

Trial Hearing
Witness: CAR-D04-PPPP-0064

(Closed 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 Tuesday, 23 October 2012
8 *(The hearing starts in closed session at 9.08 a.m.) Reclassified as Open session
9 THE COURT USHER: All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE STEINER: Good morning.
13 Could, please, court officer call the case.
14 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
15 Prosecutor versus Jean-Pierre Bemba Gombo, ICC-01/05-01/08.
16 PRESIDING JUDGE STEINER: Good morning. I welcome the Prosecution team,
17 legal representatives of victims, the Defence team, Mr Jean-Pierre Bemba Gombo.
18 Good morning to our interpreters and court reporters.
19 We will continue today with the testimony of Witness D04-64. Before I ask the court
20 usher to bring the witness in, the Chamber received this morning an email from
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted) Witness 64 was concerned about a
25 misunderstanding in relation to a question put by the Prosecution.

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- 1 (Redacted), it appears that the witness was questioned as
2 to whether he had been asked if he was willing to meet the Prosecution and he had
3 difficulties to understand the difference between the terms "accusation" and "Cour,"
4 (speaks French) "accusation" and "Cour," (speaks English) and his concern that
5 probably he had not provided an appropriate answer to the relevant question.
6 In view of this misunderstanding, counsel suggests whether it would be possible to
7 give the witness an opportunity to clarify his response to the relevant question. So I
8 ask Ms Bala-Gaye if the Prosecution would be willing to do that? Otherwise, the
9 Presiding Judge will do it.
- 10 MS BALA-GAYE: Indeed, Madam President, we will do so. My plan was to
11 follow-up, because I specifically asked the witness if it was to meet the Judges, give
12 testimony before the Judges, and he said "That's correct," but I will follow-up and
13 clarify as advised. Thank you.
- 14 PRESIDING JUDGE STEINER: Thank you very much.
15 I ask, please, court usher to bring the witness in.
16 (The witness enters the courtroom)
- 17 WITNESS: CAR-D04-PPPP-0064 (On former oath)
18 (The witness speaks French)
- 19 PRESIDING JUDGE STEINER: Court officer, please can we turn into open session.
20 (Open session at 9.13 a.m.)
- 21 THE COURT OFFICER: We are in open session, your Honours.
- 22 PRESIDING JUDGE STEINER: Good morning, Mr Witness, and welcome.
- 23 THE WITNESS: (Interpretation) Good morning, your Honour.
- 24 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony, sir?
- 25 THE WITNESS: (Interpretation) Yes, your Honour.

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

3 THE WITNESS: (Interpretation) Yes, your Honour.

4 PRESIDING JUDGE STEINER: I also would like to remind you on our ground rules,
5 that you are expected to speak slower than normal and to give the five seconds after
6 an answer is put to you before you start answering to that question in order to
7 facilitate the job of our interpreters and court reporters. Is that fine with you, sir?

8 THE WITNESS: (Interpretation) Yes, that is fine by me, Madam President.

9 PRESIDING JUDGE STEINER: I will then give back the floor to Ms Bala-Gaye for
10 the Prosecution to continue questioning you. Ms Bala-Gaye.

11 MS BALA-GAYE: Thank you, Madam President, your Honours.

12 QUESTIONED BY MS BALA-GAYE: (Continuing)

13 Q. Good morning, Mr Witness.

14 A. Good morning, Madam Prosecutor.

15 Q. Mr Witness, before I continue, I would like to let you know that we are in open
16 session, so please be mindful of information that you give which may either identify
17 you or others. Do you understand that?

18 A. Yes, Madam Prosecutor.

19 Q. Yesterday, before we adjourned, I was asking you some questions in relation to
20 your meeting with Defence counsel, Mr Kilolo, as well as your contact with the
21 Defence. Do you recall that?

22 A. Yes, that is correct, Madam Prosecutor.

23 Q. Just to briefly recap, you told us that you were contacted by Mr Kilolo via
24 telephone when he asked you about events in Bangui, then after that you met him
25 also in the same month of June of this year and he asked you questions about the

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1 MLC troops and how things unfolded in Bangui and that was the only thing that you
2 discussed during this meeting, and then you told us that after the meeting there was a
3 second phone call and during this phone call, I'll quote directly, you said, "He called
4 me a second time to tell me that the Court would like to see me, if possible." Do you
5 recall that?

6 A. Yes, Madam Prosecutor. Well, I would like us to revisit that matter, because
7 yesterday I did not quite understand your question. After we adjourned yesterday, I
8 (Redacted)
9 (Redacted)
10 (Redacted)

11 In fact, the point is that Mr Kilolo told me that the Office of the Prosecutor wanted to
12 meet me. I asked him "Why?", and he said it is because they wanted to ask me the
13 same questions, and then he told me that this was not mandatory, it was not
14 obligatory, and that I could say "Yes" or "No."
15 Yesterday, when you asked the question, I did not quite understand it, and I
16 remember asking twice for the question to be clarified (Redacted)
17 (Redacted). And so this is what
18 transpired between Mr Kilolo and myself.

19 Q. So, Mr Witness, when I clarified yesterday and I asked you, "So when Mr Kilolo
20 said that the Court wanted to meet you, what did you say?", your response was, "I
21 asked him 'When and on what date?' He told me that he himself did not know the
22 exact date." Then I further clarified by asking you, "So this second contact was in
23 relation to your testimony before the Judges; is that correct?", and your response was,
24 "Yes, that is correct, Madam Prosecutor." Are you saying that you did not
25 understand that when I asked specifically in relation to the Judges that you thought I

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1 was referring to the Court? Is that what you're saying?

2 A. What I have said is that Mr Kilolo told me that it was the Office of the
3 Prosecutor that wanted to meet me, and yesterday I did not quite understand your
4 question and that is why in my answer I said it was the Office of the Court, whereas it
5 was the Office of the Prosecutor that wanted to meet me, as Mr Kilolo had told me.
6 Now, when he said so, he indicated that the Office of the Prosecutor wanted to meet
7 me to raise questions with me relating to the events in Bangui, but he also went on to
8 tell me that I could say "Yes" or "No" to that request.

9 Q. So then am I to understand that there was another contact in which Mr Kilolo
10 asked you about coming to meet the Judges and your response was, "I asked him
11 'When and on what date?' He told me he didn't know the exact date"? Was this a
12 separate contact then?

13 A. No, it was the same contact. Kilolo contacted me twice. The first time it was
14 to ask for a meeting between himself and I so that we could talk about the events in
15 Bangui. The second time, that is when he told me that the Office of the Prosecutor
16 wanted to meet me. After that he didn't call me again, so I had only two phone calls
17 from him.

18 Q. Mr Witness, I want to be clear on this point. So when you responded, "I asked
19 him 'When and on what date?'" you were mistaken then? Is that your testimony?

20 A. No, no, that was not my mistake. My mistake was on the specific point about
21 the Office of the Court. I said the Office of the Court, in French Bureau de la Cour,
22 whereas it was the Office of the Prosecutor. So I was mistaken as to the Office of the
23 Prosecutor and Office of the Court, whereas Mr Kilolo had been very specific when he
24 told me that it was the Office of the Prosecutor that wanted to meet me.

25 Q. So when you said, "I asked 'When and on what date?'" I take that that you were

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1 willing to meet the Office of the Prosecutor; is that what you're saying?

2 A. He told me that I could meet the Office of the Prosecutor before, but that I had
3 the option to say "Yes" or "No." It is possible to turn down the request. So I told
4 Mr Kilolo that, if the idea is to ask me the same questions, I would rather proceed
5 directly to court, rather than meet with the Office of the Prosecutor. That is the
6 answer I gave him.

7 Q. So my last question is: What made you recollect that it was the Office of the
8 Prosecutor that Mr Kilolo referred to? What made you recall this?

9 A. Madam Prosecutor, a short while ago I was telling you that shortly after we
10 adjourned yesterday (Redacted) because I was -- I
11 even asked you twice. I told you twice that I had not understood your question, and it
12 is after (Redacted) that I then recalled the nature of our
13 conversation; that is the conversation between Mr Kilolo and myself.

14 Q. Have you received any payment purportedly on Mr Bemba's behalf?

15 A. No, Madam Prosecutor.

16 Q. Have you received any money at all in relation to this case?

17 A. No, Madam Prosecutor.

18 Q. Did you receive any reimbursement in relation to travel expenses, for example,
19 when you went to meet Mr Kilolo?

20 A. Nothing whatsoever, Madam Prosecutor.

21 Q. And, lastly, were any promises made to you by anyone in exchange for your
22 testimony here today?

23 A. No, Madam Prosecutor.

24 Q. Yesterday you informed us, and I quote, "Sometimes we were told other things,
25 because Bozize's rebels had retreated and at that time it was the MLC which was in

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1 control of that area, so members of the population said that it was the MLC elements
2 who were perpetrating those crimes." I'm referring to yesterday's real-time
3 transcript, page 22, lines 5 to 10. Mr Witness, do you recall saying that?

4 A. Yes, Madam Prosecutor. This is what I said. I said that the Central Africans
5 at the park, there were a number of Central Africans who told us that there had been
6 cases of rapes, but they're the ones who told us about it, but I did not hear anything
7 about killings.

8 Q. It's not important for you to repeat what you said yesterday, unless it's
9 something new or different, but I'll just ask you again: Do you recall saying that,
10 "People started complaining about the MLC elements when they came in. The
11 Bozizé soldiers had already withdrawn and it was the MLC soldiers who took control
12 over the northern exit of Bangui"? I'm referring to page 23 of the real-time transcript
13 of yesterday, lines 3 to 6. Which crimes were you referring to when you said that,
14 Mr Witness? Which crimes were you informed of by the civilians?

15 A. Madam Prosecutor, there was looting, pillaging, rape, and as I said yesterday,
16 and as you have just reminded us, people told us at ONAF that there had been cases
17 of rape and pillaging in various neighbourhoods.

18 Q. You stated yesterday that Mr Bemba arrived in the Central African Republic
19 once during the 2002/2003 conflict. Do you remember saying that?

20 A. Yes, that's right, Madam Prosecutor.

21 Q. You told the Court that he crossed over on a ferry-boat from Zongo to Port
22 Beach; is that correct?

23 A. Yes, that's right, Madam Prosecutor.

24 Q. At the time of Mr Bemba's visit, do you recall if the airport was open or not?

25 A. No, I don't remember about that.

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1 Q. You told us that the ambassador went to fetch Mr Bemba from Port Beach; is
2 that correct?

3 A. Yes, that's right, Madam Prosecutor.

4 Q. Was Mr Bemba wearing a military uniform when the ambassador went to fetch
5 him?

6 A. No, Madam Prosecutor.

7 Q. Was he carrying a cane or a baton when you saw him, from what you were told
8 by the ambassador?

9 A. Yes, Madam Prosecutor.

10 Q. You told us that Mr Bemba was received by senior officials from the Central
11 African Republic such as Colonel Mazi and the Minister of Defence. Do you
12 remember that?

13 A. Yes, Madam Prosecutor.

14 Q. What about Moustapha, do you know if he was present upon Mr Bemba's
15 arrival?

16 A. Yes, Madam Prosecutor.

17 Q. You testified that Mr Bemba came with his own security personnel but they
18 stayed on the ferry. Do you recall saying that?

19 A. Well, actually, I said that I saw Mr Bemba with security men behind him who
20 got into the convoy, who joined the convoy.

21 Q. Mr Witness, I advise you to be cautious about your response, and if necessary
22 we can move into private session. Is it your testimony that Mr Bemba's security
23 personnel did not accompany him to PK12, PK13?

