

Trial Hearing
Witness: CAR-D04-PPPP-0065

(Open Session)

ICC-01/05-01/08

1 International Criminal Court

2 Trial Chamber III - Courtroom 1

3 Situation: Central African Republic

4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08

5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki

6 Trial Hearing

7 Monday, 17 September 2012

8 (The hearing starts in open session at 9.03 a.m.)

9 THE COURT USHER: All rise.

10 The International Criminal Court is now in session.

11 Please be seated.

12 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the
13 case.

14 THE COURT OFFICER: Thank you, Madam President. Situation in the Central
15 African Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo,
16 ICC-01/05-01/08.

17 PRESIDING JUDGE STEINER: Thank you very much. Good morning and
18 welcome Prosecution team, legal representatives of victims, the Defence team. Good
19 morning Mr Jean-Pierre Bemba Gombo. Good morning our interpreters and court
20 reporters.

21 We will continue today with the questioning of Defence Witness 065, and I ask, please,
22 court usher to bring the witness in.

23 (The witness enters the courtroom)

24 WITNESS: CAR-D04-PPPP-0065 (On former oath)

25 (The witness speaks French)

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- 1 PRESIDING JUDGE STEINER: Good morning, Mr Witness, and welcome back.
- 2 THE WITNESS: (Interpretation) Good morning, your Honour.
- 3 PRESIDING JUDGE STEINER: We all hope you had a restful weekend and that you
- 4 are ready to continue with your testimony.
- 5 THE WITNESS: (Interpretation) Yes, indeed.
- 6 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that you are still
- 7 under oath. Do you understand that, sir?
- 8 THE WITNESS: (Interpretation) Absolutely.
- 9 PRESIDING JUDGE STEINER: I also would like to remind you of our ground rules,
- 10 that you are expected to speak slower than normal and to give the five seconds after a
- 11 question is put to you and before you start answering that question in order to allow
- 12 our interpreters to do their job. Is that fine with you, sir?
- 13 THE WITNESS: (Interpretation) It's not always easy, but I'll make the effort.
- 14 PRESIDING JUDGE STEINER: Thank you very much, sir.
- 15 This morning the Prosecution will continue to question you, so I give the floor to
- 16 Ms Kneuer.
- 17 MS KNEUER: Thank you, Madam President. Good morning, your Honours.
- 18 QUESTIONED BY MS KNEUER: (Continuing)
- 19 Q. Good morning, Mr Witness.
- 20 A. Good morning, Counsel.
- 21 Q. I hope you had a restful weekend, sir.
- 22 A. Yes, I did.
- 23 Q. Mr Witness, I'm striving to conclude my questioning this morning and I will
- 24 start asking you some questions about your arrest.
- 25 Sir, it's your testimony that you were abducted by Bozizé rebels on 25 October 2002,

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1 isn't it?

2 A. That is correct.

3 Q. You were arrested in the centre of Bangui in front of the Barthélémy lycée;
4 correct?

5 A. Yes, shortly after the Barthélémy Boganda school, that is towards the Boy-Rabé
6 neighbourhood, the road going to that neighbourhood.

7 Q. And you were coming from the residence of President Patassé?

8 A. No, I was coming back from the presidential palace. There had been a
9 ceremony for the presentation of the letters of credence of an ambassador.

10 Q. Would you be able to mark in a map where you were abducted?

11 A. Yes, absolutely.

12 MS KNEUER: I ask, please, the court officer to display document number 2 of the
13 list of documents of the Prosecution, which is CAR-OTP-0035 -- 0030-0153.

14 Q. Can you see the map, sir?

15 A. Yes, Counsel.

16 MS KNEUER: Madam President, I'm always forgetting about this technical
17 equipment. Can we mark on this board, or do we need to use the other board? I
18 always forget the name.

19 PRESIDING JUDGE STEINER: Me too. It's possible to mark it, yes. I ask, please,
20 the court usher to provide any help needed.

21 MS KNEUER:

22 Q. Sir, can you please mark with an "X" and put a "1" next to it where the
23 presidential palace is?

24 A. The presidential palace is located where I have marked in red. It is just
25 directly opposite the intersection, Place de la République, and that is PK0.

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1 Q. Can you please mark in a green colour -- we don't have green? We just have
2 red? Do we have a green colour?

3 A. Blue.

4 Q. Blue. Please, can you mark in blue where the residence of former President
5 Patassé is?

6 A. I think the scale of the map is too small. You have the Avenue de
7 Independence. President Patassé's residence was located on that avenue. I think
8 the scale of the map is too small, so I cannot be very precise, but I think it is
9 somewhere around there. So you have the intersection of the road going towards
10 Boy-Rabé, which is somewhere at this place I'm indicating, so I believe that is the
11 location I have pointed out.

12 Q. Sir, can you please mark the first blue dot with a capital "P," for "Patassé"?
13 Thank you. Do we have a third colour available? Can you please mark with the
14 next colour where you were abducted?

15 A. It was here at the junction of the road going towards Boy-Rabé.

16 MS KNEUER: Thank you, sir. I don't need this map any further, and I request that
17 it be assigned an ERN number and EVD-T number.

18 PRESIDING JUDGE STEINER: Let's assign -- the map has no ERN number, so let's
19 assign an EVD-T number to the document. Sorry, my mistaken. It's an ERN
20 number that needs to be assigned for the time being.

21 THE COURT OFFICER: Thank you, Madam President. This annotated map would
22 have the following ERN number CAR-ICC-0001-0081, and will be registered as a
23 public document.

24 MS KNEUER:

25 Q. Sir, the Bozizé rebels detained you for 38 days; right?

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1 A. Thirty-eight.

2 Q. And you were released on 2 December in 2002; right?

3 A. In fact it was on 1 December, but they brought me back to Bangui on the 2nd.

4 I was brought back on the 2nd.

5 Q. Once you were arrested, Bozizé rebels drove you up to the Chadian border in
6 the night of 29 to 30 October; correct?

7 A. Yes. We left Bangui in the night of the 29th to the 30th, but we spent two or
8 three days in Kaga-Bandoro and it was at the end of the third day in Kaga-Bandoro
9 that they took me right to the Chadian border. We spent only one night there, and
10 the next day they took me back to Kabo and the day after they took me back again to
11 Kaga-Bandoro where I spent 33 days. In addition to the five days that I spent that
12 made a total of 38 days. That is the five days I spent at PK12.

13 Q. Sir, on Friday you testified that on your way to the Chadian border you passed
14 PK12, PK26, Damara, Sibut, Dekoua, Kaga-Bandoro, Kabo until you finally reached
15 Sido on the border with Chad. Would you be capable to mark some of these towns
16 in a map of the Central African Republic?

17 A. Absolutely.

18 MS KNEUER: I kindly ask the court officer to display document number 3 of the list
19 of documents, which is CAR-OTP-0030-0154. Is it possible to enlarge the map a little
20 bit further?

21 Q. Sir, can you find Sibut on that map? Perhaps you can circle it? What's the
22 distance between Bangui and Sibut, to the best of your knowledge?

23 A. I believe the distance between Bangui and Sibut should be 175 kilometres, or
24 something like that. I would like to seize the opportunity to recall that the day
25 before yesterday in the news I do not know whether you are aware rebels attacked

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1 Sibut and Damara. They killed a gendarme in Damara. They seized weapons and
2 took away money from a Mutual Assistance Bank in Damara. So there is still this
3 problem of rebellion in the Central African Republic, so I spent the day of Saturday
4 receiving phone calls about another rebellion that actually arrived at the doors of
5 Bangui before retreating. So these are towns that are quite well-known now because
6 they are relatively close to the capital of the Central African Republic.

7 Q. Can you please mark for us Dekoua on the map?

8 A. Dekoua.

9 Q. What's the distance from Bangui to Dekoua?

10 A. I said that Bangui to Sibut would be about 175 kilometres, and Sibut-Dekoua
11 should be about 72 kilometres or thereabouts.

12 Q. Can you please mark Kaga-Bandoro in the map, sir?

13 What's the distance from Bangui to Kaga-Bandoro?

14 A. From Dekoua, I think you should add another 70 kilometres approximately. I
15 cannot remember all those distances but I think it is about 72 kilometres, or
16 something like that.

17 Q. Estimates are good enough for us, sir.

18 Sido is not visible on the map. However, would you be in a position to somewhat
19 locate this city?

20 A. Yes. Sido is right at the border, at the border. And you have Kabo just before
21 Sido.

22 Q. And again, can you please estimate the distance to Sido?

23 A. From Bangui to Sido, I believe the distance should be about 450 kilometres. So
24 you have Bangui, Sibut, Dekoua, Kaga-Bandoro, so that distance should be between
25 400 to 450 kilometres.

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1 MS KNEUER: Madam President, I don't need the map any more and I ask that an
2 ERN number be assigned.

3 PRESIDING JUDGE STEINER: Court officer, please.

4 THE COURT OFFICER: Thank you, Madam President. This annotated map will
5 bear the following ERN number CAR-ICC-0001-0082.

6 MS KNEUER:

7 Q. Sir, you drove from Bangui to Kaga-Bandoro and continued to Sido with a
8 Volvo; is that correct?

9 A. Yes.

10 Q. How long did it take you to travel from Bangui to Sido in a Volvo?

11 A. Well, it wasn't done all in one go. I told you that we left Bangui and we went
12 20 kilometres or -- correction, at around 2000 hours we went to Damara and we spent
13 about half-an-hour, then we continued to Sibut and we got there at about 2300 hours
14 or midnight, then we went on to Dekoua. We got to Dekoua early in the morning,
15 perhaps 5 or 6 in the morning, then we went on from Dekoua to Kaga-Bandoro and
16 we got there at about 8 in the morning, something like that, and we saw -- well, we
17 observed two or three days, and I was more specific in my book. We spent two or
18 three nights there in Kaga-Bandoro, and then we went on to Kabo and we just went
19 through and continued to Sido I remember at the -- late in the afternoon, late in the
20 afternoon, at about 5 in the afternoon, and we spent the night.

21 So we spent several days going from Bangui to Sido. We spent several days. We
22 left in the night of the 29th to the 30th, and it was in the morning of the 30th that we
23 arrived in Kaga-Bandoro. We spent I think it was two nights there, and the third
24 day we left Kaga-Bandoro by way of Kabo and got to Sibut.

25 So, you see, the trip took several days to go from PK12 to Sido. That trip was over a

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1 number of days.

2 Q. So you travelled many, many hours; correct?

3 A. Of course.

4 Q. And for the first part of your journey you travelled the entire night?

5 A. Yes.

6 Q. The roads were very poor; right?

7 A. Yes, that's right.

8 Q. Is it fair to say that the journey was tiresome and exhausting for you?

9 A. To say the very least. What's more, in Kaga-Bandoro I had to sleep in the car.

10 I spent two days and two nights in the car, in the Volvo, so I was more than
11 exhausted really.

12 Q. Would it be right to say that during the 38 days of detention you didn't sleep
13 and eat like you would normally do when you were at home?

