 minutes.

9 Q. Do I understand you correctly that you do not know the name of this other
10 gentleman who accompanied Maître Kilolo?

11 A. Yes, I do not know the name.

12 Q. Did you have any further contact after this meeting with Maître Kilolo, or
13 anybody else from the Defence team?

14 A. No, no further contacts.

15 Q. Was any record generated about this 30 minutes' interview that you had with
16 Maître Kilolo?

17 A. No, not at all. It was a very informal discussion.

18 Q. Why did you agree to meet with the Defence counsel?

19 A. I agreed to meet him, because this was the first time anyone from the ICC had
20 showed an interest in talking to me and in discussing with me what had befallen me.
21 To that date no one had ever invited me to such a discussion, so I felt that this was for
22 once an opportunity to talk with a lawyer about all what happened to me. For that
23 reason, I agreed to meet with him. I did not have any other motives or reasons for
24 agreeing to meet with him.

25 Q. What do you expect from your testimony before this Court?

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1 A. That all these things that happened to the victims can finally be talked about,
2 that is relating to the Central African crisis, and that finally we can be able to talk
3 about my family. My family can also see the light concerning what happened to me,
4 the suffering that I was subjected to, as well as my family, through these trials that I
5 went through. That is what I expect, and that is why I said a short while ago that I
6 have a sense of relief to have had this opportunity before the International Criminal
7 Court to talk about what happened to me.

8 To my mind this is part of the record of the facts and things that happened in the
9 Central African Republic, my own story among other stories, so I feel that this is an
10 opportunity to come before this Court to talk about these things and it is indeed a
11 happy moment for me to be here to shed some light on the trials and suffering that
12 personally befell me.

13 So I do not expect anything special. You see, General Bozizé is not here before this
14 Court and I therefore do not expect any compensation from him regarding what he
15 did to me. My satisfaction already is that I have had this opportunity to narrate to
16 this Court the story of what befell me.

17 Q. Do you know the accused, Mr Jean-Pierre Bemba, personally?

18 A. I saw him. I saw him twice at President Patassé's residence, but I do not know
19 him personally, no. We do not know each other. I was President Patassé's
20 collaborator and I was there when he came to see him once and on a second occasion,
21 but we do not know each other. We did not have a discussion or a conversation
22 between ourselves, and I do not know him personally.

23 Q. Do you by any chance recall when you saw Mr Bemba at the residence of former
24 president, Patassé?

25 A. I do not recall a specific date, but as President Patassé's close collaborator I got

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1 to meet a number of people at the president's residence. I know that he was received
2 by President Patassé on two or three occasions. I have a vague recollection of it, but
3 not a specific date.

4 Q. Was Mr Bemba received by Mr Patassé during the conflict in 2002 and 2003?
5 Do you remember that?

6 A. No, I do not remember. What I know, or I think, is that when he came it was
7 mainly to discuss their relationship with President Patassé and also to talk about his
8 own situation on the other side. I think that he came to ask for some facilities - some
9 logistical facilities - from President Patassé, such as fuel supplies, such as matters
10 relating to his aircraft and so on and so forth.

11 I do not have any recollection of seeing him during the crisis. Most of his
12 relationship with President Patassé was conducted on the telephone and I would hear
13 President Patassé talk about having had a conversation with him. I don't have any
14 recollection of seeing him come to meet President Patassé during those difficult times.

15 Q. Coming back to the gentleman who accompanied Maître Kilolo when you met
16 in Paris, is this gentleman in this courtroom?

17 A. No, I -- I did not keep a picture of him in my mind of his face and I am not able
18 to recognise him here.

19 Q. Sir, you are aware that the Prosecution wanted to meet with you before your
20 testimony; correct?

21 A. Yes.

22 Q. Who from the Defence team contacted you to submit our request to you?

23 A. It was Maître Kilolo who called me on the phone and told me about it.

24 Q. Do you recall the date when you were contacted?

25 A. Quite recently. It must have been in August, in the month of August I think,

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1 but I don't -- I don't have an exact specific date in mind.

2 Q. That's fine, sir. What were you told by Maître Kilolo about our request?

3 A. He simply told me that the Prosecution team wanted to meet me, or meet with
4 me, and asked if I would be ready to meet with them. I said, "Yes, yes, I'm willing to
5 meet them," and so I told him that if I am going to appear before the Court and the
6 Prosecution team wants to meet me, I would like to know whether it is possible for
7 me to know what they want to talk about and what the questions they would raise at
8 such a meeting would be.

9 In any event, I gave him my approval, or my consent, to meet with the Prosecution
10 team.

11 Q. We never met actually before the -- before your testimony, despite the courtesy
12 meeting yesterday; correct?

13 A. Yeah, that is correct. We never met before.

14 Q. From the conversation that you had with Maître Kilolo over the phone, what
15 did you understand this meeting with the Prosecution to be?

16 A. He simply conveyed to me the Prosecution team's desire to meet me and that is
17 all what we talked about, so I told him that in principle I was amenable to that, I
18 agreed, but that I would have loved to know what the purpose of the meeting would
19 be. That was all that we talked about.

20 Q. Was it clear to you that this meeting which the Prosecution had requested
21 would not have been an interview, rather a meeting to clarify and facilitate your
22 testimony?

23 A. No, I felt that maybe the Prosecution team wanted to ask a few questions of me
24 in order to facilitate the hearing. I did not have any other concerns, so to speak.

25 MS KNEUER: May I have a moment, Madam President?

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1 (Pause in proceedings)

2 MS KNEUER: Madam President, I would now move to a new topic for which I
3 would like to use maps, but I'm afraid I will not finish with the map within the next
4 five minutes, so with your leave I suggest that I continue on Monday. Thank you,
5 Madam President.

6 PRESIDING JUDGE STEINER: Thank you, Ms Kneuer.

7 Mr Witness, we will adjourn for today. We hope you can enjoy a little bit the
8 weekend, in spite of the weather. We will resume on Monday morning at 9 in the
9 morning.

10 I thank very much Prosecution team, legal representatives of victims, the Defence
11 team, Mr Jean-Pierre Bemba Gombo. I thank very much our interpreters, court
12 reporters, our court officer and court usher, wishing you all a good weekend.

13 I ask, please, court usher to accompany the witness outside the courtroom, and in the
14 meantime we will adjourn and resume on Monday morning.

15 (The witness stands down)

16 THE COURT OFFICER: All rise.

17 (The hearing ends in open session at 1.20 p.m.)

18 CORRECTION REPORT

19 The Court Interpretation and Translation Section has made the following correction
20 in the transcript:

21 *Page 7 line 20

22 "... lines 22 and 33 (sic),..." Is corrected by "... lines 22 and 23,..."

23 RECLASSIFICATION REPORT

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

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