24 A. PK12. At PK12 Mr Bemba was escorted by CAR security men and his security
25 staff got into one of the vehicles in the convoy, and it was the CAR security people

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1 who were ensuring the safety of Mr Bemba.

2 Q. Mr Witness, another Defence witness testified that during a trip abroad,
3 members of close protection unit were sent in advance in order to ensure the security
4 of President Patassé in that country before his arrival. I'm referring to transcript 256,
5 edited version, page 22, lines 20 to 23. Do you know anything about that,
6 Mr Witness?

7 A. Yes, Madam Prosecutor, that's how it happened. If the president travels
8 abroad, there are two groups. The first group that you mentioned are called the
9 advance team, they go a few days in advance before the arrival of the president; and
10 the second group comes with the president and we call that group the official
11 delegation, that is to say the people who go with the president, but the people who go
12 in advance are the advance team. They go before the president.

13 Q. To your knowledge, do these people leave once the president arrives in
14 whatever country it is?

15 A. No, they stay and they handle all the security arrangements for the president
16 until the president goes back, and then they go back, taking a regular flight.

17 Q. Would you agree that such security is even more important in an area where
18 there's ongoing conflict?

19 A. Could you please repeat the question, Madam Prosecutor?

20 Q. Would you agree that such security is even more important in an area where
21 there is ongoing conflict?

22 A. Yes, that's always important, Madam Prosecutor, because the advance team are
23 the ones who go and look at the locations to determine whether the locations are
24 dangerous or not. So that may be for the president's -- before the president's trip or
25 the president himself may decide. And once he's told, he makes the decision. So

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1 that's the purpose of this first group that goes in advance.

2 Q. You testified that President Patassé took Mr Bemba to visit the operations centre.

3 Do you know if Mr Bemba provided any operational advice or orders while he was at
4 the centre?

5 A. Could we go into private session?

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

7 (Private session at 9.39 a.m.) * Reclassified into open session

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

9 THE WITNESS: (Interpretation) Madam Prosecutor, when Mr Bemba and
10 President Patassé arrived at the operations centre, (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 MS BALA-GAYE:

15 Q. Do you know why Mr Bemba -- Mr Patassé took Mr Bemba to the operations
16 centre?

17 A. I think it was just to introduce Colonel Lengbe, who worked with Moustapha to
18 lead the troops in the field.

19 Q. (Redacted)

20 (Redacted)

21 A. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)"

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1 PRESIDING JUDGE STEINER: Ms Bala-Gaye, could we maybe turn back into open
2 session?

3 MS BALA-GAYE: Just one last question and then we will. Thank you.

4 Q. Mr Witness, what I'm getting at is you do not know what happened at the
5 operations centre, you do not if it is possible that Mr Bemba gave some operational
6 advice since he was at the operations centre. You do not know anything about this;
7 is that correct?

8 A. (Redacted)

9 MS BALA-GAYE: Madam President, may we move back to open session? Thank
10 you.

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

12 (Open session at 9.42 a.m.)

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

14 MS BALA-GAYE:

15 Q. Mr Witness, we're back in open session, so please be careful of providing any
16 information which may identify you, your family members, or others that require
17 protection. Do you understand?

18 A. Yes, Madam Prosecutor.

19 Q. Upon arrival at PK12, PK13, you told us that Mr Bemba addressed two different
20 groups of MLC soldiers in French; is that correct?

21 A. Yes, that's right, Madam Prosecutor.

22 Q. During Mr Bemba's address, do you know where Moustapha was?

23 A. Moustapha was beside.

24 Q. Did Mr Bemba use a microphone to address his troops when he spoke to them?

25 A. I don't remember.

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1 Q. Was Mr Bemba the only one talking during these two meetings?

2 A. Yes, at these meetings it was Mr Bemba who was speaking to the troops.

3 Q. So no one else spoke, apart from Mr Bemba, during both meetings that lasted
4 over an hour and 15 minutes or so; is that correct?

5 A. Mr Bemba spoke French and Moustapha translated into Lingala.

6 Q. Therefore, Moustapha's translation into Lingala meant that the language that
7 these -- the MLC troops understood was Lingala and not French; is that correct?

8 A. Yes, that's right.

9 Q. Mr Witness, you don't know that Mr Bemba speaks Lingala, do you?

10 A. Yes, I know that. I know he speaks Lingala.

11 Q. Well, then wouldn't it make more sense for him to speak to his troops in Lingala;
12 a language that he understands and a language that they understand?

13 A. In that case I believe that, if that had been the case, the Central African Republic
14 authorities who were surrounding Mr Bemba would not have understood what he
15 was saying, because the goal of going to PK12 was to go and introduce
16 Mr Bombayake, who henceforth was to give orders to the MLC troops. If Mr Bemba
17 spoke Lingala, Mazi and the others would not have understood what Mr Bemba was
18 saying.

19 Q. So Lingala is not a language that is understood by the Central African officials;
20 is that correct?

21 A. No.

22 Q. What about other members of the entourage that went with Mr Bemba, did they
23 understand Lingala?

24 A. Please, Madam Prosecutor, could you tell me who you mean when you talk
25 about Mr Bemba's entourage?

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1 Q. I don't want to go into too much detail, so I'll remind you of a bit of what you
2 told us yesterday. You said that there were aide-de-camp from the Central African
3 Republic, you mentioned the ambassador, you mentioned some other people. To
4 your knowledge, were they able to understand Lingala?

5 A. Not even, Madam Prosecutor.

6 Q. So neither the ambassador, nor the aide-de-camp, nor any of the Central African
7 officials present understood Lingala; is that what you're telling us?

8 A. Yes, that's right, Madam Prosecutor.

9 Q. At these two meetings, do you know if there were any civilians in the area?

10 A. Yes, Madam Prosecutor.

11 Q. Can you tell us where the civilians were?

12 A. Those civilians went out after. After Mr Bemba finished speaking to the troops,
13 they sang some songs, or they were dancing and calling out, yelling, and the local
14 people came out to watch the troops dance and show their joy.

15 Q. So at the time that the local population came out and were singing songs and
16 dancing, was Mr Bemba present at that time?

17 A. It was just at the end. They sang, they danced and after those songs Mr Bemba
18 headed to Port Beach.

19 Q. Just to make sure that it's clear, so it's after the civilians sang and danced to
20 songs that Mr Bemba left and headed to Port Beach?

21 A. It wasn't the civilians who were dancing. It was the MLC troops who were
22 dancing.

23 Q. And he left after the MLC troops were singing and dancing? That's what
24 you've said?

25 A. Yes, that's right, Madam Prosecutor.

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1 Q. And the population came out to watch the troops sing and dance; is that
2 correct?

3 A. Yes, that's right.

4 Q. Was General Bozizé the Army Chief of Staff before he left the rebellion; is that
5 correct?

6 A. Yes, that's right.

7 Q. You know that many FACA soldiers who were loyal to General Bozizé fled with
8 him? Do you know that?

9 A. Yes, Madam Prosecutor.

10 Q. A Defence witness testified that about 60 to 70 per cent of the army supported
11 General Bozizé and left with him. Would you agree?

12 A. Madam Prosecutor, I know that many soldiers left with Bozizé. I didn't
13 estimate the number of how many there were, how many fled with him.

14 Q. To your knowledge, was this a majority of the Central African Republic army?

15 A. Well, rather I would say it was the ones who were faithful, who were loyal to
16 Bozizé. Those were the ones who went off with him.

17 Q. And you know that these soldiers fled with their weapons; is that right?

18 A. I don't know exactly, Madam Prosecutor.

19 Q. As a soldier, Mr Witness, if you were to flee, is it more likely that you would
20 flee with your weapon, or not?

21 A. In principle I have to take my weapons with me and it depends on the position;
22 the position where I was before fleeing.

23 Q. In fact, President Patassé faced a number of mutinies prior to the 2002/2003
24 conflict?

25 A. Yes, that's right, Madam Prosecutor.

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1 Q. And these resulted in many desertions, presumably with soldiers fleeing with
2 their weapons, would you agree?

3 A. Yes, that's right, Madam Prosecutor.

4 Q. In fact the result was that you have a FACA military force that is essentially
5 defunct, with limited capacity; is that correct?

6 A. That might be the reason, Madam Prosecutor.

7 Q. Are you able to give us any other reason as to why General Bozizé could go as
8 far as Bangui and even close to the presidential residence without, or overcoming
9 resistance I should say?

10 A. Because Bozizé had Chadian troops with him, who took him all the way to
11 Bangui. I don't know exactly why there wasn't resistance before he got there.
12 I don't know why.

13 Q. For him to have gotten as far as he did, it's either he overcame (sic) resistance
14 along the way, or there was no resistance along the way, would you agree?

15 A. I believe that he did not meet a lot of resistance, because it was in Bangui that
16 resistance occurred.

17 Q. The FACA military was such that President Patassé requested the assistance of
18 MLC troops in order to further resist General Bozizé; am I right?

19 A. Yes, that's right, Madam Prosecutor.

20 Q. You see, what I want to know is how many FACA units remained loyal to the
21 president, Patassé, after Bozizé's attack?

22 A. Madam Prosecutor, the FACA was the national army. Most of the soldiers
23 who had deserted, they were the FACA. Many did not remain loyal to President
24 Patassé.

25 Q. Do you know which units remained loyal to Patassé?

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1 A. Yes. As I said yesterday, the units that remained loyal to Patassé were militias
2 such as the ones I mentioned yesterday. Paramount, they were the Reli (phon) and
3 the SCPS and the Barril troops as well, Karako as well.

4 Q. Apart from these militia, which units of the FACA, the Central African Republic
5 army, remained loyal to Patassé.

6 A. Certainly there were some FACA troops who were loyal to Patassé in the
7 different regiments, but I can't give you the name. I don't know the names of them.

8 Q. Apart from knowing the names of the FACA units that remained loyal, do you
9 happen to know if there were brigades, companies or platoons that remained loyal to
10 him, or do you not have that information?

11 A. No, I don't have that information.

12 Q. And you cannot give us an approximation of the FACA troops which remained
13 loyal to President Patassé; isn't that the case?

14 A. Impossible, Prosecutor.

15 Q. You told us yesterday that FACA were fighting alongside -- well, the MLC were
16 fighting alongside the FACA troops, as well as some USP troops, (Redacted)
17 (Redacted). Do you recall
18 saying that?

19 A. Yes, that is what I said, Prosecutor.

20 Q. You also testified that Moustapha used walkie-talkies to communicate with
21 these men in Lingala but it was difficult to understand what they were saying, and in
22 fact earlier today you told us that you don't understand Lingala; is that correct?

23 A. That's correct, Prosecutor.

24 Q. And you only understood that the MLC, as you say, were fighting alongside
25 FACA and USP (Redacted). Do you have any other

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1 source for this knowledge?

2 A. Yes, Prosecutor. (Redacted)

3 (Redacted) Moustapha, he spoke to his men, who were

4 giving orders to Moustapha, and Moustapha transmitted the orders in Lingala to his

5 men.

6 Q. Well, if you do not understand Lingala, Mr Witness, then how do you know

7 what Moustapha said to his troops or where that information or order, as you called it,

8 came from?

9 A. I haven't understood the question, Prosecutor.

10 Q. I'll repeat the question. If you do not understand Lingala, then how do you

11 know that what Moustapha said to his troops were first of all orders, or second of all

12 orders that came from Bombayake?

13 A. Yes, quite simply because after Mr Bombayake had finished speaking to

14 Moustapha, Moustapha called his troops and he started speaking with them, which

15 means that it was the orders that he had received from Bombayake, and that is what

16 he was transmitting or communicating to his men in Lingala.