14 A. Of course. I even fell ill in Kaga-Bandoro. I had quite a bad attack of malaria.

15 Q. Were you provided with breakfast on a daily basis during your detention?

16 A. General Bozizé gave instructions to his soldiers to take good care of me, so
17 when I was brought back from Sido to Kaga-Bandoro the first 15 days he left me in
18 the home of a woman and the rebels gave something, some money, to that lady so
19 that she could shop every morning and prepare food to eat, and so that is how I was
20 fed during that period of detention.

21 Q. Sir, on Friday you stated, quote, "I was a person of interest to them," and it's the
22 English transcript 245, page 27, lines 32 to 34.

23 Sir, as the spokesperson of President Patassé at that time, you felt that the Bozizé
24 rebels were not justified to abduct and mistreat you as they did; correct?

25 A. They abducted me. When I was still being held by them at PK12, the second or

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1 third day, I insisted and they put General Bozizé on the phone and I asked him
2 why - why - they were continuing to detain me. And he merely said that the war
3 was not going well and I had to tell General -- correction, Patassé to leave power, to
4 abandon power, and he wanted me to give an interview on Radio France
5 Internationale and say that President Patassé had to leave power so that peace could
6 return to the Central African Republic.
7 So I really had the impression that, when someone is being held hostage, usually the
8 abductors are asking for something. They ask for a ransom, or they are asking for
9 prisoners to be freed. In general one asks for something, money is provided or
10 something like that, but all he wanted was for me to give an interview to Radio
11 France Internationale and say that President Patassé had to abandon power.
12 So really I -- it had nothing to do with me, so they took me all the way to Sido, that's
13 what happened, all the way to Sido, and in Sido once again I insisted. I spoke to his
14 son, Francis Bozizé, who had one of the satellite phones. I insisted that he put him
15 on the phone with me, but the next morning, the morning after we arrived in Sido,
16 when Francis came to see me, he used the satellite phone to call his father, and when
17 he said that I wanted to speak to him he refused and he said, "No, not this time."
18 So there you have it, but when I was taken back to Kaga-Bandoro, the same Zaghawa
19 from Chad who had stopped me in front of the lycée summoned me and said that he
20 was going away to Bossangoa and he was going to take me back to Damara because
21 he thought that I really had no business to be with them in the bush, but that didn't
22 happen. That didn't happen. So I continued until people from the International
23 Red Cross came and got me. That was on 1 December 2002. So there you have it.
24 Q. Sir, you testified with regards to the first five days of your abduction that you, I
25 quote, "... went through hell, were eaten alive by mosquitoes, had nothing to eat,

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1 nothing to drink, were subject to tremendous stress," unquote, and I'm referring to
2 transcript 248, page 29, lines 10 to 12. Is it fair to state that you were upset and
3 angry with Bozizé rebels?

4 A. Absolutely.

5 Q. Sir, you wrote a book; correct?

6 A. Yes.

7 MS KNEUER: I'm planning to ask you some questions about your book. However,
8 it's not a memory exercise, so I will show you the book, and I kindly ask the court
9 officer to display document number 4 on the list of documents, which is
10 CAR-DEF-0002-0108.

11 Q. Sir, you will find on your screen the first page of that book. Can you confirm
12 that this is your book?

13 A. Yes.

14 Q. And you published it in January 2006; correct?

15 A. That's right.

16 Q. And the book deals with your hostage and your experiences during that time?

17 A. That's right.

18 MS KNEUER: Madam President, it's difficult for the witness to identify the entirety
19 of the book via screen. I have a hard copy here that is unmarked. If your Honours
20 wish, we can show it to the witness to confirm about the entirety of the book. May I
21 kindly ask the court usher to show this hard copy to the witness after the Bench, as
22 well as Defence Counsel had an opportunity to take a look at it?

23 PRESIDING JUDGE STEINER: Court usher, please.

24 MS KNEUER:

25 Q. Sir, can you please skim through this document and let us know if that is your

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1 book? I would like to draw your attention to the fact that this book was
2 electronically registered and the order of the pages may not be the proper one.
3 Don't get confused by that, please.

4 A. Well, I really can't review this in complete detail but it does seem to be my book.
5 The pages seem to have been photographed from the book that I published so I think,
6 yes, it must be that.

7 Q. Thank you, sir.

8 PRESIDING JUDGE STEINER: Ms Kneuer, if you allow me, when we have here the
9 index of the book on page 180, then the following page apparently brings Chapters 22,
10 23 and 24 and with a number of pages that at least my copy doesn't have these last
11 chapters. My copies start at 154, so I need to check --

12 MS KNEUER: Madam President, the document was disclosed by the Defence, so I
13 guess the Defence is in the best position to assist you. However, for example, the
14 page number 156 of the book is -- you will find that at the beginning. It's the,
15 I would say, seventh or eighth page. It's after page 17, and then it continues with
16 156. It's a little bit in disorder.

17 PRESIDING JUDGE STEINER: Yes, you are 100 per cent right. The problem is that
18 the last chapters come soon after the preface. Yes, thank you, Ms Kneuer.

19 MS KNEUER: I suggest it's just a problem of registration, but it appears to the
20 Prosecution that the pages are all there.

21 THE INTERPRETER: Interpreter correction: In his --

22 PRESIDING JUDGE STEINER: Maître Kilolo, apparently this -- so we jump from
23 page 17 to page 155.

24 MR KILOLO: (Interpretation) Yes, that's quite right. This document was
25 provided by the Defence. All the pages are there. Now, it goes without saying that

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1 since this is a working document, an internal working document, this might explain
2 why the pages are not in the correct order.

3 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo. Ms Kneuer.

4 MS KNEUER:

5 Q. Mr Witness, I would like you to take a look at a few portions of your book and,
6 subsequently, I will ask you some questions. And I kindly ask the court usher to
7 display CAR-DEF-0002-0164. Mr Witness, if you wish, you can use the screen from
8 now on.

9 THE INTERPRETER: Interpreter correction: In a previous reply, the witness
10 mentioned that his book was published by Harmattan Editions in Paris.

11 MS KNEUER:

12 Q. Sir, I will show you four extracts of your -- from your book, and can you please
13 read the first one for us, which starts before the quotation and it reads "Pendant un
14 temps." Can you please read out this sentence for us?

15 A. This is page 38. I have page 38 here on the screen. What would you like me
16 to read out?

17 Q. In the middle of that page, there is a sentence which starts with the French
18 words "Pendant un temps." Can you please read that sentence for us out loud?

19 A. "During a period of time, which appeared quite long to me, one or two hours
20 perhaps, I was subject to a series of insults, threats and humiliating remarks that
21 come back to my mind in no particular order."

22 MS KNEUER: I kindly ask the court usher to display this document at 0165.

23 Q. Mr Witness, can you please read the last sentence of page 39 of your book,
24 which starts with your name?

25 A. "Prosper N'Douba, is it really you? I'm going to fuck your anus today. Bring

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1 a camera to film me fucking the behind of Prosper N'Douba. You're going to see
2 today."

3 MS KNEUER: Court usher, can you please display 0169.

4 Q. Mr Witness, can you please read for us the first paragraph of page 43 of your
5 book?

6 A. "As soon as they saw me, they began to spew insults. One of them ripped my
7 watch off my wrist and this was a real shame, this was a gift from a friend. Another
8 one who was interested in my signet ring said to me, ordered me --"

9 MS KNEUER: Court usher, can you please display page 0173.

10 Q. Mr Witness, in the upper part of that page, can you please read as of
11 "Accompagner de plusieurs rebelles" one -- two sentences.

12 A. "Along with several rebels, he moved towards me while preparing his
13 automatic pistol, which he held about 20 centimetres from my head. He had his
14 finger right on the trigger. He asked me to say my last words. I could smell his
15 bad breath and tinged with alcohol."

16 Q. Sir, after having looked at these portions of your book, is it fair to state that you
17 were mistreated and threatened by the Bozizé rebels?

18 A. Absolutely.

19 Q. During the time you were detained, were you also insulted on ethnic grounds?

20 A. During the detention at PK12 or in Bandoro?

21 Q. At any time during your detention.

22 A. Well, other than the sentences, and the things that were said to me slightly after
23 my arrest and when I was taken to PK12, all those words that you had me read out,
24 other than that gentleman who pointed his pistol right at my head and made
25 reference to my ethnic origin, in particular my co-operation with President Patassé,

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1 other than that I did not hear any other rebels speaking about that aspect of things.

2 As for the rest -- for the remaining time of my captivity.

3 Q. You are of the same ethnic origin like President Patassé, aren't you?

4 A. Yes.

5 Q. And which ethnic community is that?

6 A. It is the Sara group, the Kaba ethnic group.

7 Q. Your family paid two visits to you during the first weeks of your abduction by
8 the Bozizé rebels?

9 A. Yes, at PK12.

10 MS KNEUER: I kindly ask the court usher to please display from the same book
11 CAR-DEF-0002-0108, page 0187.

12 Q. Mr Witness, I ask you again to please read from this page, from the top, "Le
13 Mardi 29", down three sentences until "a demandé de me remettre".

14 A. "On the Tuesday, the 29th, in the afternoon, I was told that my brothers and
15 sisters would be visiting me for the second time. After the successful test of the first
16 visit, this time the boys came along with the girls. There was nothing stopping us
17 from being close to one another. I was given quite a large stock of water, food, as
18 well as medicine for diabetes and hypertension for three days, soap, toothpaste, a
19 toothbrush, a sheet and a Bible that my wife asked to give to me."

20 Q. Is it fair to say that a main reason to visit you was to provide to you medicine
21 for your high blood pressure and diabetes?

22 A. Yes, indeed. Yes.

23 Q. Since this medication only lasted for three days, what did you do the remaining
24 days of your hostage?

25 A. Well, I had no medicine. I had no medicine, and at Kaga-Bandoro when

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1 Lieutenant Sangbaté came to visit me, I believe a fortnight more or less before I was
2 released, he could see that I was not well at all. Often I had migraine, and therefore
3 he must have told General Bozizé by telephone and General Bozizé asked his son,
4 Francis, to come and see me so that I could tell him the names of the medicines that I
5 generally take so that he could try via Chad and Sa (phon) and N'djamena to get hold
6 of these medicines.

7 So one fine morning Francis Bozizé, who was going through Kaga-Bandoro, came
8 along to see me to ask me what the names of my medicines for diabetes and high
9 blood pressure were, and I told him. A few days later he came back to tell me that
10 he was unable to get them, either at Sa or in N'djamena, so for the rest of the period
11 from PK12 until I was released I remained without any medicines and could not take
12 any.

13 Q. Do I understand you correctly that medicine at that time, at these locations, was
14 not easily accessible or available?

15 A. Quite right, yes.

16 Q. Would you agree that your health situation during the detention was quite
17 poor?

18 A. Yes, absolutely.

19 Q. And in spite of your medical conditions, the Bozizé rebels did not release you
20 before 1 December 2002?

21 A. No, he didn't. They didn't release me until 1 December.

22 Q. Mr Witness, on Friday you testified that you were subject to mental torture and
23 that you had health problems. I'm referring to transcript 248, page 28, lines 9 and 10.
24 Am I correct to say that being held where you were held, with limited access to
25 medicine or medical facilities, you were worried about your health?

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1 A. Yes, that's true.