17 Q. So you're saying that it is not possible that what Moustapha received from

18 Bombayake was information rather than orders; is that what you're saying?

19 A. No, Prosecutor. I said that they were orders. Moustapha received orders

20 from General Bombayake. It wasn't information.

21 Q. Well, let's go into what you heard Moustapha and Bombayake say, and I'll refer

22 to yesterday, yesterday's transcript, page 30, from line 21 onwards. And in actual

23 fact, you said, "He would call Moustapha and Moustapha would come. He would

24 say he needed to see him, so he would come, and he gave orders directly to

25 Moustapha," but you do not know what was said because you were not present; is

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1 that correct?

2 A. That's correct, Prosecutor.

3 Q. In fact, you specifically said that (Redacted)

4 (Redacted)

5 (Redacted) Is that

6 correct?

7 A. If you would be so kind, could you please repeat the question, Prosecutor?

8 Q. You specifically said yesterday that (Redacted)

9 (Redacted)

10 (Redacted) Is that correct?

11 A. That is correct, Prosecutor, because there are lots of different types of orders

12 which can come directly. You have from a walkie-talkie and you have orders which

13 are important, which the authority has to pass them on themselves directly to the

14 people concerned, such as to -- for example, to go to the field and transmit them to the

15 troops. Not all orders can be said directly in that way into the radio.

16 PRESIDING JUDGE STEINER: Ms Bala-Gaye, I'm sorry to interrupt. Two things:

17 When you quote something said by the witness, I would like you to give the reference.

18 When it's just general information, maybe it's not so important, but quotations are

19 important for the Chamber to have the reference. And second, Judge Aluoch would

20 like to put a follow-up question.

21 JUDGE ALUOCH: On this same topic, Mr Witness, I refer to yesterday's transcript,

22 page 24, the English version, a specific question was put to you yesterday: "Do you

23 know who transmitted orders to Commander Moustapha?" And your answer was:

24 "Yes, the orders came from Bombayake." (Redacted) Then you

25 explained, just the same way you have been explaining this morning.

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- 1 The clarification I want to seek from you, Mr Witness, is, (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 THE WITNESS: (Interpretation) (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 JUDGE ALUOCH: What I'm asking you, Mr Witness, to clarify is: (Redacted)
- 16 (Redacted)
- 17 (Redacted) That's what I want you to clarify.
- 18 THE WITNESS: (Interpretation) Thank you, your Honour. (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 JUDGE ALUOCH: But over and above that, Moustapha had his own walkie-talkie,
- 23 and you are not always near where he was. That's why I'm asking, would you really
- 24 be in a position to know if, using that walkie-talkie, he received orders (Redacted)
- 25 (Redacted)? That's the question I'm still asking you, because he had

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1 his own talking device, (Redacted)

2 (Redacted). That's what I'm asking you.

3 THE WITNESS: (Interpretation) Thank you, your Honour. The only person who
4 could give orders to Moustapha was Bombayake. If there was somebody else who
5 was giving orders to Moustapha (Redacted) I don't know.

6 I never heard that.

7 JUDGE ALUOCH: Thank you.

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

9 MS BALA-GAYE: Thank you, your Honour. That was a question I actually had
10 myself, so thank you for clarifying that.

11 Madam President, for the Judges I referred earlier on, on page 21, and said I'd be
12 quoting from page 30, lines 21 onwards, and the second quote that I gave follows on
13 from that, which is on page 31, lines 3 to 4.

14 Q. Mr Witness, you stated yesterday that meetings between Bombayake and
15 Moustapha would take place beside the residence of the Head of State. (Redacted)
16 (Redacted)

17 A. (Redacted)

18 Q. Thank you for clarifying that. You also stated that that was the same place that
19 Moustapha would go and collect the PGA when Bombayake called to meet him.
20 Was that your testimony?

21 A. Yes, that's it, Madam Prosecutor.

22 Q. And yet you assumed that this conversation was for Bombayake to transmit
23 orders to Moustapha. Couldn't this have been in relation to collecting the PGA, as
24 you've told us, or to discuss supplies for example?

25 A. Prosecutor, I was very precise yesterday. (Redacted)

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1 (Redacted)

2 (Redacted) And for the PGA Bombayake and -- Bombayake and Moustapha came

3 (Redacted) - or

4 (Redacted) to

5 (Redacted)

6 (Redacted)

7 (Redacted) in the

8 (Redacted)

9 Q. What I am getting at is that these meetings could have been about anything in
10 relation to the operations, such as supplies, as I've mentioned, which are very
11 important in a military operation, so my question is: Without knowing the content
12 of this meeting, these meetings that you were not present at, how are you able to
13 conclude that it was orders?

14 A. Yes. Well, military, Prosecutor, I know how it works. When there's
15 important communication to be made and the chief doesn't want the subordinates to
16 be aware thereof, that is how it occurs because it was simple orders. (Redacted)
17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. (Redacted)

21 (Redacted)

22 A. (Redacted)

23 (Redacted)

24 Q. You mentioned yesterday that the communications adviser of President Patassé
25 was kidnapped by the rebels. Is that what you said?

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1 A. Yes, that is correct, Prosecutor.

2 Q. Do you recall the name of this communications adviser?

3 A. Yes, Prosecutor.

4 Q. Can you provide us with his name?

5 A. Prosper N'Douba.

6 Q. Are you aware that Mr N'Douba was held in custody by the rebels - Bozizé's
7 rebels - and he lived with them for at least 38 days? Are you aware of this?

8 A. Yes, Madam Prosecutor. He stayed for a -- he was for a long time in their
9 hands.

10 Q. Mr Witness, I'd like to read an extract for you of what Prosper N'Douba said
11 about his abduction when he came back. This was in open session. I'm referring to
12 transcript 246, English edited, page 21, from line 15, to page 22, line 4. The question
13 asked of him was that: "Am I correct to say that Colonel Mukiza ...", that is
14 Moustapha, "... would not have asked you about the positions of Bozizé's rebels if he
15 would have known?" His answer: "Yes. I believe, yes. I think he asked me the
16 question. In fact, those who were at the first check-point had already asked me to
17 give them information about the type of weapons, the type of weapons that Bozizé
18 rebels had in their possession, and I answered that I didn't know. I was no military
19 expert and so I really did not know, so I suppose that Colonel -- if Colonel Moustapha
20 had the knowledge about the positions of the rebels, he would no doubt not have
21 asked me these questions."

22 The follow-up question is:

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

25 Answer: I met with General Bombayake, who was in command of the presidential

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1 security.

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

4 Answer: No, not at all."

5 Does that surprise you, Mr Witness?

6 A. I don't know, Prosecutor.

7 Q. Based on what you have told us as in terms of Bombayake directing military
8 operations, from a military point of view wouldn't you say that it would have been
9 important for him to have this information directly from the person who lived with
10 the rebels for 38 days at least?

11 A. Yes, Prosecutor. It depends on the person. If that person is able to provide
12 information to Bombayake or not, that's not something I know exactly.

13 Q. So you do not find it surprising that the person that this witness informed about
14 the rebels or what happened to him was Colonel Moustapha and not General
15 Bombayake, who you say was directing the operations?

16 A. No, Prosecutor. I wasn't in the place at the meeting of Prosper N'Douba and
17 Bombayake. I wasn't there, so I don't know what they said. I have no idea about
18 that.

19 Q. You also told us that this operations centre that was based in Bangui was
20 headed by Colonel Lengbe, who directed the joint operations between FACA and
21 MLC troops operating on the ground. I'm referring to real-time transcript 259, page
22 29, lines 17 to 23. Do you recall saying this, Mr Witness?

23 A. Yes, that's correct, Madam Prosecutor.

24 Q. Then you are aware that Colonel Lengbe would have known what was
25 happening on the ground; is that correct?

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1 A. Colonel Lengbe was the chief of operations, the person who communicated with
2 the men in the field, so it was the information that Lengbe received. Well, Lengbe is
3 the best person who could explain anything in that regard.

4 Q. In fact he did explain that, and what he said was there was only one joint
5 operation between FACA and MLC, which lasted three to four hours, and he stated
6 that co-ordination between FACA and MLC was abandoned as soon as it started.
7 I'm referring to transcript 182, page 35, line 11, to page 45, line 15, as well as transcript
8 183, page 6, line 11, to page 7, line 17.

9 PRESIDING JUDGE STEINER: Maître Kilolo?

10 MR KILOLO: (Interpretation) Your Honour, I think that in order to be fair to the
11 witness you have to give him the full information and make it clear that Mr Lengbe
12 had also said that after this joint operation he left the Central African Republic for
13 Cameroon. That would be fairer.

14 PRESIDING JUDGE STEINER: Ms Bala-Gaye?

15 MS BALA-GAYE: Madam President, I believe that Mr Kilolo is at liberty to ask any
16 such questions that he chooses upon redirect. My question is about this joint
17 operation and when it stopped. If we need to go into when exactly Colonel Lengbe
18 left, we will also discuss what happened in those few weeks following his -- prior to
19 his departure, so I believe this is a fair question to the witness, your Honour.

20 PRESIDING JUDGE STEINER: You can proceed.

21 MS BALA-GAYE: Thank you.

22 Q. Mr Witness, I will repeat for you. My question was: Did you know that
23 Colonel Lengbe stated that there was only one joint operation between FACA and
24 MLC, which lasted between three and four hours, and he stated that this
25 co-ordination was abandoned as soon as it started? Did you know that?

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1 A. Prosecutor, do I know that the MLC troops fought jointly with FACA troops?

2 Because it was the Central Africans who knew the field in the Central African

3 Republic, so they were fighting together with the MLC troops because the MLC

4 troops didn't know the field. If that hadn't stopped afterwards, well, that's

5 something I don't know. Colonel Lengbe was the person who was chief of

6 operations.

7 Q. Therefore, you would agree that Colonel Lengbe would be in a better position to

8 know this than you would, Mr Witness.

9 A. Yes, Prosecutor, that is correct, because it was Lengbe who was the chief of

10 operations.

11 Q. Do you also know that the USP had a liaison officer based at this operations

12 centre? Do you know that?

13 A. No, (Redacted), Madam Prosecutor.

14 Q. But you do agree that the USP, (Redacted), had a representative at this operations

15 centre? Did you know that?

16 A. That is why I say that I do not (Redacted) a representative there

17 or not. I really do not recall.

18 Q. But you would also agree that, (Redacted) a representative at this centre, he

19 would also be in a better position to know what happened in the field (Redacted)

20 (Redacted)?

21 A. Yes, if there was one, he would be in a very good position to know what was

22 happening at the operations centre. (Redacted)

23 (Redacted)

24 MS BALA-GAYE: Madam President, I was referring to transcript 174, English edited

25 version, page 4, lines 5 to 10.

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1 Q. Mr Witness, would it also surprise you that this USP representative testified
2 that there was no co-ordination with MLC troops in the field?

3 A. No. What I know is that the MLC troops were fighting alongside the FACA
4 troops.

5 Q. And this is despite the fact that you were not in the field in Bangui, not in the
6 field outside of Bangui, and you were not a member of the operations centre which
7 discussed military operations on the ground; is that your testimony?

8 A. Madam Prosecutor, would you please kindly repeat the question?

9 Q. I am saying that your knowledge is despite the fact that you were not in the
10 field in Bangui, you were not in the field outside of Bangui, and you were not a
11 member of the operations centre that discussed the operations on the ground; is that
12 your testimony?

13 A. Yes, that is correct, Madam Prosecutor.

14 Q. Mr Witness, what are the main languages of the Central African Republic army?

15 A. French and Sango.

16 Q. Apart from the one training that you mentioned in the DRC yesterday, you do
17 know that the CAR soldiers went for training in other countries; do you know this?

18 A. Yes, of course, Madam Prosecutor.

19 Q. Did you know that one such training centre is Thies Military Academy School in
20 Senegal? And I will spell Thies. It's T-H-I-E-S.

21 A. I have no idea. I don't know that name.

22 Q. Mr Witness, you testified that you attended one commando training centre at
23 Kota-Koli in the DRC. Was that your testimony?

24 A. That is correct, Madam Prosecutor.

25 Q. If you joined the Central African Republic army (Redacted), as you told us, when

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1 did this training take place?

2 A. Madam Prosecutor, are you talking about the commando training or my basic
3 training for the army?

4 Q. I'm referring to your commando training.

5 A. It was in (Redacted).

6 Q. Mr Witness, was your response that it was (Redacted)?

7 A. Yes, that is correct, Madam Prosecutor.

8 Q. So your training in the DRC at Kota-Koli took place in (Redacted), after you had left
9 the Central African Armed Forces; is that what you're saying?

10 A. I had not left the Central African army. I was simply sent for commando
11 training at that time and I was still a soldier of the Central African army.

12 PRESIDING JUDGE STEINER: Maybe there is a translation problem, because twice
13 you mentioned that the year was (Redacted).

14 THE WITNESS: (Interpretation) I don't -- I don't quite remember the year and the
15 date, because this happened a long time ago, a very long time ago.

16 PRESIDING JUDGE STEINER: But (Redacted), Mr Witness.

17 THE WITNESS: (Interpretation) Madam President, I really am sorry. What I meant
18 was (Redacted). I am very sorry. My apologies.

19 MS BALA-GAYE: Thank you, Madam President.

20 Q. So, Mr Witness, (Redacted) and the commando training in the
21 DRC at Kota-Koli took place (Redacted); is that what you're saying?

22 A. Madam Prosecutor, that is correct.

23 Q. Yet another Defence witness informed us that this training would have taken
24 place in the late '70s and '80s. I'm referring to transcript 243, English edited, page 9,
25 line 5 to 7. Do you dispute this, Mr Witness?

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1 A. Of course, Madam Prosecutor. I was in Kota-Koli (Redacted)

2 (Redacted).

3 Q. Well, let's address that in detail. You told us that there were 45 soldiers from
4 various countries, including the Central African Republic, Chad, and
5 Congo-Brazzaville. Do you recall saying that?

6 A. That is correct, Prosecutor.

7 Q. Out of these 45 people, how many were from the Central African Republic?

8 A. Fifteen of us.

9 Q. And all these 15 Central African Republic soldiers spoke Sango; is that correct?

10 A. Yes, Madam Prosecutor, we spoke Sango. You may want to know that in
11 Central Africa there are also Central African soldiers who could speak Lingala,
12 particularly those who lived at the borders with the Democratic Republic of the
13 Congo. They could speak Lingala. So among those 15 of us, there were a few who
14 could speak and understand Lingala.

15 Q. We've already heard a lot of expert testimony on linguistics, Mr Witness, so let's
16 focus on what you know in relation to these 15 Central African soldiers. How many
17 of them spoke Lingala?

18 A. Madam Prosecutor, I no longer remember the number, but I know that some of
19 them spoke Lingala.

20 Q. But not all of them spoke Lingala, including yourself; isn't that the case?

21 A. That is correct, Madam Prosecutor.

22 Q. You told us yesterday that the languages spoken at this training were French
23 and Lingala. Do you recall saying that?

24 A. That is correct, Madam Prosecutor.

25 Q. Does that mean that you were instructed in French and Lingala, Mr Witness?

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1 A. Yes, for those of us who did not understand Lingala, well, training was in
2 French for all participants. Those who spoke Lingala, for them, some of the training
3 was explained to them in that language.

4 Q. So would I be right in saying that all 15 Central African soldiers who went to
5 this training received it in French and not Lingala?

6 A. Yes, Madam Prosecutor. What I was saying was that the training was
7 conducted in French, even for those who did not understand Lingala. Now, while
8 the training was going on in French, those who could understand Lingala would
9 explain in that language. In my case, I did not understand Lingala and so I received
10 the training in French.

11 Q. That's what I wanted to clarify. So is it safe to assume that, despite few of the
12 15 people or a number of the 15 people who went to this training in the DRC, the
13 language of the Central African Army remained French and Sango; is that correct?

14 A. Training in Kota-Koli was done in French and Lingala. Now, in the Central
15 African Republic, what I said is that the languages that are spoken are French and
16 Sango.

17 MS BALA-GAYE: Madam President, may we move into private session? I have
18 some final questions to ask. Thank you.

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

20 (Private session at 10.46 a.m.) * Reclassified into open session

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

22 MS BALA-GAYE:

23 Q. Mr Witness, we're back in private session, so please feel free to provide
24 information that may identify you and others because it will only be heard by persons
25 in this courtroom. Does the name (Redacted) mean anything to

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1 you?

2 A. Yes, Madam Prosecutor.

3 Q. And how do you know him?

4 A. He's (Redacted).

5 Q. When was the last time you had contact with him?

6 A. I have never had any contact with (Redacted) since I left the Central African
7 Republic.

8 Q. And what about (Redacted); do you know him?

9 A. Yes, Madam Prosecutor. (Redacted)

10 (Redacted)

11 Q. When was the last time you had contact with him?

12 A. I have never had any contact with him since I left the Central African Republic.

13 Q. What about the name (Redacted)? Does that name mean anything to
14 you?

15 A. No, Madam Prosecutor.

16 Q. What about the name (Redacted), does that name mean anything to you?

17 A. Yes, Madam Prosecutor.

18 Q. When was the last time you had contact with (Redacted)?

19 A. I have never had any contact with (Redacted).

20 Q. How do you know (Redacted)?

21 A. (Redacted) is an officer of the Central African army, and that is how I know
22 him -- or that is why I know him.

23 Q. What about the name (Redacted), does that name mean anything to you?

24 A. No, Madam Prosecutor.

25 Q. What about the name (Redacted), does that name mean anything to you?

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- 1 A. Yes, Madam Prosecutor.
- 2 Q. How do you know him?
- 3 A. He was the (Redacted).
- 4 Q. When was the last time you had contact with (Redacted)?
- 5 A. I have no contact with (Redacted). However, I learnt that he had died.
- 6 Q. What about the name (Redacted), does that name mean anything to you?
- 7 A. No, Madam Prosecutor.
- 8 Q. What about the name (Redacted), does that name mean anything to
- 9 you?
- 10 A. Yes, Madam Prosecutor.
- 11 Q. How do you know (Redacted)?
- 12 A. He also used to (Redacted)
- 13 (Redacted)
- 14 Q. When was the last time you had contact (Redacted)?
- 15 A. I have no contact with (Redacted).
- 16 MS BALA-GAYE:
- 17 Q. Mr Witness, I've come to the end of my questioning. I would like to thank you
- 18 very much for your time.
- 19 We have concluded, Madam President.
- 20 THE WITNESS: (Interpretation) Thank you, Madam Prosecutor.
- 21 PRESIDING JUDGE STEINER: I was about to put a follow-up question in relation to
- 22 this last group of questions that you put to the witness.
- 23 Mr Witness, do you have a Facebook account?
- 24 THE WITNESS: (Interpretation) No, Madam President.
- 25 PRESIDING JUDGE STEINER: If I told you that the Chamber has information that

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1 you have an unprotected Facebook account, is this information untrue?

2 THE WITNESS: (Interpretation) I used to have a Facebook account, which I
3 stopped, which I closed, and I unsubscribed.

4 PRESIDING JUDGE STEINER: You cancelled this Facebook account?

5 THE WITNESS: (Interpretation) More than a year ago, because my account had
6 been hacked and so I unsubscribed. Initially, there were a few, well, problems,
7 which are private, private issues between my wife and I, and that is what caused me
8 to cancel my Facebook account.

9 PRESIDING JUDGE STEINER: Is that correct that your address was on that
10 unprotected Facebook account?

11 THE WITNESS: (Interpretation) Madam President, please kindly repeat the
12 question.

13 PRESIDING JUDGE STEINER: That your current address was displayed in your
14 Facebook account?

15 THE WITNESS: (Interpretation) My Facebook address, well, when my Facebook
16 account opens, I am asked to provide a code, but I no longer want to do that. Now,
17 when I turn on my computer at home, I can see my address, and even if I enter the
18 PIN code or the password, it doesn't open. They ask for other passwords, which I
19 don't use, but it really doesn't open.

20 PRESIDING JUDGE STEINER: One of your contacts was (Redacted)
21 (Redacted)?

22 THE WITNESS: (Interpretation) Yes, when my Facebook page was open.

23 THE INTERPRETER: Overlapping speakers.

24 THE WITNESS: (Interpretation) Yes, what I said was that that account was active
25 when I was (Redacted)

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1 (Redacted). That's what I said.

2 PRESIDING JUDGE STEINER: It's interesting, Mr Witness, because this was an
3 unprotected Facebook account, so that could be seen by anyone, and in this Facebook
4 account, (Redacted)

5 (Redacted)

6 (Redacted)

7 THE WITNESS: (Interpretation) My account was hacked while I was in (Redacted)
8 and it is there that I cancelled the account.

9 PRESIDING JUDGE STEINER: Thank you. We are now going into our break. We
10 have half-an-hour break. You have time to take some rest, to take your coffee.

11 We'll give some rest to our interpreters and court reporters as well.

12 I ask, please, the court officer to turn into closed session for the witness to be taken
13 outside the courtroom. In the meantime, we will suspend and resume at 11.30.

14 *(Closed session at 10.59 a.m.) Reclassified as Open session

15 THE COURT OFFICER: We are in closed session, your Honours.

16 (Recess taken at 11.00 a.m.)

17 *(Upon resuming in closed session at 11.36 a.m.) Reclassified as Open session

18 THE COURT USHER: All rise.

19 Please be seated.

20 PRESIDING JUDGE STEINER: Welcome back.

21 Could, please, court usher bring the witness in.

22 Yes, Mr Kilolo. Court usher, please. Do you want to address the Chamber before
23 the witness comes in? Please, Maître Kilolo.

24 MR KILOLO: (Interpretation) Yes, Madam President, Defence would like to seek
25 clarification and guidance on a procedural matter, on a procedural matter from the

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1 Chamber.

2 A short while ago you made mention of information gathered on Facebook relating to
3 the witness who is in the box. We tried to search quickly, but we were not able to
4 find the source of this information in these proceedings. Would it be possible for the
5 Chamber to assist us by providing us with the reference that may guide us in the
6 exercise of the rights of the Defence?

7 PRESIDING JUDGE STEINER: Yes, Maître Kilolo, we could just say that Facebook is
8 a public site in which everyone could consult Facebook and find the information one
9 wants to have, but the fact is that not only in relation to this information, but in
10 relation to an information that the Chamber will address. As soon as we resume the
11 questioning, the Chamber intends to disclose to the parties and participants some
12 information that is contained in the report by VWU on protective measures.

13 As the parties and participants know, every time a request for protective measures is
14 made for any witnesses, Prosecution or Defence witnesses, there is an assessment - a
15 security assessment - made by the competent section of the VWU, and this is an
16 assessment that is directed to the Chamber because it is up to the Chamber to decide
17 on the appropriate protective measures.

18 In relation to this witness, the security assessment contains two, among other
19 information that is not relevant, contains two informations that are in the view of the
20 Chamber relevant to the Chamber and that's why this information was released very
21 briefly before the break by the Chamber and we will continue with the second part of
22 the information.

23 So it's not at all the intention of the Chamber, has never been, to conceal any
24 information from the parties or participants that could be deemed relevant to the case.
25 So if you -- if you are satisfied, we can ask the witness to come into the courtroom and

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1 we will continue and a proper -- a better reference will be given. Although I repeat
2 this is a document directed to the Chamber and will not be part of the case file. This
3 is not evidence.