2 Q. Again, were you upset and angry with the Bozizé rebels?

3 A. Yes, of course. I couldn't relish the situation, could I?

4 PRESIDING JUDGE STEINER: Ms Kneuer, sorry, what is the number of the
5 transcript you just mentioned?

6 MS KNEUER: Oh, it's 245. Either I misspoke, or it's a misspelling. It's the English
7 transcript 245, page 28, lines 9 and 6 -- 9 and 10.

8 Q. Sir, you already testified about your release on the 1st and then with regards to
9 your return trip from 2 December to Bangui. Can you please in further detail
10 explain how this trip back to Bangui occurred, meaning in terms of who accompanied
11 you, how many check-points did you pass, et cetera, until your arrival in Bangui?

12 A. From Kaga-Bandoro up to Damara and some seven kilometres away from the
13 first check-point, I was in Lieutenant Sangbaté's vehicles. He was one of the heads
14 of the rebellion and he acted as a middle man between myself and General Bozizé in
15 some respects, and Lieutenant Sangbaté, well, once we had gone through Damara, he
16 explained to me, from Kaga-Bandoro to Damara, why he wanted me to remain in his
17 vehicle rather than in the vehicle of the two Red Cross Swiss nationals that had come
18 to collect me. He explained to me the Chadian Zaghawa, the mercenaries from
19 Chad, that were with them would not have liked me to be released. So if I had been
20 put into the Red Cross vehicle it could well be that incidents might have occurred
21 because, when they realised that I would have been -- I was the one that was being
22 taken to Bangui to be released, perhaps they would have shot at the vehicle, or
23 something like that. Lieutenant Sangbaté, who was one of the commanders of the
24 rebellion, felt very strongly that I should stay in his vehicle.

25 Once we got to Damara, and when we were about to take the road to Bangui, he tried

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1 to find out about the situation - the position - of the Zaghawa mercenaries in Damara.
2 He stopped to ask someone where such-and-such a person were and he asked about
3 them by their name, but I don't remember the name. He was told, "Oh, they're over
4 there somewhere," and he accelerated towards Bangui as a result of that information.
5 It was then that he explained to me that he wanted to avoid meeting up with the
6 Chadian mercenaries just in case there were incidents if they realised that we were
7 going to be released, and that's why he wanted to keep me in his vehicle.
8 Just a few kilometres away from the first check-point of the coalition forces, FACA
9 and MLC coalition, that is where he stopped in a sort of no-man's land and asked me
10 to get off -- get out of his vehicle and instead climb into the Red Cross vehicle, with
11 the Swiss nationals, and that's when we said good-bye to one another and I continued
12 the trip in the Red Cross vehicle.
13 Some seven kilometres later we reached the first check-point, where the Swiss
14 nationals went to meet with the military commanders there. I stayed inside the car
15 and one of the Swiss nationals asked me to come and greet the commanders, and
16 after that the barrier was opened and we continued towards Bangui.
17 Just before we reached that first barrier, I had asked Lieutenant Sangbaté to allow me
18 to make a call with his satellite set so that we could inform General Bombayake, the
19 commander of the Presidential Guard, so that he in turn could contact Colonel
20 Moustapha, who headed the MLC forces, so that everyone was informed, the people
21 that were guarding the check-points all the way to PK12, that I was about to arrive so
22 that there would be no incidents on the way, and Lieutenant Sangbaté did indeed
23 implement the satellite set and allowed me to call. I called my younger brother in
24 Bangui, telling him that he should contact General Bombayake so that the latter could
25 inform Colonel Moustapha and take the necessary provisions so that I could make

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1 my return trip. My vehicle, the vehicle in which I was, was by then fairly close to
2 the first check-point held by FACA and the loyalists and the MLC forces.

3 That's more or less how my return trip took place to -- my return trip to Bangui.

4 Q. Did you see any other soldiers, either from the Bozizé rebels, the FACA or the
5 MLC, have like Lieutenant Sangbaté a satellite phone?

6 A. No.

7 Q. The satellite phones were working in that area; correct?

8 A. Yes. Even at Kaga-Bandoro, when Lieutenant Sangbaté a fortnight earlier had
9 come to see me one evening, he allowed me to use the satellite set to make a call, and
10 that is how I was able to warn, I was able to speak to my mother, and prove to my
11 family that I was still alive. That was more or less three weeks before I was arrested
12 and so I was able to call my mother using Lieutenant Sangbaté's satellite set at --
13 THE INTERPRETER: Three weeks after the arrest, interpreter's correction.

14 MS KNEUER:

15 Q. What type of phone did your mother have?

16 A. A land-line, a normal house phone. In fact, I also called Paris. I called my
17 own home. I wasn't able to speak to my own -- to my wife, but I did speak to my
18 daughter.

19 Q. The first check-point that you passed was around the village of Ngoundja,
20 about 50 kilometres away from Bangui, wasn't it?

21 A. Yes, indeed.

22 Q. And the second check-point was before the Nguéréngou village; correct?

23 A. Yes, that's right.

24 Q. And the last check-point that you passed was shortly before PK12, wasn't it?

25 A. Quite, yes.

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1 Q. Sir, you testified on Friday that upon your return to Bangui you stayed for two
2 or three days in Bangui before President Patassé sent you with Prime Minister Martin
3 Ziguélé to the Security Council in New York, and that's transcript 245, page 31, lines 3
4 to 7, page 48, lines 22 to 24, and page 49, lines 7 and 8 as well as 13, 2-18, you recall
5 that correct? You recall this testimony?

6 A. Yes, indeed.

7 Q. Between 2 December 2002 and 15 March 2003, how much time did you spend
8 roughly in the Central African Republic?

9 A. I spent less than a week there, less than a week, because the mission that was
10 entrusted to Martin Ziguélé in New York was more or less already over and because
11 I was released at that time President Patassé asked me to be part of that mission, and I
12 spent less than a week in Bangui as a result. Less than a week.

13 Q. Just to be clear, sir, so from December until mid-March you spent one week in
14 the Central African Republic and the remaining time somewhere else.

15 A. Yes, that's right.

16 Q. Sir, when you returned to Bangui, did you remain to be the spokesperson of
17 President Patassé?

18 A. Yes, indeed, because it was in this capacity that I went along with him for the
19 CEN-SAD summit in Niamey, in Niger.

20 Q. On Friday you stated that you gave an interview to Radio France Internationale,
21 and I'm referring to transcript 245, page 50, line 16 to 22. Did you give this interview
22 in your function as spokesperson of Mr Patassé?

23 A. I gave this interview the day after I came back to Bangui. Well, I was still the
24 spokesman at the time, but I gave the interview more as a victim, as an ex-hostage, of
25 Bozizé's men because I was talking about myself. I was far less in the capacity of

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1 spokesman of President Patassé that I declared that I -- that I said that I would -- I
2 gave my pardon, that I gave my pardon to those who had done me harm. Far less
3 than as a spokesman, I was talking on my own behalf.

4 Q. Sir, on Friday you testified that you met Mukiza, the commander of the MLC
5 troops, in the Central African Republic upon your return, and I quote from the
6 transcript, "I was brought back to PK13, the home of Colonel Mukiza," et cetera, and
7 this is transcript 245, page 30, lines 20 to 21.

8 When you are referring to the home of Mukiza, what do you mean by that? Was he
9 the owner of that house?

10 A. No, I think the house was assigned to him, was allocated to him for the period
11 of his assignment in Bangui. I believe it was somebody's -- someone else's house.
12 Was it rented to him? Was it allocated to him? I don't know exactly but, in any
13 case, that is where he lived and around him there were soldiers. When we got there,
14 he himself was not actually in the house, and it was through walkie-talkie that his
15 entourage informed him that we were there and he came back. I think the house
16 probably belonged to someone else and it was assigned to him for the period of his
17 assignment there.

18 Q. Did you agree that it was a private house?

19 A. Yes, it was indeed a private house that was allocated to him no doubt by the
20 persons in charge of President Patassé's security.

21 THE INTERPRETER: Interpreter's correction: Please remove what she earlier on
22 said to give one up -- "my pardon" by the "forgive."

23 MS KNEUER: I kindly ask the court usher to display again a page of the book of the
24 witness, it's CAR-DEF-0002-0108 at page 0267. Sorry, Madam President.

25 Q. Mr Witness, I ask you to read two sentences, please, and it starts roughly in the

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1 middle of the page with the words "Il se répand en excuses." Do you see that?

2 A. "He asked to be -- he apologised profusely and then went to get a map of the
3 Central African Republic that he put out on the table around which we gathered. He
4 looked at -- he glanced at me and asked me to give him information about Bozizé's
5 rebels."

6 Q. Do you know why Colonel Mukiza pulled out a map and asked you about
7 positions of the Bozizé rebel forces?

8 A. Well, I think that's a normal thing to do. He was a soldier. He has other
9 soldiers there with him. So it stands to reason that he should try and glean this
10 information through me, since I had returned from the heart of Bozizé's rebellion.
11 So to me, it stood to reason that he should try and seek information relating to
12 logistics, or military information, intelligence to try and organise his own soldiers on
13 that basis. So, personally, this was something I was expecting, this sort of question,
14 but I did say that I was tired and asked him to let me rest first.

15 Q. Am I correct to say that Colonel Mukiza would have not asked you about the
16 positions of the Bozizé rebels if he would have known?

17 A. Yes. I believe yes. I think he asked me the question. In fact, those who were
18 at the first check-point had already asked me to give them information about the type
19 of weapons, the type of weapons that Bozizé's rebels had in their possession, and I
20 answered that I didn't know. I was no military expert and so I really did not know.
21 So I suppose that Colonel -- if Colonel Moustapha had the knowledge about the
22 positions of the rebels, he would no doubt not have asked me these questions.

23 Q. Upon your return to Bangui, did you also meet with an officer from the FACA
24 soldiers?

25 A. I met with General Bombayake, who was in command of the presidential

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1 security.

2 Q. Did General Bombayake ask you as well about the positions of the Bozizé
3 rebels?

4 A. No, not at all.

5 MS KNEUER: I kindly ask the court usher to display again a page from the book,
6 CAR-DEF-0002-0108 at page 0187.

7 Q. Mr Witness, I will ask you again to read a sentence for us, and it's in the middle
8 of the page, and it starts with "Ils m'informent." Please let me know if you can find it.
9 It's line 17 from the top.

10 A. I cannot find the sentence.

11 Q. The line I'm interested in starts with "... nuit et jour. Elle prie beaucoup," et
12 cetera, et cetera. Perhaps you'll find it now? And then the last words --

13 A. Very well, I have found it. "They informed me in whispers that the Congolese
14 troops of Jean-Pierre Bemba had crossed the Ubangi in the evening of 25 October and
15 taken up position in the southern neighbourhoods of Bangui."

16 Q. Would you agree, sir, that your family informed you that the troops of
17 Mr Bemba crossed the Ubangi River on 25 October 2002?

18 A. Yes, my family informed me of that, but I do not think that this was true
19 because they simply informed me of rumours that were circulating in the town, but
20 that was not the real truth because it seemed to me to be too early for Jean-Pierre
21 Bemba's troops to have already crossed the river. I believe that it was later on that
22 they arrived. It was not immediately following my arrest but, as you know, a lot of
23 things were being said in Bangui and my brothers and sisters told me about
24 information that was circulating, just like that, but without really being correct.

25 Q. I would like to look at another page of your book, and it's page 0189 for the

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1 court usher.

2 Mr Witness, can you please read the first four sentences of that page, from the top?

3 A. "I was not to spend a long time in this small village of PK26 on the road to Boali.

4 At nightfall, my captors took me to my little hut in PK12. When we arrived, there

5 was a big surprise; there were no more rebels, only a few inhabitants were strolling

6 about, completely lost. The base was deserted, but where had the attackers that

7 were so arrogant gone? A few passers-by who were questioned said that they had

8 seen vehicles that were full of rebels take the road to Damara in the middle of the

9 afternoon. What had happened? In the morning, nothing had indicated that the

10 place would be evacuated. Surely, things had started going badly ..."

11 Q. Sorry, I didn't mean to interrupt you, but you covered the passage I'm

12 interested in. Sorry.

13 Before I ask you my question, I would like to look at another passage of your book

14 and ask the court usher to please display page 0190.

15 Sir, can you please read from the top of that page, the sentence starting "Francis

16 Bozizé et Silvain," et cetera, et cetera.

17 A. "Francis Bozizé and Silvain Ndoutingai who had hurriedly returned to Sido,

18 their rear base at the Chadian border, to bring supplies had still not returned."

19 Q. Would you agree that in the evening, after being moved to PK26 and then back

20 to PK12, there were no Bozizé rebels any more at PK12 and that the camp was

21 deserted?

22 A. In any case, at that particular time, that was what could be observed. The

23 rebels who were with me in that vehicle and myself we realised that PK12 had been

24 deserted, but this was only in appearance. It was when they took me to Kabo, it was

25 there that they gave me the information. I was told that in reality only some of the

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1 rebels had left PK12. The majority, in fact, had left but there were still rebels in PK12,
2 particularly at the Begoua school. There was still a small detachment that had
3 stayed back at the Begoua school, but -- which I did not see, and my captors also did
4 not see, so this is what I was told in Kabo, that the small detachment that was closing
5 at the end of the line of retreat was still there.

6 I was also told that Martin Rangba, who was a member of their rebellion and who
7 was also covering their retreat, had also stayed back in PK12. It seems as if it was at
8 the time of the final retreat that he is said to have committed suicide by shooting a
9 bullet into his head. That is what I was told in Kabo.

10 When they had taken me to PK26, on the 29th in the evening, there were still rebels in
11 PK12. A few of them had stayed back, and they only left a few days after us,
12 including Martin Rangba that I've talked about, who committed suicide.

13 Q. Sir, let me read to you what you said on Friday, and it's transcript 245, page 45,
14 line 8 onwards: "They decided to take me with them because in the afternoon they
15 had taken me to PK26, just like the day before, and when they brought me back to
16 PK12 it was at nightfall, and when we arrived in the CAR my captors, who were still
17 around me, realised that their comrades were no longer in PK12, so they were
18 worried." And then in line 16 onwards, "So when they brought me from PK12 on
19 Boali road they realised that PK12 was practically deserted."

20 Do I understand that you are correcting your testimony today, by saying there were
21 still some Bozizé rebels?

22 A. No, I am not correcting the testimony. I'm simply stating the facts. When my
23 captors brought me back from PK26, what we observed, all of us, including me, in
24 fact we did not alight from the vehicles. That means the first impression was that
25 there was no one left there. They asked a few people around, and they were told

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1 that the rebel group had left in the middle of the afternoon, but I have told you that it
2 was after we arrived in Kabo that they learned that in fact, contrary to what we had
3 thought, a small unit of the rebellion had stayed back in PK12. They had taken up
4 station, or position, at the Begoua school where they have -- they still had most of
5 their logistical resources. Martin Rangba, who was in that unit, was still with them,
6 so we were to learn later that he committed suicide afterwards on the Damara road.
7 So I'm not correcting anything, I'm simply stating the facts, because the first thing we
8 observed with my captors, when we had come back from PK26, was that there was
9 no one there but the reality is that they were there but they were not visible. It was
10 only in Kabo that we heard that they were, in fact, still present there and they stayed
11 on for a few days more.

12 Q. Would you agree, then, that at the time that you were in this area before you
13 moved upwards north in the Central African Republic you didn't see with your own
14 eyes any Bozizé rebels any more?

15 A. I really do not understand your question.

16 Q. I will repeat it. When you were at PK12, and you were ready to move
17 upwards to the Central African Republic, to Kaga-Bandoro, at that time when you
18 were still at PK12 you did not see with your own eyes any Bozizé rebels any more,
19 did you?

20 A. At that time, yes.

21 Q. In your book you stated, as you have read to us, that the camp was deserted
22 and now you amended your testimony that later you learned, when you were at
23 Kaga-Bandoro, that there were still a few --

24 A. In Kabo.

25 Q. In Kabo, that you heard that few rebels of Bozizé stayed at PK12. Can we find

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1 this information somewhere in your book? I'm not asking for a specific page, but
2 did you mention it in your book?

3 A. I do not recall mentioning this specifically, but I remember that I mentioned the
4 information about the suicide of Martin Rangba while we were in Kabo because it
5 was then that my captors informed me that Martin Rangba had committed suicide,
6 because this information was striking to me because it was this particular person who
7 had placed a pistol on my head in PK12. So from PK12 to Kabo I no longer saw this
8 Martin Rangba, and then one good morning in Kabo I was informed that he had
9 killed himself. It was also at that time that I was told that he and a certain number of
10 rebels had stayed in PK12 and had not taken the road to Damara, like the others. I
11 received that information in Kabo, but I do not recall specifically mentioning that in
12 my book except when I talked about the death of Rangba, who was one of those who
13 had stayed back in PK12.

14 MS KNEUER: I kindly ask the court usher to display from the same book,
15 CAR-DEF-0002-0108, page number 0203.

16 Q. Sir, can you please read for us two sentences, starting a little bit below the
17 middle of the page, with the words "En prenant à nouveau place dans la Volvo."
18 Please let me know if you cannot find it.

19 A. I can see that. "After I went back to the Volvo, my captors told me about the
20 news of the suicide of Martin Rangba, the former aide de camp of the late Madame
21 Lucienne Patassé who, on the first day of my arrest, had threatened to shoot me in
22 PK12. It appears that he shot a bullet into his head between Bangui and Damara on
23 the day the order was given to retreat."

24 Q. Who gave the order to retreat?

25 A. I have no idea. I was a prisoner. I was put inside a vehicle and taken away.

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1 I think that the captors who were with me were practically cut off. They did not
2 have means of communication to stay in touch with the others, so all their
3 observations were visual. When they had taken me back from PK26 to PK12, they
4 did not see anyone, and they thought that their comrades had been ordered to retreat
5 but the fact is that the retreat took place later on and it was on that day that the retreat
6 order was given that Rangba decided to kill himself because he was one of those who
7 were extremely determined. While I was at PK12 he had come and spoken to me.
8 He said that we had come to take over power. "If things do not go the way we want,
9 we are going to raze this town down," and when I was told that he had committed
10 suicide, I asked why he had done that, and I was told that he was one of those who
11 felt that their failure to take over power was unbearable and it was for that reason
12 that he decided to kill himself.
13 So I believe that it was subsequently that the order to retreat was given and he could
14 not accept that, which is why he killed himself. That is what was said, but I believe
15 that the day on which I was taken away the order to retreat had not yet been given.
16 I believe that came later, but I'm not in a position to say who gave the order because I
17 was not at the staff headquarters of the command of that force.

18 Q. From what you wrote in your book and you just stated, would you agree that
19 on that day an order was given for the Bozizé rebels to retreat?

20 A. Which day?

21 Q. The day that you mention in your book, sir.

22 A. I mentioned the 29th. That is the day on which they took me away. I do not
23 think that they received the order to retreat on that day. I do not believe so. It was
24 my captors who decided to retreat, because when they came back to PK12 they did
25 not see their comrades. They had left them there under the hut where I had been

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1 detained. They left them there and took me to PK26. And when we returned, they
2 no longer saw anyone there and so they guessed that they should retreat because
3 something was probably going to happen, but I do not think that an order was given
4 on that 29 October for them to retreat. I believe it was subsequently that the order
5 was issued.

6 PRESIDING JUDGE STEINER: Ms Kneuer?

7 MS KNEUER: One last question, Madam President, then I can close this chapter.

8 Q. Sir, I have one last question before the break. Do I understand you correctly
9 that on 29 October 2002 an order was given to retreat but you are saying the order
10 was not executed that same date; is that correct?

11 A. No. What I'm saying is that on the 29th I was taken away. That is what I can
12 say with certainty. The rebels, and specifically my captors, took me with them as
13 they retreated but I did not know whether an order had been given to retreat or not,
14 so I cannot tell you what I do not know.

15 PRESIDING JUDGE STEINER: Thank you, Ms Kneuer. Mr Witness, it's now
16 11 o'clock. We will suspend, have half-an-hour break. We'll resume at 11.30.

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

19 THE WITNESS: (Interpretation) Thank you.

20 (The witness stands down)

21 THE COURT OFFICER: All rise.

22 (Recess taken at 10.59 a.m.)

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

24 THE COURT USHER: All rise.

25 Please be seated.

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1 PRESIDING JUDGE STEINER: Welcome back.

2 Before we bring the witness in, the Chamber has a short oral decision to be issued.

3 It's the decision on the applications to question Witness D04-65 by the legal

4 representatives of victims.

5 On 10 September 2012, the Chamber received an application from Maître Zarambaud

6 on behalf of the victims that he represents to question Witness D04-65, filing

7 2302-Conf. The application contains a list of 14 questions.

8 On the same date, the Chamber received an application from Maître Douzima on

9 behalf of the victims that she represents to question Witness 65, filing 2304-Conf.

10 Her application does not contain any questions. However, she seeks general leave

11 to question the witness.

12 On 11 September 2012, the Defence responded to both requests from the legal

13 representatives of victims, filing 2305-Conf. In its response, the Defence submits

14 that Maître Douzima's request should be dismissed as out of time as it was not filed

15 seven days before Witness D04-65 was scheduled to testify.

16 It is additionally submitted that Maître Douzima's request should be denied on the

17 basis that she has not demonstrated how the interests of the victims outside Bangui,

18 whom she represents, are affected by the testimony of the witness who will focus his

19 testimony on events which occurred in Bangui and PK12.

20 Regarding Maître Zarambaud's request, the Defence submits that questions 4 to 7

21 should not be allowed on the basis that they seek inadmissible opinion evidence from

22 Witness D04-65.

23 On 12 September 2012, Maître Douzima filed a reply to the Defence's response, filing

24 2307-Conf, in which she submits that she was unable to file her request on

25 7 September 2012 due to technical difficulties.

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1 As an initial matter, the Chamber does not consider that the legal representatives'
2 requests were out of time as on 7 September 2012 there was a partial disruption in
3 court services and therefore the dead-lines falling on that date are considered to have
4 been postponed until the next working day, 10 September 2012.

5 The Chamber notes that Witness D04-65 was expected to testify about his knowledge
6 of crimes allegedly committed by General Bozizé's troops. The Chamber is satisfied
7 that both Maître Douzima and Maître Zarambaud have shown that the personal
8 interests of the victims they represent, who attribute the harm they have suffered to
9 MLC troops, are affected by the testimony of this witness.