4 MR KILOLO: (Interpretation) Of course, your Honour, we shall follow your sage
5 advice regarding procedure, but we would have -- we thought that if the information
6 is not placed on the case record the information in principle should not be used
7 during examination of the witness, but information -- the information was used as the
8 basis for a number of questions and the transcript was prepared accordingly, so we
9 do wonder with a view to clarifying the procedure for upcoming witnesses, might it
10 not be better for all parties to receive notification of such information before it is used,
11 or is placed on the transcript, or before questions are put to the witness?

12 PRESIDING JUDGE STEINER: Maître Kilolo, the Chamber is allowed to put
13 questions to the witnesses before, during and after the testimony in accordance with
14 the Rules of Procedure and Evidence. The Chamber - the Judges of the Chamber - in
15 this Court are truth finders. We are allowed to put to the witness whatever
16 questions we deem necessary in order to help the Chamber in finding the truth. So
17 the Chamber is not bound by the documents of the case file, if the Chamber needs a
18 clarification on a point that is contradictory, or that looks contradictory, not that it is,
19 but it looks contradictory, in order to clarify some points.

20 And, of course, being the Defence, the last one to take the floor, Defence will have the
21 opportunity if Defence so wishes to go further in the questioning on these points for
22 which the Chamber asked or sought a follow-up or clarification, et cetera. So this is
23 the view of the Chamber.

24 This is not a questioning by the parties. The right of the parties, the equality of arms,
25 is always respected before this Chamber, but the Chamber is entitled to put follow-up

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1 questions and to clarify points that the Chamber deems necessary before, during or
2 after the testimony of a witness.

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

4 (The witness enters the courtroom)

5 PRESIDING JUDGE STEINER: We can turn into open session, please.

6 (Open session at 11.45 a.m.)

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

8 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

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

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

11 THE WITNESS: (Interpretation) Yes, your Honour.

12 PRESIDING JUDGE STEINER: Could, please, court officer turn into private session.

13 (Private session at 11.46 a.m.) * Reclassified into open session

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

15 PRESIDING JUDGE STEINER: Mr Witness, just to clarify the last point that we were

16 discussing before the break. The report prepared by VWU when analysing the

17 Defence request for protective measures, (Redacted)

18 (Redacted)

19 (Redacted)

20 THE WITNESS: (Interpretation) (Redacted)

21 PRESIDING JUDGE STEINER: (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 THE WITNESS: (Interpretation) (Redacted)

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- 1 PRESIDING JUDGE STEINER: (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 THE WITNESS: (Interpretation) (Redacted)
- 5 PRESIDING JUDGE STEINER: (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 THE WITNESS: (Interpretation) (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 PRESIDING JUDGE STEINER: So in terms of your security concerns, this
- 23 information is relevant for the Chamber. I would like, in order now to make it clear
- 24 in your testimony, (Redacted) that
- 25 your Facebook contact list shows that you are in contact with (Redacted)

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1 (Redacted), a relative to the former president of the CAR. Is this

2 information accurate, or not?

3 THE WITNESS: (Interpretation) I was saying earlier, your Honour, that when I

4 (Redacted)

5 I had changed Facebook accounts and I continued my list of all my friends, even

6 though we were no longer in touch, so that is why he is still on the list of my contacts,

7 but we aren't in touch. We have not been in touch. When I learned that my

8 account had been hacked, I dropped that account and I no longer have one.

9 PRESIDING JUDGE STEINER: Thank you for this clarification.

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

11 PRESIDING JUDGE STEINER: Another point of the security assessment that, in the

12 view of the Chamber, is relevant to your testimony. I will read to you this part of the

13 security assessment, and I quote, (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Is this information accurate?

18 THE WITNESS: (Interpretation) Could you please repeat the question, your

19 Honour?

20 PRESIDING JUDGE STEINER: I will repeat what I just read, that you mentioned

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 THE WITNESS: (Interpretation) No, your Honour.

2 PRESIDING JUDGE STEINER: You have never mentioned that? It's a mistake?

3 THE WITNESS: (Interpretation) No, maybe it's a mistake on their part. I never
4 said that.

5 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness.

6 Could we turn into open session, please.

7 (Open session at 11.56 a.m.)

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

9 PRESIDING JUDGE STEINER: Mr Witness, the legal representatives of victims were
10 authorised to put some questions to you, but if Maître Douzima and Maître
11 Zarambaud allow me, I have some follow-up questions that, in my view, would be
12 more convenient to be put now, otherwise, we stay too distant of the answer given by
13 the witness. So if legal representatives agree with that, I would put some follow-up
14 questions before giving the floor to legal representatives.

15 MS DOUZIMA LAWSON: (Interpretation) We can only be in agreement, your
16 Honour.

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

19 Mr Witness, there are some clarifications. In your testimony yesterday, you
20 mentioned that you saw Mr Bemba only once in -- when he went to Bangui; is that
21 correct?

22 THE WITNESS: (Interpretation) Yes, that's right, your Honour.

23 PRESIDING JUDGE STEINER: You also said -- and I'll give the reference soon.

24 (Redacted)

25 (Redacted)

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1 THE WITNESS: (Interpretation) Yes, that's right. I said that because the

2 Prosecutor had asked me how many of us there were, (Redacted)

3 (Redacted)

4 (Redacted)

5 PRESIDING JUDGE STEINER: Mr Witness, if all these persons, we don't need to

6 talk about their functions, (Redacted)

7 (Redacted)

8 THE WITNESS: (Interpretation) Yes, your Honour, (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness.

14 Mr Witness, according to your testimony, when Mr Bemba came to Bangui, this only

15 time he went to Bangui, he arrived on Port Beach. He came with the ferry; is that

16 correct?

17 THE WITNESS: (Interpretation) Yes, that's correct, your Honour.

18 PRESIDING JUDGE STEINER: We had in this Court giving testimony under oath

19 another witness, also a loyalist, telling us - and this is transcript 254, page 39, line 18,

20 to page 40, line 21 - that Mr Bemba arrived by plane in the airport and this witness

21 said he was one of the persons that escorted Mr Bemba to the residence of Mr Patassé.

22 Is that possible, that this was a different visit, or this witness is mistaken?

23 THE WITNESS: (Interpretation) Your Honour, I can say that if something (sic) has

24 said that, they must be -- and with regards to the security considerations, well, I don't

25 know what it is, because Bemba was in Bangui only once and that was when he came

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1 on the ferry. And, as I told you, if Bemba had come another time by plane, or

2 whatever other means, (Redacted)

3 (Redacted) It would have been mentioned. (Redacted)

4 PRESIDING JUDGE STEINER: So it is your personal opinion that this witness is not
5 telling the truth?

6 THE WITNESS: (Interpretation) It's -- no, it's not the truth.

7 PRESIDING JUDGE STEINER: Thank you, Mr Witness.

8 Mr Witness, yesterday - in yesterday's transcript, which was 259, page 20, line 6 - you
9 said that (Redacted)

10 (Redacted)

11 (Redacted)

12 THE WITNESS: (Interpretation) (Redacted)

13 (Redacted)

14 PRESIDING JUDGE STEINER: (Redacted)

15 (Redacted)

16 THE WITNESS: (Interpretation) (Redacted)

17 (Redacted)

18 (Redacted)

19 PRESIDING JUDGE STEINER: (Redacted)

20 (Redacted)

21 Was it in the beginning, the middle, or the end of the conflict? Do you have any
22 idea?

23 THE WITNESS: (Interpretation) Yes, your Honour. I said that it was a few days
24 afterwards that the CEN-SAD troops drove back Bozizé's rebels and that was where
25 the rebels tried (Redacted)

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1 (Redacted)

2 (Redacted) I think two days after, or three days after, the Bozizé rebel troops
3 withdrew.

4 PRESIDING JUDGE STEINER: So in your view these persons were killed by the
5 Bozizé men, or by the CEN-SAD troops, or you don't know?

6 THE WITNESS: (Interpretation) They were killed by Bozizé's troops.

7 PRESIDING JUDGE STEINER: How do you know that?

8 THE WITNESS: (Interpretation) CEN-SAD troops were based in 500 chambres in
9 Bangui, and from there they were able to withdraw in order to drive back Bozizé's
10 men, and it was Bozizé's men who were occupying the Gobongo and Boy-Rabé and
11 N'garagba neighbourhoods, all the neighbourhoods in the north of Bangui, and it was
12 during the withdrawal that they were able to shoot these civilians.

13 PRESIDING JUDGE STEINER: Thank you. And my last clarification, and before
14 we go ahead to the first reference that I promised to the Defence, is transcript 259,
15 page 63, line 2, to page 64, line 14, the real-time transcript.

16 Also yesterday in your testimony, and this is on page 57, line 21 onwards, where you
17 were shown a picture by the Prosecution, you saw that picture and you said, "I know
18 these troops and even these troops are Libyan troops." What do you mean by
19 "I know these troops"? You know the persons that were depicted in that picture?

20 THE WITNESS: (Interpretation) What I said was that I recognised the vehicle, the
21 troops, because I saw them they were Libyan troops, their matériels, that was their
22 vehicle and it was their uniform and I didn't know their name, but I saw them.

23 PRESIDING JUDGE STEINER: But how do you recognise them as being Libyan, by
24 their uniforms? Are their uniforms different than other troops that were in CAR in
25 that period?

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1 THE WITNESS: (Interpretation) Yes, that's correct, your Honour.

2 PRESIDING JUDGE STEINER: Thank you very much for the clarifications.

3 (Trial Chamber confers)

4 PRESIDING JUDGE STEINER: So, Mr Witness, as I told you, the legal

5 representatives of victims were authorised to put some questions to you and I will

6 now give the floor to Maître Douzima Lawson.

7 You have the floor, Maître Douzima.

8 MS DOUZIMA LAWSON: (Interpretation) Thank you very much, your Honour.

9 QUESTIONED BY MS DOUZIMA LAWSON: (Interpretation)

10 Q. Witness, good morning.

11 A. Good morning, Counsel.

12 Q. I would like to introduce myself. I am Counsel Marie-Edith Douzima Lawson

13 from the Central African Republic Bar and I was appointed by the Court with my

14 colleague, Counsel Zarambaud, in order to represent the victims who are admitted to

15 participate in these proceedings in which you have come to testify.

16 The victims that I represent are therefore interested in your testimony with a view to

17 understanding what happened to them and I would have to tell you that the

18 questions that we legal representatives are going to put to you are questions which

19 we ask for the Chamber, not ourselves.

20 Finally, Witness, just as others here, we are under oath as well, so you do not have to

21 fear anything from us. You are quite simply going to answer the questions that we

22 put to you, as you did for Counsel Kilolo or Madam Prosecutor.

23 I'm not going to go back to the advice that's already been given to you. This advice

24 is still valid both for you and for myself indeed.

25 Witness, could you explain to us what the work is of the USP?

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1 A. Thank you, Counsel. The role of the USP primarily, well, the USP is the unité
2 for the protection of presidential security. They are responsible for protecting also
3 institutions for the republic, such as the presidential palace, radio station, antennas
4 and the airport, and in the USP there is a section which carries out interventions in
5 Bangui and which -- and there's a section which is protecting the Chief of State, which
6 is responsible for the Head of State, family and property, the Head of State, family
7 and their property, and this is in Kandoro.