10 In relation to Maître Zarambaud's application, the Chamber further finds that all of
11 his proposed questions are relevant and appropriately set out and, therefore,
12 authorises him to put his questions as contained in his filing.

13 The Chamber notes with concern that Maître Douzima, unlike Maître Zarambaud,
14 did not follow the established procedure and submit her questions for the Chamber's
15 approval, nor did she provide any reasons for her failure to do so.

16 As a result, the Chamber is in principle unable to grant her authorisation to question
17 the witness. On an exceptional basis, the legal representative will be permitted to
18 pose a limited number of follow-up questions arising out of the issues discussed
19 during the hearing to the extent that the Chamber considers the follow-up questions
20 to be relevant and not leading.

21 Consistent with paragraph 19 of decision 1023, the relevance of each question will be
22 determined on a case-by-case basis. Additionally, Maître Douzima must first give
23 an estimate of the envisioned questioning time. This information shall be submitted
24 via email to be sent to the Chamber and the parties.

25 The Chamber emphasises that any future requests by the legal representatives to

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1 question a witness are to be set out as decided previously in a discrete application
2 which includes the nature and detail of the questions proposed. In the event that
3 legal representatives are not in a position to provide a list of questions, the
4 application should include a justification to that effect.

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

6 (The witness enters the courtroom)

7 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

8 THE WITNESS: (Interpretation) Thank you, your Honour.

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

10 THE WITNESS: (Interpretation) Yes.

11 PRESIDING JUDGE STEINER: Thank you very much.

12 Ms Kneuer?

13 MS KNEUER:

14 Q. Welcome back, Mr Witness. Mr Witness, we made quite good progress during
15 the first session and I am confident that we can conclude at the end of this session.

16 I would like to come back to your release. I have a few follow-up questions. You
17 testified before the break that the first MLC check-point was around the village of
18 Ngoundja, around 50 kilometres away from Bangui, and you also stated that
19 Lieutenant Sangbaté left a few kilometres before that check-point. Would you agree
20 that Lieutenant Sangbaté returned because there was this MLC check-point and he
21 did not want to enter the MLC territory?

22 A. Yes, Lieutenant Sangbaté stopped about five or six kilometres before that first
23 check-point and then he turned around and went back. He certainly wouldn't have
24 wanted to run into the force -- the loyalist forces that were at that first check-point.

25 Q. Mr Witness, I may have asked you that already, but please help me. The

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1 second check-point at Nguérendou village, how far was that apart from Bangui?

2 A. Nguérendou must be about 15 or maybe ten kilometres from PK12.

3 Q. How did you identify the soldiers that you met at that check-point at
4 Nguérendou village as MLC troops?

5 A. I didn't identify them as such. You see, they were wearing uniforms, the
6 soldiers at those positions there. Others were wearing civilian clothing, but it was a
7 group of people, a group of people, who were there. Some were wearing uniforms,
8 others not, but I did hear some soldiers, one soldier that I would say was an MLC
9 soldier, speaking in Lingala I guessed.

10 MS KNEUER: I kindly ask the court usher to display the book, CAR-DEF-0002-0108
11 at page 0262.

12 Q. Sir, can you please start reading for us from the lower bottom where it starts
13 with "Habillés non pas en tenues militaires"?

14 A. "Not wearing military uniforms, but rather like sportsmen; that is to say they
15 had sports shoes on their feet and they were wearing track pants and multicoloured
16 T-shirts."

17 Q. Please continue.

18 A. "Bearing AK-47 machine-guns and RPG-7 rocket launchers, they gestured at us
19 to slow down and to stop."

20 MS KNEUER: Can the court usher please move to the next page, 0263?

21 Q. Sir, can you please start reading from the top and read the first paragraph for
22 us?

23 A. "No doubt they were Congolese friends, although they themselves were rebels
24 in their own country, the DRC, since they were fighting the central government in
25 Kinshasa. The driver shut off the motor. One of the Congolese combatants glanced

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1 into the vehicle and saw that there were two officers from the International Red Cross
2 who had gone by the day before. They had crossed the check-point before heading
3 towards Damara. Nearly all of them were speaking in Lingala, a language spoken in
4 the DRC, and I understand a few words of it. They spoke to the Swiss national
5 beside them, beside myself, and one of them asked him in French "Is this --" "Who is
6 this gentleman who is sitting beside you?"

7 Q. Mr Witness, would it be fair to say that you identified these soldiers based on
8 their clothing and the language, as well as the weapons?

9 A. Yes. Yes, you could say that.

10 Q. And, sir, on Friday you stated that the Bozizé rebels that took hostage of you
11 spoke Sango, Chadian Arabic and broken French, and I'm referring to transcript 245,
12 page 33, line 20, page 31, line 2, and page 33, lines 1 to 4. Do you recall that you
13 stated that last week?

14 A. Yes, that's right.

15 Q. To the best of your knowledge, Mr Witness, did soldiers of the CAR forces, like
16 FACA or USP, or Bozizé rebels, speak Lingala?

17 A. Well, I think a few of them did, but it has to be said that these -- when I was
18 with them at PK12, and they controlled all the neighbourhoods from PK12 to the
19 cross-roads at the fourth arrondissement, some - some - of them did speak Lingala
20 amongst themselves, some soldiers, some of the rebels, but they said that it was in
21 order to -- so that they wouldn't be spotted, because the history of this country shows
22 that when I was abducted that was already the second time that MLC troops had
23 come to Bangui. There had been an invasion 28 May 2001. There already was that
24 initial intervention by the MLC troops then. Some of the rebels must have
25 remembered that and wanted to go unnoticed, so some of them started to make up

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1 bits of Lingala, or broken Lingala, so that they would be taken for MLC troops, not as
2 rebels.

3 Q. Can we find this information that some FACA or Bozizé rebel soldiers spoke
4 Lingala somewhere in your book?

5 A. No, I didn't really make note of that, but you know in Bangui a certain
6 proportion of the population speak Lingala. That is not unusual. I didn't really
7 make specific mention of that, but if you ask me I can tell you that. I can attest to
8 that. I heard - I heard - a few rebels around me speaking Lingala.

9 Q. Did you hear them speaking Lingala already during the five days you were
10 arrested, the first five days when you were arrested and stayed at PK12/PK26?

11 A. Yes, a few times they mentioned -- you see, they were fearful. They feared the
12 arrival of the MLC troops. Some of them started to speak broken Lingala under
13 those conditions, but they expected the MLC troops to arrive to come and help
14 President Patassé, who according to them was sure to call upon them. So I heard
15 them speaking amongst themselves, saying that the Banyamulengue would come and
16 they were firing RPG-7s and that they were not well-equipped in way of weaponry
17 and not well-equipped to face the MLC. I heard them say that.

18 Q. Sir, you were arrested on 25 October 2002 and you confirmed that in your book
19 you stated that your family informed you that the MLC troops crossed the Ubangi
20 River on 25 October 2002 and you further stated that you believed that this was
21 incorrect, it was rather a rumour and that the MLC arrived later. So I'm wondering
22 why would the Bozizé rebels speak Lingala to pretend to be somebody else if the
23 MLC was not even in the Central African Republic at that time?

24 A. Yes, as I just said, they were expecting the MLC troops to arrive in Bangui at
25 any time. They were ready for that. They were expecting that. Knowing Patassé,

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1 they knew. They feared that he was going to call upon the MLC troops, so they
2 expected them to arrive.

3 Q. Sir, considering the three MLC check-points that you passed while returning
4 from Kaga-Bandoro to Gambi (sic) on 2 December 2002, the village around the village
5 of Ngoundja, roughly 50 kilometres from Bangui, the Nguéréngou village ten to 15
6 kilometres from PK12 and PK12 itself, is it fair to say that MLC troops and Patassé's
7 loyalist forces controlled the entire area from Bangui up to Ngoundja at that time?

8 A. Yes.

9 Q. And the entire area between Bangui and Ngoundja remained under the control
10 of Patassé's loyalist forces and the MLC troops until the March -- until 15 March 2003;
11 correct?

12 A. Yes.

13 Q. Would you then consequently agree that between November 2002 and
14 March 2003, Bozizé's troops were operating out of the Bangui area from the northern
15 districts of the Central African Republic, such as Kaga-Bandoro, Kabo, Sido, on the
16 border at Chad?

17 A. That's right.

18 Q. Sir, you were detained in Kaga-Bandoro, a remote area in the north of the
19 Central African Republic, which is approximately 300 kilometres away from Bangui,
20 from 25 October until 1 December in 2002. Did you eye-witness or have any direct
21 knowledge of what was happening in Bangui at that time?

22 A. I listened to the radio at Kaga-Bandoro. They gave me a small transistor and
23 that allows me from time to time to listen on the shortwaves to Radio Centrafrique, as
24 well as RFI, Radio France Internationale, and that is how most of the time I was able
25 to listen to the radio communiqués made by Radio Centrafrique either from the

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1 population of Bangui or from the population in the provinces, and they stated that
2 the roads from the province to Bangui were cut off and that there could be no
3 movement of vehicles and no movement of goods or commodities or whatever. I
4 very often heard about the deaths of people and the funerals being organised.
5 For instance, it was by radio that I became aware of the funeral of one of my former
6 bodyguards who had been killed when Bozizé's troops entered into Bangui. So one
7 of my former bodyguards, whose corpse had been left in the police school's precinct
8 for several days, well, when I was released I was told that his body had been left there
9 two or three days and it had begun to rot and as a result dogs were coming to devour
10 his arms et cetera. When I was at Kaga-Bandoro, in the morning I heard about the
11 funeral of this poor soldier being held. He was a former bodyguard of mine, but
12 that's essentially how I gleaned this information. I also learned while I was at
13 Kaga-Bandoro, I learnt about Abdoulaye Miskine going -- leaving and going to Togo.
14 Abdoulaye Miskine I remember that he, when the special summit between the heads
15 of government and state at the CEMAC in Libreville had been held, I went there with
16 President Patassé and that summit had decided that Abdoulaye Miskine and Bozizé
17 would be removed from the boundaries between Chad and the Central African
18 Republic, and I also accompanied President Patassé soon after the Libreville summit
19 to Togo, to Lomé, and President Patassé met with the President of Togo and he had
20 accepted - the latter had accepted - to take on Abdoulaye Miskine during the
21 francophone summit in Beirut. Professor -- President Patassé met with the Algerian
22 President Bouteflika and the latter accepted to have Bozizé in exile in Algeria
23 similarly and so when we returned from Beirut, that very evening on our day -- on
24 the day we arrived back, Radio France Internationale was going to -- well, announced
25 that France had accorded -- had granted political asylum to General Bozizé and I

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1 myself as spokesperson for the president, well, I had been called -- I was called up by
2 Radio France Internationale to tell them about the reaction of the Presidency
3 concerning the fact that Bozizé had been accepted in exile in France. Those were the
4 circumstances, but while I was at Kaga-Bandoro I learned about events via the radio,
5 in particular announcements relating to funerals and so on and so forth, and
6 primarily the people who had been killed or the people who were dead when
7 Bozizé's troops entered Bangui. There were a lot of casualties and that's what I
8 listened to on the radio, announcements pertaining to funerals and communiqués
9 that were made by the families on national radio.

10 Q. Due to your detention in Kaga-Bandoro, 350 kilometres away from Bangui, you
11 didn't have the opportunity to observe crimes committed by the MLC troops against
12 the civilian population in Bangui and its area; correct?

13 A. No, no.

14 Q. After your release, and when you returned to Bangui on 2 December 2002, you
15 stayed there for two or three days again, you were not in a position to eye-witness
16 any crimes committed by the MLC troops in areas outside of Bangui such as Damara,
17 Sibut, Bossangoa, Bozoum and Mongoumba; correct?

18 A. Yes, I was not in a position to know about that.

19 Q. Sir, you stated this morning that upon your return to Bangui you remained the
20 spokesperson of President Patassé. It's transcript 246, page 24, line 10 and 11, of the
21 real-time transcript. That means that you were part of the CAR government; right?

22 A. I hadn't been asked to step down. I was spokesperson, but I wasn't actually
23 exercising my duties. I think during my absence I believe it was the former prime
24 minister, Gabriel Koyambounou that the president had appointed to take my place
25 while I was in detention, and I think he was the one to continue to express the views

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1 of President Patassé. It was no longer myself. I still had my position, but I was
2 unable to carry out my duties because of the fact that I was detained and because
3 I had only just got back to Bangui. It wasn't until later on that I accompanied Martin
4 Ziguélé, the prime minister, but so I wasn't practically the spokesman. Gabriel
5 Koyambounou was the spokesman, but I hadn't been asked to resign.

6 Q. Your trip with the President Patassé to Niger was in your position or in your
7 function as spokesperson; is that correct?

8 A. Yes.

9 Q. And just looking at you being the spokesperson maybe before or after your
10 release from detention by the Bozizé rebels, do you agree that a spokesperson of the
11 president is part of the government? Were you part of President Patassé's
12 government?

13 A. Yes, of course.

14 Q. Sir, are you aware of the existence of the Radio of Peace and Liberty in the
15 Central African Republic?

16 A. No.

17 Q. Sir, a few minutes ago on page 44, line 25, you elaborated that while being in
18 detention you listened to the radio, most of the time the Radio Centrafrique and RFI.
19 Before your detention, in your function as the spokesperson of President Patassé, you
20 followed the news and events that were being broadcasted and reported in both
21 national and international media; correct?

22 A. Yes.

23 Q. And you would brief the president about certain political, economical, et cetera
24 issues that you heard on the radio or TV; is that right?

25 A. Yes, indeed.

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1 Q. Are you aware if President Patassé followed the media himself as well?

2 A. Yes.

3 Q. Sir, on Friday you testified that as a spokesperson of President Patassé you
4 spoke on behalf of the President Patassé, announced his instructions or decisions
5 taken within the Office of the Presidency and were in charge of communications to
6 ensure that messages that the president transmitted to the people of the CAR were
7 suitable so as to improve his image within the eyes of the CAR people, and I'm
8 referring to transcript 245, page 25, line 22, until page 26, line 3.

9 Is it fair to state that you had access to sensitive information and that you were
10 well-informed about matters related to President Patassé's government?

11 A. Well, yes and no. Yes, inasmuch as that type of information was relevant to
12 the area that I was in charge of, in other words communication from President
13 Patassé, but no because in certain situations, in particular the military aspects, the
14 security aspects, did not belong to my domain and President Patassé would inform
15 me or say things to me depending on the particular decision he was taking himself,
16 but I could only answer in the area of communication of the -- what the president
17 wanted to -- the message he wanted to convey.

18 Q. When you listened to the radio while being detained in Kaga-Bandoro, did you
19 hear anything about crimes committed by the MLC troops during the period of
20 October 2002 until March 2003?

21 A. No.

22 Q. Do I understand you correctly that there was no broadcast on RFI or Radio
23 Centrafrique about crimes committed by the MLC, or allegations of crimes committed
24 by the MLC?

25 A. I did hear about allegations of crime through RFI and when I read releases

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1 made by press agencies later on, but outside of the period of my actual captivity.
2 And then there was another time through a very official channel, or rather informal
3 channel, because when we -- we were in Washington, I think it was Washington, with
4 Prime Minister Martin Ziguélé, we met with the delegate, the head of the delegation
5 for the UN Development Programme, and he made an allusion to the allegations of
6 war crimes and rape by the MLC troops. That was the first time I ever heard an
7 official reporting or talking about allegations that were contained in press agency
8 releases. That was in Washington.

9 Q. So your testimony is that while being in detention you didn't hear anything
10 about allegations of crimes that the MLC troops committed against the CAR
11 population such as rape, pillaging, or killing; is that correct?

12 A. Yes, that's right. I didn't hear about this, at least where I was being held in
13 captivity at Kaga-Bandoro.

14 Q. When was the first time that you heard about it?

15 A. I do believe it was when I returned to Bangui during the very short stay I spent
16 there before leaving with Martin Ziguélé, the prime minister. I was able to look at
17 some of the press releases of agencies and I saw -- I heard about this for the first time
18 then. And then, well, there was a lot that was more rumour than anything else.
19 For instance, it was said that the cabinet director of President Patassé's wife had been
20 raped and things like that, but this was more rumour than anything else. It hadn't
21 been verified.

22 Q. Can you give us a rough estimate when this was, a year and a month perhaps?

23 A. Well, as I said before, it was when I came back to Bangui, in other words the
24 period of the few days in December 2002 when I was brought back from
25 Kaga-Bandoro, and I went home and I received visits from people and it was during

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1 that type of meeting that I heard about these things. These were allegations. These
2 things were not very detailed and specific.

3 Q. I understand that these allegations were not very detailed and specific, but can
4 you try to recall what you heard, what the rumour was? What exactly did you hear?

5 A. I heard that there had been rapes, that women had been raped by members of
6 the MLC troops during the period of the counter-offensive against Bozizé's rebels in
7 certain neighbourhoods in the north of Bangui. Those were the type of allegations I
8 heard about and I believe -- oh, yes, and I remember that at Kaga-Bandoro I did listen
9 to a parliamentary session. I heard this over the radio, Radio Centrafrique, so there
10 was this broadcasting of the parliamentary session and Martin Ziguélé the prime
11 minister was before the parliament, and there discussions between the members of
12 parliament and the government, which was represented by Martin Ziguélé, and some
13 of the MPs had talked about the rape of certain women, et cetera, and I heard this
14 over the radio at Kaga-Bandoro.

15 Well, you know, this calls on my memory and this goes back some ten years, so one
16 loses one's sense of detail after a while. These are memories that concern me
17 personally, my personal experience, and that's what I remember clearly because those
18 were the things that I experienced, but the rest I'm afraid requires a great effort on my
19 part in order to remember, but I can repeat that I did hear over the radio at
20 Kaga-Bandoro that there was this parliamentary session with members of parliament
21 talks about cases of rape, that MLC members had raped certain women. I heard this
22 during a parliamentary debate.

23 Q. When you returned to Bangui from your detention you briefly met President
24 Patassé; correct?

25 A. Hmm.

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1 Q. Did you have any further meetings after this initial meeting?

2 A. No, I believe not. I can't remember having another meeting. After this first
3 meeting, he asked me to come back once again to inform me or to announce that I
4 was going to be going with Martin Ziguélé to New York.

5 Q. Did you ever discuss with President Patassé the allegations against the MLC
6 troops of having committed crimes against the CAR population?

7 A. No, not at all.

8 Q. Did the media, or the parliamentary session, specify any locations where the
9 MLC allegedly committed the crimes against the CAR population?

10 A. These were members of parliament speaking. They spoke in general terms.
11 Some of them were saying what they had been told and this was to fuel the
12 discussion at the parliament.

13 Q. To the best of your knowledge, are you aware if these rumours about the crimes
14 committed by the MLC troops reached also Patassé -- President Patassé?

15 A. Well, I assume so because President Patassé also followed parliamentary
16 debates that were broadcast live on national radio and, depending on the relevance of
17 the issue being debated, President Patassé himself would follow them live. So I
18 assumed that he was indeed informed of them.

19 Q. Are you aware of any reactions from President Patassé to these allegations?

20 A. No, what I know -- in fact, I heard that Jean-Pierre Bemba is supposed to have
21 asked General Lamine Cissé of Bonuca, that is the representative of the
22 Secretary-General of the UN in Bangui at the time, to open an investigation. I heard
23 about that, but I think President Patassé would have been informed. He had a close
24 relationship with General Lamine Cissé, so I believe they would have discussed this,
25 even though I cannot be certain about it. This is something that would have been

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1 discussed so as to shed light on those allegations.

2 Q. When President Patassé was speaking about his own forces, he called them
3 "loyalist forces"; correct?

4 A. Yes.

5 Q. And when he was talking about MLC soldiers he would, for example, say or
6 refer to "Bemba's troops" or "MLC troops"; correct?

7 A. Yes, but he often said, "My son's troops," because he considered Jean-Pierre
8 Bemba as his son.

9 Q. Sir, a theory has been advanced in this Court that senior CAR government
10 officials at that time, so for example President Patassé, Prime Minister Ziguélé, and
11 senior military officials such as Bombayake, Yangongo, Regonessa, Gambi, Ouandane,
12 Mazi and others should be held responsible for the crimes committed by the MLC
13 troops since these MLC troops that committed the crimes against the CAR civilian
14 population were under their authority and control.

15 From your prospective as the government's spokesperson, do you agree with that
16 theory?

17 A. As I said on Friday, I am talking about these issues with a lot of seriousness,
18 because if the International Criminal Court wishes light to be shed on these events
19 then all the protagonists would have to come and testify here and state what they
20 experienced, what they did and what they were involved in.

21 Unfortunately, for the past ten years there are already three generals who worked
22 with President Patassé at the time who are already deceased: There's General Mazi,
23 who is the last one who died; General Gombazi died; and General Serenam is also
24 deceased. So there are very few people left who were responsible for military
25 operations as collaborators of President Patassé.

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1 Personally I do not know how the chain of command functioned, because that was
2 not my area of competence. Furthermore, I was in captivity when those events took
3 place and, when I was brought back to Bangui, I left the country soon afterwards.
4 So I am not privy to the events, but there is one thing that is clear: The MLC troops
5 had already come to Bangui once before, that is after the events of 28 May 2001. It
6 was General Bozizé who welcomed them on the shores of the Ubangi River. It was
7 also the former Minister of Defence, Jean-Marie Demafouth, who equally welcomed
8 the MLC troops at Bangui beach. They carried out manoeuvres together.
9 The MLC troops were placed under a General Staff command, a joint staff command,
10 bringing together the MLC and the government forces, so I suppose that during the
11 second MLC intervention the same procedure was adopted. This means that a
12 certain number of some materials or resources were placed at the disposal of the MLC
13 and that joint manoeuvres were carried out relating to their mission.
14 So all those Central African General Staff generals should know how they operate,
15 how they worked with the commanders of the MLC troops who had been placed at
16 their disposal by President Patassé's son. That is what I can say now, but I really do
17 regret that the ICC has not made efforts to have these people present so that the truth
18 should be ascertained.
19 Here we have Jean-Pierre Bemba in the courtroom, but Bozizé is the Head of State
20 and today he's moving around meeting with the Sudanese president, who has an
21 arrest warrant pending against him, so I think this is a bit partial because the main
22 protagonist against whom the MLC troops were called to Bangui is Bozizé. He's the
23 one who was at the origin of the events. Now he is in power now and he also has to
24 deal with rebellions.
25 I have already told you that in -- on Saturday there was -- there were reports of a

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1 revolt at the gates of Bangui and mention is being made of Damara, Sibut,
2 Kaga-Bandoro and others. Now Bozizé is also trying to deal with coup d'états
3 against him, but unfortunately there are victims all the time. People are being killed.
4 There is looting going on. People are the subject of racketeering and so on and so
5 forth.