8 Q. Who was the head of the regime at the time of Patassé?

9 A. Counsel, are you talking about the Director of the USP?

10 Q. Exactly, Witness.

11 A. Yes, General Bombayake. It was General Bombayake.

12 Q. What was his role as the Director-General of the USP?

13 A. The Director-General of the USP was a person who was the head of all the
14 entities that I've just mentioned here, and all these entities had to report to the
15 security level because the DG for security was the person who was in direct contact
16 with the Head of State, and so all these entities reported to the DG for security. That
17 was the head.

18 PRESIDING JUDGE STEINER: Maître Douzima, if you are going to put your
19 questions 4 and 5, they need to be put in private session.

20 MS DOUZIMA LAWSON: (Interpretation) Yes, your Honour.

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

22 MS DOUZIMA LAWSON: (Interpretation) Your Honour, I think that I am not
23 going to ask these questions.

24 PRESIDING JUDGE STEINER: You can continue then.

25 MS DOUZIMA LAWSON: (Interpretation)

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1 Q. So after the role of the Director-General of the USP, which you've just given, did
2 he also give operational orders to the MLC? Was that another function that that
3 person had?

4 A. Counsel, I think that the President of the Republic had more confidence in his
5 director of security than the Chief of Staff of the army, so if the president had to give
6 the order to the person among the authorities to lead a force which had come to help
7 him, then he didn't give that responsibility to a chief of staff. It was rather to the
8 director of security that it was given to.

9 Q. What was the role of the FACA at this time then?

10 A. Well, I think that at this time FACA, for the most part, they were with General
11 Bozizé, so Bozizé was the Chief of Staff and he went into the rebellion as I just
12 described. I think that after Bozizé the -- the Chief of State could no longer or the
13 Chief of State -- or the Head of State could no longer have trust in a Chief of Staff.

14 Q. Mr Witness, this morning you stated that MLC troops were fighting together
15 with FACA troops, not with the USP. How can you explain that?

16 A. When the USP troops arrived, there were certain loyalists among the FACA
17 who were based in support where the operational support centre was, and I think that
18 at the place it was there that these troops were divided up into the different groups,
19 MLC, in order to take them into the field, because they didn't know the Central
20 African field situation, so FACA troops were necessary in order to take them into the
21 field, to lead them there.

22 Q. And who led the FACA troops who were fighting together jointly with the
23 MLC?

24 A. Of course it was the centre of -- the chief of the centre of operations, Colonel
25 Lengbe.

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1 Q. And who was commanding Colonel Lengbe?

2 A. At that time, Lengbe had -- well, at the time it was the -- it was the first post that
3 he had occupied at the time. After that he had been relieved of his function of DG of
4 customs, and after that I think that it was General Mazi who was -- who appointed
5 Lengbe to his post.

6 Q. My question is the same: What do you mean by this? Do you mean General
7 Mazi? Who was it who commanded Colonel Lengbe?

8 A. The Chief of Staff at the time, well, I think that was Mazi, because when Bozizé
9 went into the rebellion, or entered into rebellion, there had to be a Chief of Staff, and
10 Mazi was the sub-Chief of Staff. So Mazi was there. Lengbe could get orders from
11 Mazi.

12 Q. So it wasn't General Bombayake who was commanding the FACA?

13 A. General Bombayake was commanding the USP.

14 Q. I am satisfied with your answer, Witness. So when you say that MLC troops
15 were fighting together with FACA troops, did the MLC -- well, you said the MLC
16 didn't know the field. How did they operate, in that case?

17 A. Well, I don't know exactly how it worked in the field, (Redacted)
18 (Redacted).

19 Q. Yesterday, on page 18, lines 22/23, you stated that it was the MLC who were
20 leading in this neighbourhood. We're talking about the Gobongo neighbourhood
21 here. So the MLC, how were they governing it, because it was FACA troops who
22 were indicating the path to follow to them?

23 A. I did not say that the MLC troops were directing or governing that
24 neighbourhood. What I said was that the MLC troops occupied this neighbourhood
25 after Bozizé's rebels withdrew. I did not say that they were directing, leading or

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1 governing it.

2 Q. Witness, this is something we'll come back to later. I shall now go on to
3 another subject.

4 Witness, yesterday, and this is in the edited version of the transcript, page 12, lines 11
5 to 16 thereof, you stated that at the 7th arrondissement, in Bangui, of course, Mobaye,
6 in the east, and in Nola in the east, people spoke Lingala. Now, my question is to
7 know whether they spoke language -- Lingala normally, or they knew Lingala,
8 because these people spoke -- you say that people spoke Lingala because they lived
9 on the border with Zongo. Now, concerning the people who live in Zongo or with
10 Congo-Brazza --

11 A. Yes, Counsel, because -- well, I think it was Counsel Kilolo who asked me this
12 question, "How is it that there were Central Africans who could speak Lingala?"
13 So -- and that's when I answered, "Yes, some Central Africans did speak Lingala.
14 Mostly, it was the population of the 7th arrondissement and the people in Mobaye
15 and those in Nola because they live on the border with both Congos and there's trade
16 going on between them, and the Congolese who come into the Central African
17 Republic also speak Sango. Just like the Central Africans who go over there, they
18 speak Lingala."

19 Q. Witness, this morning the Prosecutor asked you which language is spoken in
20 the Central African Republic. You said Sango and French. So my question is to
21 find out, the Central Africans of Ouango and Nola who speak Lingala, do they speak
22 it fluently? Do they speak it on a daily basis, or is it only occasionally because
23 they're on the border with Congo-Brazza or the Democratic Republic of Congo?

24 A. Thank you, Counsel. I think if we go back a bit to the Prosecutor's question,
25 the question was what language do we speak in the Central African Army. It was

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1 not the language that all Central Africans speak. She was very precise in this regard:

2 "What language do you speak in the Central African Army?" And that is the reason
3 why I said, "In the Central African Army, we speak Sango and French."

4 Q. Witness, still yesterday, on the same page, lines 7 to 10 thereof, you stated the
5 following; that the soldiers, Central African soldiers, spoke Sango, French, and there
6 are some who also speak Lingala. Now, I'm not speaking any more about the
7 general population. We're talking here about the soldiers. Now, within the FACA,
8 or the USP, did Central African soldiers communicate in Lingala?

9 A. Yes, Counsel, I think this question wasn't from yesterday. It was the question
10 that the Prosecutor put this morning, that while or when I went into Kota-Koli with
11 the Central African convoy, were there others who could speak Lingala, and that's
12 where I said, "Yes, others could speak Lingala. There were others who spoke
13 Lingala."

14 THE INTERPRETER: When I went with "the contingent," corrects the interpreter,
15 not "the convoy."

16 MS DOUZIMA LAWSON: (Interpretation)

17 Q. I just want to make a reference to what the -- well, I didn't refer to what the
18 Prosecutor said. I just wanted to refer to the answer you gave to Mr Kilolo yesterday.
19 That's what I was referring to.

20 Now, still about yesterday and page 16, you stated that to your knowledge Bozizé
21 was favoured by the people in Boy-Rabé and PK12 where he lived and also by some
22 towards Galabadja. Now, this neighbourhood, Mr Witness, is that in the east, in the
23 west, in the north or in the south of Bangui?

24 A. Galabadja neighbourhood is in the 8th arrondissement in Bangui, Boy-Rabé in
25 the 4th and PK12 towards the exit from Bangui.

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1 Q. So in that case all the neighbourhoods are in the north?

2 A. That is correct, Counsel.

3 Q. When you say that there are people in the Central African Republic who speak
4 Lingala, because they live in areas bordering with the DRC or Congo-Brazzaville,
5 does that mean that when you hear somebody speaking Lingala you're able to
6 determine that they are speaking Lingala?

7 A. Yes. When somebody speaks Lingala, it sounds like Lingala and I am able to
8 know that they are speaking Lingala.

9 Q. How are you able to determine that it is Lingala, since you do not know
10 Lingala?

11 A. Counsel, I am able to know because Lingala is a language that is also spoken in
12 Central Africa. When I hear someone, or when I hear them or their cousins from the
13 other side, when they come to Bangui they speak Lingala and I'm able to hear and
14 know that it is Lingala they are speaking.

15 Q. My question is, since you do not understand Lingala, how are you able to know
16 or to determine that someone is speaking Lingala?

17 A. Counsel, I think that even here in this country where we are they speak Dutch.
18 Now, if somebody is speaking French, for example, and comes into the courtroom, we
19 will all know that that person is speaking French, wouldn't we?

20 Q. Thank you, Witness. Now, this morning, at page 14, lines 15 to 18, you
21 testified that the MLC troops understand Lingala, but not French. You also went on
22 to say that the MLC troops fought alongside the FACA troops. Question: In which
23 language did the MLC soldiers communicate with the FACA soldiers of the Central
24 African Republic?

25 A. Counsel, you see, it was in relation to -- by the way, it was the issue of the

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1 meeting between Mr Bemba and his troops at PK13. That is when I said that Bemba
2 was speaking in French so that the officials who were with him should be able to
3 understand what he was -- what he had come to say.
4 I did not say that his troops did not speak French. I do not know whether amongst
5 them there were some who understood French, or not. All I said and I know is that
6 Bemba was speaking in French and Moustapha was conveying the message in Lingala.
7 I did not say that the MLC troops were only able to speak Lingala.

8 Q. Witness, I am not fabricating anything at all. It is in your answer to the
9 Prosecutor's question about interpretation for the MLC soldiers of what Mr Bemba
10 was saying in French. She said, "Does this mean that they do not understand
11 French?" And your answer was "Yes." Now, my question to you is since they were
12 fighting alongside the FACA, who speak French and Sango, how did those two
13 groups communicate with each other?

14 A. No, Counsel, that was not the question. The question was not couched that
15 way. The Prosecutor - Madam Prosecutor - asked the following: "How is it that
16 Mr Bemba could have spoken in French when his troops did not understand French?"
17 So although the MLC troops may not understand French, as I was saying, I cannot
18 determine that in all troops nobody was able to understand French. Maybe there
19 were some who understood French and it is probably what happened, and in that
20 case Bemba could have spoken in French only for those specific troops.
21 I did not say that all MLC troops did not speak French. How would I have known?
22 I didn't say that, and I'm telling the truth, and the truth is that Bemba was speaking in
23 French and Moustapha was interpreting into Lingala. That is how I agreed with the
24 Prosecutor that this is what actually happened.

25 Q. Mr Witness, let us move on, but maybe you can answer my question now. In

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1 which language did the MLC troops communicate with the FACA?

2 A. Moustapha used to speak French, and all the orders went through Moustapha
3 so that Moustapha may convey the instructions in Lingala to his men. This means
4 that the chief of operations, like Mr Lengbe, explained everything to Moustapha in
5 French and then Moustapha would translate the information to his troops in Lingala.

6 Q. Witness, I see you are not answering my question, but I'll move on to something
7 else. Yesterday, at yesterday's hearing, page 16, you talked about crimes committed
8 by Bozizé's rebel forces. The question was put to you as to what the reaction was of
9 the population in the face of these acts of pillaging, and your answer was, "I believe
10 that the population was terrorised."

11 Why did you say "I believe"? Does this mean that you are not sure of what you're
12 saying?

13 A. Yes, Counsel, it is simply because I was not on the ground.

14 Q. At page 17, and in relation to the various neighbourhoods where rape -- acts of
15 rape were allegedly committed, you answered at line 26, again "I believe that it
16 happened almost in all those neighbourhoods which I have mentioned." Then at line
17 28 of the same page, that is page 17, up to page 18, you again said that "I do not have
18 a clear idea as to the identity of those people, (Redacted)
19 (Redacted)." And then further on at page 18, line 4, this is what you say,
20 "They were Bozizé's rebels."