6 So regarding these military interventions, how many people have to die for the
7 international community to actually examine the root cause of those problems in the
8 CAR? This is the problem we have. The number of victims is increasing.

9 Tomorrow we will hear about more rapes and killings. Examples happened on
10 Saturday, a gendarme was killed, banks were looted, so these things are happening
11 over and over again unfortunately.

12 Q. Now that you mentioned President Patassé's son, do you know President
13 Patassé's son in person?

14 A. I was talking about Bemba, and Patassé considered him as his son.

15 Q. It seems to be that there was a misunderstanding, but in any event do you know
16 President Patassé's son?

17 A. Are you referring to Jean-Pierre Bemba, or which son?

18 Q. I'm talking about the biological son of President Patassé.

19 A. He has several. He has several. I do not know which one you are referring
20 to?

21 Q. Do you know any of President Patassé's sons?

22 A. I know all of them. There are several of them.

23 Q. When did you speak the last time to one or any of them?

24 A. Not so long ago I spoke with Silvain Patassé. He called me from Abidjan. It
25 was in August.

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1 Q. What did you talk about?

2 A. He told me about his business interests in Mali, things of that nature.

3 Q. You have explained to this Court about how you and your family suffered,
4 were traumatised and felt about the crimes committed against you by Bozizé rebels,
5 and I'm referring to transcript 245, page 28, line 3 until page 31, line 8.

6 Sir, isn't it surprising that you as a senior government official did not mention
7 anything about the suffering of the civilian population of your country who were
8 raped, killed and even their properties had been pillaged by MLC troops?

9 A. As the saying goes, charity begins at home. I am speaking about myself first,
10 but I would not like to dwell too much on my case. It is true that the crisis in the
11 CAR led to many victims. For many years now it is true that this is a major problem.
12 There are all types of victims.

13 I have personally paid a heavy price, so I'm talking about that. I wrote a book about
14 myself and about my own personal experiences, but I've also seen a lot of misery and
15 a lot of suffering. When I was taken from PK12 to PK26, I came across a lot of
16 miserable people fleeing from the war, from the fighting in Bangui. You had elderly
17 people who had problems moving about and who were being carried on bicycles and
18 so on, but I can only talk about what I know. I mentioned cases of rape.

19 On Friday I mentioned the name of a young lady who had been raped and that I had
20 the opportunity to meet subsequently in Paris and she described her suffering to me,
21 so you can imagine that I could not be insensitive to that. I cannot speak about cases
22 that I do not know.

23 I am not saying that they did not take place. As you know, when soldiers intervene
24 anywhere in the world, they commit abuses. Even the biggest army in the world,
25 the American army, we recently saw pictures of American soldiers peeing on the

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1 dead bodies of Talibans, so when soldiers intervene there are acts of violence that are
2 perpetrated, so I cannot rule that out. I also know that President Patassé, given the
3 difficulty to safeguard the territorial integrity of the country for which he was
4 responsible, he had to do what was possible. I know that there were militia at his
5 disposal. He cannot count on the national army.
6 As you know, the Central African Republic no longer has an army. There is no army.
7 That is why there are rebellions every fortnight and at that time President Patassé did
8 not have an army himself and if he called on the MLC troops this was the reason for it
9 because Bozizé's rebellion was so serious that his Presidential Guard, whose
10 responsibility it is to provide the first line of defence, was not able to go and fight
11 Bozizé's troops, so he allowed militia groups to flourish and they would tackle the
12 issue of armed bandits. So calling in Miskine, for example, was one of those things
13 that he did, and so he had people who could not always be controlled, so with such a
14 situation anything could happen. There could be abuses at any time. That is why I
15 have talked about victims.
16 I'm talking about the first victim that is myself, but I know that there were also other
17 victims. The citizens of the Central African Republic suffered all those years and
18 continue to suffer because people are still being killed even today. So I cannot
19 remain insensitive to that, but my primary responsibility as a collaborator of
20 President Patassé was to be responsible for communication and to be his
21 spokesperson. I was not in charge of security problems, but given that I lived in the
22 country it was impossible for me not to hear about certain things, but those were not
23 things that came under my ambit, which is why I cannot dwell on those. I was a
24 prisoner and I was far away from the capital at the time that the most serious events
25 took place, which is why I am not in a position to speak with any authority about

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1 those things.

2 Q. One clarification, Mr Witness. You heard about Miskine in the radio, but not
3 about crimes committed by the MLC; is that correct?

4 A. I heard about Miskine at the time he was leaving for Togo. I followed the
5 ceremony that was organised prior to his departure to Lomé. That was when I was
6 in Kaga-Bandoro, but since I was a hostage and a prisoner of course you will
7 understand that I could not be informed about everything that was happening in
8 Bangui during my absence.

9 Q. Can you provide names of militia at the disposal of President Patassé at the
10 time?

11 A. There was mention of Karako militia, Barawa militia. Those were names that
12 were well-known in Bangui. These were names that were publicly known. There
13 was also a security company managed by his driver. I think it was CSPS or CRPS.
14 I really can't remember.

15 Q. Would you agree, sir, that you very much care and are concerned about crimes
16 that the Bozizé rebels committed against civilians of the CAR at the relevant time in
17 2002 and 2003, as well as today? Is that correct?

18 A. Certainly.

19 Q. Mr Witness, I will now move to my last topic and I hope we can finish today. I
20 will try my utmost to ask you short, direct questions and if you could continue to
21 give focused answers then we may succeed.

22 A. Counsel, you are really torturing me.

23 PRESIDING JUDGE STEINER: Ms Kneuer, if you allow me just to make a short
24 interruption? It's just to call the attention for the -- when we have the edited version
25 of the transcript, the reference you made to President Patassé's son is on page 56, lines

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1 3 and 4, when it appears in the English transcript "MLC troops had been placed at
2 their disposal by President Patassé's son," so which means that probably there has
3 been a mistake that will be corrected in the edited version.

4 MS KNEUER: Thank you, Madam President. I understood that the witness was
5 referring to Mr Bemba as Patassé's son and didn't mean his biological son, so it makes
6 sense what you just said.

7 Q. So we're on the last round, sir.

8 A. I would like this matter to be very clear. I have stated that President Patassé
9 was in the habit of calling Jean-Pierre Bemba his son, so when he was talking about
10 MLC troops in Bangui he would say "My son's troops," so you can put "my son" in
11 quotes. So it was not the biological son of President Patassé.

12 Q. Thank you very much for this clarification, sir.

13 Sir, we heard that you were President Patassé's spokesperson and that you remained
14 to be his spokesperson after you were released from detention and that Bozizé took
15 over power on 15 March 2003. Am I correct to say that if Patassé and Bemba
16 troops - Mr Bemba's troops - would have succeeded in defeating Bozizé troops,
17 Patassé would have continued to serve as the President of the Central African
18 Republic?

19 A. Yes, indeed.

20 Q. And consequently you would have continued to work as Mr Patassé's
21 spokesperson in the CAR, wouldn't you?

22 A. Probably.

23 Q. So is it fair to state that you lost your position effectively as a spokesperson
24 because Bozizé took over power?

25 A. Certainly.

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1 Q. As the president's spokesperson, were you being paid by the CAR government?

2 A. Yes.

3 Q. Did you receive any payment or pension that would normally be paid to a
4 retired government official after Bozizé took over power in March 2003?

5 A. No.

6 MS KNEUER: Madam President, I would like to go briefly in private session just as
7 a precaution, please.

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

9 (Private session at 12.55 p.m.) * Reclassified as Open session

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

11 MS KNEUER:

12 Q. Sir, we are now in private session, which means that nobody outside this
13 courtroom can hear what we are talking about, which means you are safe in
14 providing information that may be -- that you may consider confidential, and I have
15 two topics to address during this brief session, private session.

16 You provided evidence that you were on an official trip with President Patassé
17 coming from Niger on 15 March 2003, and if I'm not mistaken -- yes, and you stated
18 that you landed in Cameroon because you were not allowed to land in Bangui, and
19 that is transcript 245, page 54, lines 13 to 15, 16 to 17 and 23, and you further stated
20 that President Patassé spent several years in exile in Togo, which is the same
21 transcript page 55, line 1.

22 You yourself ended up in France; right? I have to ask you to vocalise your answer.
23 Nodding is not enough for the record, sir.

24 A. Yes, I ended up in France after having spent I believe two-and-a-half months
25 with President Patassé in Lomé, Togo.

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1 Q. And this is also where you reside today; right?

2 A. Yes, I am in Paris.

3 Q. What is your residence status in France?

4 A. Administrative status you mean? I am of Central African nationality, not
5 French.

6 Q. Did you request asylum in France?

7 THE INTERPRETER: Correction: He said Central African nationality/French
8 nationality. And the last answer: "I have never asked for asylum because I have
9 French nationality."

10 MS KNEUER:

11 Q. Sir, there was a problem with the interpretation most likely a fault of my side.
12 Just to have the record clear, you have the nationality of the Central African Republic
13 and France?

14 A. Yes, I have dual nationality.

15 Q. On Friday you provided information upon a question of Defence counsel, and
16 I am referring to transcript 245, page 41, line 25, and I will read it to you, quote, "I also
17 know a former soldier of the Presidential Security Unit, whose name is (Redacted)
18 (Redacted)
19 (Redacted)

20 What do you mean by "know," that you "know" (Redacted)

21 A. He was a member of President Patassé's Presidential Security Unit and I already
22 knew him when I was working there, and (Redacted)
23 So I mentioned his name as one of the people that I know who were victims of
24 Bozizé's troops when they entered Bangui on 22 October 2002, so he's one of the
25 victims also because he lost relatives. That is why I mentioned his name.

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1 Q. When did he tell you about his story of the loss of his family members?

2 A. A long time ago. He fled somewhere to -- (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted). So that was a long time ago. A long time ago.

9 Q. Did you have recently contact with him?

10 A. (Redacted)

11 (Redacted)

12 Q. Are you talking about what he or you experienced at that time in the Central
13 African Republic by the Bozizé rebels?

14 A. (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 MS KNEUER: Madam President, we can go back into public session.

20 PRESIDING JUDGE STEINER: Court officer, please.

21 (Open session at 1.03 p.m.)

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

23 MS KNEUER:

24 Q. Sir, I have one follow-up question, but it's safe to answer this question in public.

25 You referred to a marriage in May, or June. Which year was that?

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1 A. 2012.