21 Now, how do you explain all of that, Witness?

22 A. Counsel, I think I have not understood your question.

23 Q. Witness, I am going to simplify the question. When you were asked about the
24 neighbourhoods in which cases of rape were mentioned at that time, you said that "It
25 was in almost all of those neighbourhoods." That was your answer at line 26, page

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1 17. Then you went on to say that, "I do not have a clear idea as to the identity of
2 those people who were involved in those acts of rape. Why? (Redacted)
3 (Redacted)." And then further on, at line 4, whereas you had
4 previously stated that you had no idea as to the identity of those who had committed
5 those acts of rape, then at line 4 you said that they were Bozizé's rebels.
6 Now, Witness, was it Bozizé's rebels, (Redacted)
7 (Redacted) you do not know who was actually involved in the rape? That's the
8 question.

9 A. Counsel, this is the way I believe the question was put to me: The first
10 question was whether I had seen or I knew that Bozizé's troops had been involved in
11 rape and pillaging, and my first answer was "Yes." You see, Bozizé's troops thought
12 that they were maybe going to take power immediately, or directly, but that did not
13 happen. They were there for five days. They had no food, they had no PGA, and
14 so they took advantage of that opportunity to commit those rapes, the killings and the
15 pillaging, (Redacted)
16 (Redacted).

17 Then the question was put to me as to whether the crimes and the rape was
18 continuing and I said "Yes," and I went on to say that it was the MLC troops who had
19 taken over in those neighbourhoods, but that at the same time people were
20 complaining about acts of rape and looting in the same neighbourhoods.

21 And then I went on to say that I did not know the identity of those people, because
22 the idea was that it may have been MLC troops, but there were many MLC troops
23 and I do not know who of the MLC may or may not have committed rape or pillaging
24 (Redacted)

25 THE INTERPRETER: Overlapping speakers.

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1 JUDGE ALUOCH: Mr Witness, just on this point, your evidence yesterday at page
2 17, the English transcript -- I'm sorry, I'll have to quote a little bit, beginning at line 1
3 this evidence was given during an open session, "Do you know to which --" this was
4 the question: "Do you know to which group - which armed group - the perpetrators
5 of those rapes belonged to?" And your answer was, "Yes, they were Bozizé's rebels."
6 "And how do you know that?" And your next answer was, "I heard about it. I
7 heard it said." And then the Prosecutor said, "To assist the Chamber to better
8 understand the source of your information on this issue, do you remember who told
9 you that? It is important for the Court to fully understand how you came to know
10 that it was General Bozizé's rebels who perpetrated those rapes."
11 Then your answer, "That is because at that time (Redacted) and we had
12 the opportunity (Redacted) to buy something to eat. That is
13 why -- that is where members of the public told us there had been cases of rape in the
14 neighbourhood."
15 The next question was, "Did those inhabitants also tell you about the group to which
16 the perpetrators of those rapes belonged?" And your answer was, "No, I would say
17 that there was confusion at the time because there were also members of the MLC,
18 members of the MLC who had come in a few days after Bozizé's rebels retreated, I
19 believe. I think it was also five days after that. So there was some confusion.
20 (Redacted), sometimes we were told that it was MLC soldiers
21 who were responsible and sometimes we were told other things. Because Bozizé's
22 rebels had retreated at that time, it was MLC which was in control of that area, so
23 members of the population said it was MLC elements who were perpetrating these
24 crimes."
25 So from that page, Mr Witness, your testimony at that time is really testimony of what

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1 you heard, what you heard people say. I think the record speaks for itself, really.

2 The transcript, I think.

3 THE WITNESS: (Interpretation) Yes, your Honour, this is what I said. When

4 Bozizé's rebels withdrew, or retreated, the MLC troops took over those

5 neighbourhoods. At that time, members of the population started to complain about

6 theft and rape. We became aware of this when we went (Redacted)

7 (Redacted), and we were told that things were not going right in the neighbourhoods

8 because MLC troops were doing this and that, and so on and so forth. That is how

9 we became aware of these things.

10 JUDGE ALUOCH: But you also seem to have admitted that there was confusion as

11 to who was doing what amongst the two, Bozizé's rebels and MLC.

12 THE WITNESS: (Interpretation) Your Honour, I do not know whether there is a

13 misunderstanding. The only reference to confusion was in relation to the USP

14 uniform having been distributed to the MLC troops and to the Balawa, as well as

15 other militia, and I think it was in that regard that I mentioned the issue of confusion.

16 JUDGE ALUOCH: I'm afraid I have to disagree with you on that, because I've got

17 the transcript in front of me. I will not pursue it. It is page 17 of the transcript.

18 PRESIDING JUDGE STEINER: Maître Douzima.

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

20 Q. Mr Witness, you have just testified that Bozizé's rebels retreated and MLC

21 troops took over in those neighbourhoods. My question then is to find out from you,

22 given that Bozizé's rebels had already withdrawn, which MLC troops came to the

23 CAR, or when did the -- or what was the purpose for which the MLC troops came to

24 the CAR?

25 A. The MLC troops came to the CAR for the purpose of helping President Patassé

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1 to fight Bozizé's rebel troops.

2 Q. A follow-up question: Given that they had already retreated, what did the
3 MLC troops do then since Bozizé's troops had already withdrawn?

4 A. They chased after Bozizé's troops right to Bossangoa, I believe. They had not
5 retreated right to the border. They had retreated from Bangui, but they continued to
6 occupy a few towns such as Boali, Bossembélé, in the provinces, and so they had to be
7 chased off and out completely by the MLC troops.

8 MS DOUZIMA LAWSON: (Interpretation) Mr Witness, thank you very much.
9 Madam President, that will be all.

10 PRESIDING JUDGE STEINER: Thank you, Maître Douzima.

11 Before I give the floor to Maître Zarambaud, Mr Witness, right now, a few minutes
12 ago on page 57, line 10, you said, "What I said was that the MLC troops occupied this
13 neighbourhood ...", (Redacted) "... after Bozizé's rebels
14 withdrew. I did not say they were directing, leading or governing it." Do you
15 remember having said that?

16 THE WITNESS: (Interpretation) Yes, Madam President. Yes, Madam President.
17 The question from Counsel was whether it was the MLC troops that were leading,
18 and so I -- or it was because I said that MLC troops did not speak French, or that the
19 FACA did not understand Lingala. So the question was, "How is it that it was the
20 MLC troops that were leading in those neighbourhoods?" So in answer to counsel, I
21 said that I had not said that the MLC troops were leading. I simply said that they
22 replaced Bozizé's troops in those neighbourhoods.

23 PRESIDING JUDGE STEINER: I understood what you meant, but my question is,
24 (Redacted), the Bozizé's rebels were still there, or had already
25 withdrawn and the MLC troops were occupying the neighbourhood?

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1 THE WITNESS: (Interpretation) Madam President, when we went (Redacted), it
2 is because Bozizé's troops had already retreated and the MLC troops had taken over
3 control of those neighbourhoods up to PK12.

4 PRESIDING JUDGE STEINER: And then I ask you again, how do you know that
5 those dead bodies (Redacted) were from people killed by Bozizé and not by MLC?
6 How do you know that, if it was MLC that was already there?

7 THE WITNESS: (Interpretation) Madam President, the corpses were already
8 rotting, or in a state of decomposition, so this proves that those people had died some
9 days ago. The bodies were already swollen and rotting.

10 PRESIDING JUDGE STEINER: Thank you.

11 Maître Zarambaud, you have the floor, and, Maître, I can assure you that you will
12 have the time you need in order to complete your questioning.

13 MR ZARAMBAUD: (Interpretation) I thank you very much, Madam President.

14 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

15 Q. Good afternoon, Witness.

16 A. Good afternoon, Counsel.

17 Q. My name is Zarambaud Assingambi of the Central African Bar, and like my
18 learned colleague Marie-Edith Douzima Lawson has told you, I am one of the two
19 legal representatives of victims, what we refer to in the Central African Republic as
20 counsel for the civil party. Here we are referred to as legal representatives of
21 victims.

22 Now, Witness, I was not going to start with this particular question, but let me follow
23 up from the series of questions that you have just been answering from the President
24 in relation (Redacted)
25 (Redacted). You said

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1 that it was two or three days after the CEN-SAD forces had driven out Bozizé's rebels;

2 is that correct?

3 A. Yes, Counsel, that is correct.

4 Q. How did the CEN-SAD forces drive out Bozizé's troops? Was it that there
5 were CEN-SAD forces on the ground, foot soldiers, or was their shelling from a
6 distance?

7 A. These were foot soldiers on the ground.

8 Q. You also testified that after Bozizé's troops retreated, the MLC troops occupied
9 those neighbourhoods; is that correct?

10 A. Yes, that is correct, Counsel.

11 Q. Now, from what you have just testified, you went on to conclude that those
12 dead bodies must have been killed by Bozizé's troops because the bodies were
13 already rotting; is that so?

14 A. Yes, I said that the corpses were already in a state of decomposition because
15 they were already swollen, and that's what we saw.

16 Q. Now, since you came there two or three days after Bozizé's rebels had been
17 chased out, this must mean that these persons must have been killed two or three
18 days before. Can corpses not be swollen two or three days, or within the time frame
19 of two to three days?

20 A. Counsel, when somebody is killed by bullet or by gun-fire, within two or three
21 days, the body begins to swell. Between one or two days, the body already begins to
22 swell.

23 Q. Yes, indeed. So if Bozizé's troops had killed those people two or three days
24 before, how then can you distinguish between corpses that have been killed within
25 that time period when the area had been occupied by Bozizé's troops and the MLC

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1 within the same time frame?

2 A. Correction, Counsel. I did not say that the people were killed two or three
3 days before Bozizé's people withdrew. I said that it was probably when they were
4 withdrawing that those people were killed and it is three days after they withdrew
5 (Redacted). I didn't say that they had killed two or three days
6 while they were still occupying that area.

7 Q. That is not what I am saying either. You said that you went (Redacted) two or
8 three days after Bozizé's troops had been chased off, which means that if those people
9 had been killed by Bozizé's rebels they may have killed them two or three days before,
10 which means that you came two or three days after.

11 A. Yes, they killed them on the day that they withdrew.

12 Q. I'm sorry to stress this point, but you yourself said that you came two or three
13 days after the day they withdrew.

14 A. Yes, that's right, Counsel.

15 Q. Well, the Chamber shall come to its own assessment of that.

16 Regarding the arrival of the MLC troops, do you know whether those troops arrived
17 at one particular time, or did several waves of troops arrive?

18 A. Yes, Counsel. The troops whose arrival I saw headed towards the residence.
19 I saw them once with my own eyes.

20 Q. Yes, I've understood that, Witness, that the troops that you saw, that those
21 troops arrived at Port Beach and immediately thereafter they went to the residence of
22 the Head of State, but what I'd like to know is this: According to what you heard,
23 did all the MLC troops arrive at the same time, or did the troops arrival in several
24 groups or over -- during several occasions?

25 A. Yes, I said earlier, Counsel, that the ones I saw with my own eyes were the ones

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1 who came on the 30th and they came directly to the residence of the Head of State to
2 receive the allowance.

3 THE INTERPRETER: Correction: Receive the supplies.

4 MR ZARAMBAUD: (Interpretation)

5 Q. I'm sorry to have to insist on this point. Those who came on the 30th are the
6 ones that you saw and you spoke about 1,500 to 2,000 MLC men.

7 What I'd like to know is this, let me put the question differently: Other than the
8 troops that came on the 30th that you saw at the residence of the Head of State, did
9 other contingents come? Did other contingents come later, or before?

10 A. Counsel, as I was saying, it was just the contingent that came on the 30th that I
11 saw. If others came before or after, well, I didn't see them.

12 Q. You didn't see them and you didn't hear anything about them?

13 A. No, Counsel, I only saw the ones that came on 30 October and came directly to
14 get the supplies. I didn't see the other ones and I don't know what side or I can't say
15 that others -- I did not hear about that and I do not know.

16 Q. Thank you, Witness. Now, mention has been made of heavy weaponry. The
17 representative of the OTP showed you a particular document, CAR-OTP-0028-0404,
18 and that photograph was of a vehicle with heavy weaponry on the back, and you said
19 that that vehicle belonged to the Libyans and it had been positioned at Port Beach for
20 quite a long time and it had been set up there in case something happened.

21 Now, to your knowledge, how many vehicles belonging to the Libyans were
22 stationed or positioned rather at Port Beach?

23 A. Counsel, the Libyan vehicles positioned at Port Beach, and we saw the
24 four-by-four yesterday and then there were others that would go around, but that one
25 was positioned right there. Others would travel about because Bozizé's soldiers

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1 could have gotten past us going by way of Boy-Rabé, N'dress, N'garagba, and that is
2 why they moved about or patrolled. There was one at the port in case an attack
3 came from the other side.

4 Q. Thank you. Now, this four-by-four, to your knowledge where was it
5 positioned exactly?

6 A. It was positioned just in front of the naval base, the river harbour, and usually
7 where the ferry-boats would cross, just opposite Zongo. How should I put this?
8 Opposite the brigade. Opposite the naval brigade.

9 Q. In other words, it was positioned on land.

10 A. Well, I don't know whether it was on land or not. I don't know for sure.
11 I don't know exactly how it had been positioned.

12 Q. I'm asking you this, Witness, because the photograph that we showed you - and
13 we can show it again, if you wish - it shows that the vehicle was on the ferry-boat.

14 A. Counsel, I don't know what to say in response to that, but nor can I say the
15 contrary of what the photograph shows, that the vehicle was on the ferry-boat, but the
16 vehicle had been positioned at the river harbour for a long time.

17 Q. Now, about the radio equipment used by MLC soldiers, you stated -- and this is
18 page 49 of yesterday's transcript, transcript 259, edited version, French version, page
19 49. Now, on page 47 and 48 we find the transcript regarding the heavy weaponry.
20 Now, you said that to operate the radio equipment it was necessary to use our
21 services so that they could go on to the CAR frequencies and that the contrary was
22 impossible.

23 So I'd like to ask you: If the radio equipment was to be used with people in
24 Gbadolite, was it necessary for the Central Africans to choose the frequencies or set
25 the frequencies?

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1 A. Yes, Counsel, it would have been impossible for the communications to go
2 through, because if you take a radio set used on the other side and you take one of
3 those radios and take it over to the other side, to communicate with the other side, the
4 signal doesn't go across.

5 Q. Even the Thurayas and the other telephones and the walkie-talkies?

6 A. Well, we're talking about walkie-talkies. That's what the question was about,
7 because you said that the soldiers had arrived with radios, but they weren't
8 telephones. The telephones work everywhere in the world, but the walkie-talkies,
9 that's impossible. The telephones can be used throughout the world.

10 Q. Well, I suppose the confusion is due to the fact that the Thurayas and the
11 walkie-talkies perhaps were confused. Now, what we heard here was that the MLC
12 people and in Gbadolite the president had a radio transmitter, so that's why I'm
13 asking the question. If a radio set was brought, not a walkie-talkie or Thuraya, by
14 the MLC to the CAR, would they have needed the CAR authorities to give them a
15 particular frequency?

16 A. Counsel, as I said, in military terms when we say a radio or a piece of radio
17 equipment, or a walkie-talkie, or a transmitter, or other means of communication such
18 as telephones, we don't call those radios. Radio means walkie-talkies and it is
19 necessary to change the frequency so it works on the other territory.

20 Q. Well, I asked you about the radio equipment.

21 A. Well, I said that I did not see the MLC soldiers arriving at the residence and
22 they'd come directly to get some supplies. I didn't see them with radio equipment.

23 Q. Did these MLC soldiers who had come to get the matériel, did -- were all those
24 things inside the residence, or were some -- correction, (Redacted)
25 (Redacted)?

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1 A. Yes, Counsel. I don't know (Redacted)

2 (Redacted)

3 (Redacted) and yesterday I said that even the buildings that were

4 around the residence, the Head of Staff had been able to buy all those buildings and

5 in that -- in those buildings there were various inventories of supplies and that's

6 where the MLC soldiers went to get the equipment, the supplies. (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. Well, I was asking -- now, did they go into the buildings? Were some of them

10 on the road? (Redacted)

11 (Redacted)

12 A. Counsel, (Redacted)

13 (Redacted). When they arrived, they already had -- correction, matériels

14 had already been prepared for them and amongst these various items there were

15 walkie-talkies, Thuraya telephones and radio equipment that you could carry.

16 Q. Well, that's not really an answer to my question, because I didn't ask what had

17 been prepared for them. I asked you (Redacted)

18 (Redacted), but I won't continue with that line of questioning.

19 Now, regarding the departure of Mr Bemba to PK12, you said that Mr Mazi was with

20 him, the Deputy Chief of General Staff, Colonel Lengbe, head of the CCOP, and

21 Mr Bombayake was there as well. He was the Director-General of the USP. Given

22 that a few moments ago you said that Bombayake commanded the USP and the

23 militia and the FACA, the Head of Staff of the FACA commanded the FACA, the

24 Chief of General Staff of the FACA, with the assistance of Colonel Lengbe, who was

25 the head of the CCOP, how can you explain why all those people were there and

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1 Mr Bemba chose to introduce Mr Bombayake and saying that, "You have to obey this
2 person," and didn't say anything about the head of the General Staff and nothing
3 about the head of the CCOP?

4 A. Counsel, that's very simple to explain. I said earlier to Ms Douzima that at that
5 time the president couldn't trust the Head of Staff of the FACA. If Mr Bemba
6 introduced Mr Bombayake and said he was the boss of those troops, it's certainly
7 because -- well, it's because Bombayake had the confidence of the Head of Staff, and
8 Bombayake at the time and the Head of Staff could communicate more than the Head
9 of Staff of the FACA.

10 PRESIDING JUDGE STEINER: Maître Zarambaud.

11 MR ZARAMBAUD: (Interpretation) Oui, Madam.

12 PRESIDING JUDGE STEINER: The Chamber always allows the legal
13 representatives to put some follow-up questions, but we notice first that you are not
14 giving any references, so we don't know exactly these -- where these follow-up
15 questions are related to and, second, mainly this last question you put to the witness
16 is merely speculative. So we would like to ask you, please, first to give references
17 every time you want to put a follow-up question and, if possible, that you stay as
18 close as possible to the questions that were authorised by the Chamber. Otherwise,
19 you won't be able to finalise in the hour that is allocated to you. I'm not saying today,
20 but the Chamber's already decided that legal representatives would have two hours
21 together, so as far as possible the Chamber intends to keep these time-limits.

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

23 Now, a few moments ago regarding the heavy weaponry, T-259, edited version, page
24 47 and 48, I gave the reference.

25 For the use of the radio equipment, once again, transcript 259, page 49.

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1 As for the CEN-SAD forces who pushed back Bozizé -- Bemba's and the incidents that
2 occurred, to use same transcript, page 17 and 18 of the same transcript.

3 Regarding the introduction of Bombayake, that was in yesterday's transcript and it
4 was repeated in today's transcript, page 14, lines 26 to 28, and page 15, lines 1 to 3.
5 Page 15, lines 1 to 3.

6 Q. Witness, when you saw the MLC troops, were there women or children
7 amongst the soldiers?

8 A. Counsel, when I saw the MLC troops, I did not see any children. Of course,
9 there were a few women. I did not see any of those women with children.

10 Q. Were some of these women carrying babies?

11 A. No, Counsel.

12 Q. Were the MLC troops paid and, if so, how?

13 A. Counsel, as I said yesterday, the MLC troops were paid. What's more, they
14 had all the money at that time. They were better paid because us, ourselves, we did
15 not get our allowances. We did not get the subsistence allowance, and even the
16 FACA -- and so within the FACA troops people started to grumble because they were
17 to longer getting any allowance. Everything was going to the MLC troops; the
18 money, the warm meals, cold meals, and medical treatment.

19 Q. Regarding those payments, is it true that wages had not been paid for a while at
20 the time of the conflict beginning, and for how many months had wages not been
21 paid? I'm speaking both of government employees and soldiers.

22 A. Yes, Counsel, wages had not been paid. The government employees were not
23 getting their salaries and even soldiers weren't getting their wages, but I don't know
24 how many months of unpaid wages there were.

25 Q. Did you learn -- and I think I'll end on this point. Now, did you hear at the

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1 support regiment and at PK13, did you hear about MLC soldiers undressing, tying up
2 and molesting FACA soldiers?

3 A. No, Counsel, I never heard anything about that.

4 Q. If such an important event had occurred, would that have not been mentioned
5 (Redacted), there was no mention of it?

6 A. No. Regarding what you've just asked me, no, nothing was mentioned (Redacted)
7 (Redacted).

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

10 Your Honour, I have concluded.

11 PRESIDING JUDGE STEINER: Thank you, Maître Zarambaud.

12 We have just a few minutes left and my question is to Defence, whether Defence
13 intends to redirect?

14 MR KILOLO: (Interpretation) No doubt just one question.

15 PRESIDING JUDGE STEINER: I ask maybe we still have time in the tape? Yes.
16 Please, Maître.

17 QUESTIONED BY MR KILOLO: (Interpretation)

18 Q. Witness, I just have one question to elicit some clarification. You mentioned
19 the Kota-Koli centre. Other than yourself and other CAR soldiers who were with
20 you during -- in that group, that (Redacted) group, do you know whether other CAR
21 soldiers went to that centre in Kota-Koli?

22 A. Yes, Counsel, other contingents went before us.

23 MR KILOLO: (Interpretation) Thank you, Witness.

24 PRESIDING JUDGE STEINER: Mr Witness, that concludes your testimony before
25 this Court, and on behalf of the Chamber and on behalf of the Court, I would like to

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1 thank you very much for the time and inconvenience that you had to leave your home
2 country, your family, and come to The Hague in order to testify.

3 In order for the Judges to find the truth, it is critical that witnesses such as yourself are
4 prepared to come to The Hague and to give evidence to assist us on several issues,
5 several relevant issues.

6 We are aware that this may have been inconvenient for you, but in any case you leave
7 us with our thanks. Before you leave, Mr Witness, the Chamber would like to ask
8 whether there is anything that you would like to address to the Chamber. If there is
9 anything, now is the moment and you have the floor.

10 THE WITNESS: (Interpretation) Your Honour, I don't think I have anything to add.
11 I'd like to thank you.

12 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness, and we wish
13 you have a very safe and nice journey back to your home country.

14 I would like to thank very much the Prosecution team, the legal representatives of
15 victims, the Defence team, Mr Jean-Pierre Bemba Gombo, to thank very much our
16 interpreters and court reporters. We will go into closed session in order for the
17 witness to be taken outside the courtroom, and we will resume tomorrow morning, at
18 9 in the morning, starting with the testimony of witness - if I'm not wrong - 51?

19 MR KILOLO: (Interpretation) That's quite right, your Honour.

20 PRESIDING JUDGE STEINER: With the testimony of Witness 51.

21 Court officer, please turn into closed session.

22 *(Closed session at 1.29 p.m.) Reclassified as Open session

23 THE COURT OFFICER: We are in closed session, your Honours

24 (The witness is excused)

25 THE COURT OFFICER: All rise.

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- 1 (The hearing ends in closed session at 1.30 p.m.) * Reclassified into open session
- 2 RECLASSIFICATION REPORT
- 3 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 4 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public.