2 Q. Do you have any links with a rebellion in the Central African Republic?

3 A. What rebellion are you talking about?

4 Q. Are you associated with a rebellion in the north-east of the Central African
5 Republic?

6 A. No, not at all. At the current time I follow the news from the Central African
7 Republic and I am the director of publications of an internet newspaper and at the
8 same time I am the chief editor, so from that point of view I do monitor the news
9 from the CAR closely, but I don't have any dealings with a rebellion, or with rebels.

10 MS KNEUER: I ask the court officer to please display document number 8 from the
11 list of documents, which is CAR-OTP-0069-0148.

12 Q. Sir, I assume you don't know this document, but from looking at the first page
13 would you agree that this is a report from an international crisis group working to
14 prevent conflict worldwide called "Central African Republic, Anatomy of a Phantom
15 State," and from our courtesy meeting I know that you understand some English?

16 A. Yes.

17 Q. And this report is dated 13 December 2007; correct?

18 A. Yes, that's right.

19 MS KNEUER: I kindly ask the court officer to please display page 0174. I ask the
20 court usher to please enlarge footnote 126.

21 Q. Sir, I will read to you what is reflected in this footnote. I quote, "Among the
22 'telegraphic (sic) godfathers' of the resistance fighters in the north-east, in addition to
23 former President Patassé and his spokesperson Prosper N'Douba, (both exiled in
24 Togo), are the former Minister of Defence under the deposed regime, Jean-Jacques
25 Demafouth, who lives in Paris. According to CAR rebels visiting Paris in May and

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1 June 2007, Demafouth tries to co-ordinate rebel activities in the north-west and
2 north-east."

3 Do you understand from this portion that you are considered as the "telephonic
4 godfather" of the resistance fighters in the north-east of the CAR?

5 A. People can write or say what they want. If I were -- if I were some kind of
6 official of the rebellion, my name would be officially noted or to be found on the
7 structure, the org chart, of the rebellion, but the rebellion we are talking about here is
8 the PRD and they are led by Jean-Jacques Demafouth. So it's not correct to say that I
9 am part of that group. That's false.

10 Q. You are not affiliated to this group in the north-east of CAR that is opposed to
11 the Bozizé government?

12 A. No, not at all. I am in no way, shape or form. I'm not part of that rebellion.
13 I've told you that ever since I've moved to Paris my activities are well-known. I am
14 the director of publications and editor in chief of an internet newspaper called
15 "Centrafrique Press." That is all I'm doing.

16 THE INTERPRETER: Interpreter correction: The witness mentioned "PRD" in his
17 previous reply.

18 PRESIDING JUDGE STEINER: Ms Kneuer, if you'll allow me a follow-up question
19 on this?

20 The witness just said that "I've told you that ever since I've moved to Paris my
21 activities are well-known." This report apparently was -- at least the date that we
22 have in its cover page is December 2007 and relates to the time you apparently were
23 in Togo, not in Paris. So I think we could put the same question. At that time you
24 were in Togo, were you part of this group or this rebellion in 2007?

25 THE WITNESS: (Interpretation) In 2007, I was no longer in Togo. I said that I

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1 was in the aeroplane of President Patassé on 15 March 2003. We led in Yaoundé,
2 Cameroon, we spent somewhat more than a week there and then we continued to
3 Togo. That is true. I stayed two-and-a-half months in Togo and then I went back to
4 Paris, so in 2007 I was not in Togo. I was not in Togo, but from time to time I would
5 go there for various reasons. For example, the spouse of President Patassé died in
6 2007 in Togo, so I went to Togo then for the funeral, for the funeral of President
7 Patassé's spouse, but I was not residing in Togo. Since 2000 -- well, the summer of
8 2003, I have been living in Paris.

9 Jean-Jacques Demafouth's activities in 2007? Well, I was already in Paris at that time.
10 I was not in Togo.

11 PRESIDING JUDGE STEINER: Thank you.

12 Ms Kneuer?

13 MS KNEUER:

14 Q. Are you aware that in the past these rebels in the north-east of the CAR have
15 attacked government police stations, police forces and military bases?

16 A. The rebels coming under Jean-Jacques Demafouth, are you referring to that, to
17 those rebels?

18 Q. I'm referring to the rebellion group mentioned in this article, or report, yes.

19 A. Yes, it was a rebellion that had decided to fight President Bozizé, so regularly
20 there were skirmishes or fighting in that particular area against the troops that had
21 been sent from Bangui, including -- well, including some incidents mentioned in the
22 domestic press.

23 Q. Sir, are you aware that you are regarded as an enemy of the Bozizé régime?

24 A. Yes, I know that. Bozizé himself called me one day. He called me and said
25 that his security service was going to take care of me, so I consider myself to be an

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1 enemy of his and he considers me to be an enemy of his too.

2 MS KNEUER: I ask the court officer to please display document number 5 of the list
3 of documents, which is CAR-OTP-0069-0146.

4 May I ask the court usher to enlarge the text under the picture, please?

5 Q. Sir, I would like you to read four portions to us. The first one you will find at
6 the end of the first paragraph, the last sentence, "Ce Prosper N'Douba n'est autre ..."
7 et cetera, et cetera.

8 A. "This Prosper N'Douba is no other than the Director of Publications of the
9 internet website called Centrafrique-Presse, which has become the reference for
10 information about the CAR and ipso facto the bête noire of the Bozizé regime and his
11 public enemy number one."

12 Q. Can you please read the last sentence of the fourth paragraph which starts with
13 "Sa mutation du ministère ..."?

14 A. "His transfer from the Ministry of Communication which he led to the
15 Agriculture Ministry was done because Bozizé criticised him for being unable to
16 offset the anti-Bozizé influence of Centrafrique-Presse, the website of Prosper
17 N'Douba."

18 Q. Can you please read the first sentence of the sixth paragraph, "Cela dit, les
19 sources ..."

20 A. "That being said, the sources of revelations that regularly provide fodder for the
21 articles and editorials of Centrafrique-Presse quite often come from ordinary CAR
22 citizens who can no longer stand aside and just watch the negligence and the chronic
23 mismanagement of the current regime that they ..."

24 THE INTERPRETER: The interpreter apologises. The witness is reading too
25 quickly.

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1 MS KNEUER:

2 Q. Mr Witness, can I please ask you to read the same sentence again a little bit
3 more slowly?

4 A. You mean the last sentence?

5 Q. Yes, sir, if you could please read again the sentence which starts with "Cela dit,
6 les sources ..." but a little bit more slowly so that the interpreters have an opportunity
7 to follow you.

8 A. "That being said, the sources of the revelations that provide regular fodder for
9 the articles and editorials of Centrafrique-Presse quite often come from ordinary CAR
10 citizens who can no longer just stand aside powerlessly, but not in a resigned way
11 and just watch the neglect and the chronic mismanagement of the current
12 government that they vomit, and make aware and of a number of scandals ..." no, let
13 me, "The chronic misgovernance of the current government that they vomit, and that
14 is the reason for the confidence that they have in the staff of Centrafrique-Presse.
15 They thank them greatly in a patriotic way in truth."

16 Q. Can you please read the last paragraph of this article "Ni les menaces ..."?

17 A. "Neither the threats of legal proceedings by Parfait Mbay, nor his secret and
18 underground actions, cyber-attacks, internet crime, attacks on and against Prosper
19 N'Douba that he is perfectly aware of and for which he reserves the right to begin
20 appropriate legal proceedings against the person responsible for these cowardly
21 actions will allow him to give up or stop this noble work of speaking out against the
22 serious crimes by this government, crimes against the people of the Central African
23 Republic. Parfait Anicet Mbay sticks to this."

24 Q. Sir, before we have to break today and continue tomorrow, I have two
25 questions for you. The article says at the end, and perhaps you see it, "Rédaction

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1 C.A.P.", which appears to be the author, and the editor appears to be

2 Centrafrique-Presse, for which you are the director; is that correct?

3 A. Yes, that's right.

4 Q. And this article is dated 12 October 2011; correct? I ask the court usher to
5 scroll up to the top of the page, please. It's 12 October 2011; correct?

6 A. 2011.

7 Q. My last question for today: Is this a fair description of your relationship with
8 the Bozizé regime?

9 A. You must realise not a day goes by without me hearing about things. Even
10 Bozizé's cabinet, when they meet, when they talk, they talk about Central African
11 Press. I receive death threats and threats of legal proceedings from a number of
12 dignitaries within Bozizé's government, so the staff of my newspaper was informed
13 once that the concern of the ministers - of certain ministers - and Bozizé himself since
14 the newspaper often pinpoints these ministers.
15 You see, they all want to know who is giving information to Prosper N'Douba and
16 Centrafrique-Presse. So that is why Centrafrique-Presse reveals a number of
17 scandals, or affairs, matters that are extremely embarrassing to Bozizé's government,
18 and they have never denied any of the revelations to be found in Centrafrique-Presse.
19 They know that Centrafrique-Presse writes things that are usually accurate and that
20 have been checked, so they end up being afraid of their own shadows in Bangui and
21 they wonder who is passing on the information to this newspaper? That is why the
22 staff wrote this article to respond to these Bozizé's ministers who are constantly
23 wondering who is providing information to the newspaper.
24 All this to say that the dealings -- well, I don't have any dealings with them. It is,
25 well, through the articles in my newspaper that they get an idea of what I think of

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1 them, but I don't really have any dealings with them. I have no reasons to have
2 dealings with them, but they fear me because they say to themselves that a great deal
3 of truthful information is coming to the attention of my newspaper and when my
4 newspaper reports on these things they're very embarrassed, so they would really
5 like to know who my sources are and that way they could catch those people and if
6 those people are in Bangui, well, I think it would be quite easy for them to get those
7 people if they were there in Bangui, but since I'm in Paris and since my newspaper is
8 published on the internet, not on paper, it's not as if they could raid my offices and
9 seize the newspaper. My newspaper is published on the internet. So that's my
10 answer to your question.

11 So I would say that, no, my relationship or my dealings with the Bozizé regime are
12 not good. That's clear. There's a reason why they are threatening me, you see?
13 And, by the way, some of my captors from back in 2002, it's been reported to me that
14 they are sorry that they did not execute me, the ones who held me in Kaga-Bandoro.
15 They say that they're sorry that they left me alive, because today I still am fighting
16 President Bozizé.
17 So there you have it.

18 MS KNEUER: Madam President, although the witness and I tried our utmost, I
19 would need approximately 30 minutes tomorrow morning. Thank you.

20 PRESIDING JUDGE STEINER: Thank you, Ms Kneuer.

21 Mr Witness, we will adjourn for today. Thank you very much for being here for
22 four hours answering to all questions that were put to you.

23 I thank very much the Prosecution team, the legal representatives of victims, the
24 Defence team, Mr Jean-Pierre Bemba Gombo. I thank very much our interpreters,
25 court reporters, our court officer and court usher.

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1 I will ask, please, court usher to accompany the witness outside the courtroom. In
2 the meantime, we will adjourn and resume tomorrow morning at 9 o'clock.

3 (The witness stands down)

4 THE COURT OFFICER: All rise.

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

6 CORRECTION REPORT

7 The Court Interpretation and Translation Section has made the following correction
8 in the transcript:

9 *Page 52 line 7

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 RECLASSIFICATION REPORT

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

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