

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and
6 Judge Kuniko Ozaki
7 Trial Hearing
8 Tuesday, 20 August 2013
9 (The hearing starts in open session at 9.06 a.m.)
10 THE COURT USHER: All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE STEINER: Good morning.
14 Could, please, court officer call the case.
15 THE COURT OFFICER: Yes, Madam President. Situation in the Central African
16 Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo, case
17 reference ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you very much.
19 I welcome the Prosecution team, legal representative of victim, Maître Douzima
20 Lawson. I notice that we're still waiting for Maître Zarambaud. I welcome the
21 Defence team, Mr Jean-Pierre Bemba Gombo. Good morning and welcome to our
22 interpreters, our court reporters.
23 We will restart the hearings, continuing with the presentation of Defence evidence in
24 this trial.
25 In accordance with the Chamber's decision 2731 of 16 July 2013, the Defence shall

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1 conclude its presentation of evidence by 25 October 2013 at the latest and, until
2 otherwise decided, the Chamber will sit in extended sessions of six hours per day.
3 By decision 2740 of 15 August 2013 the Chamber approved the order of appearance of
4 witnesses proposed by the Defence, which considered Witness D-15 to start giving
5 testimony as of today. However, as the parties and participants were informed by
6 email yesterday, the following witness in the list, Witness D04-23, will instead
7 commence his testimony this morning.
8 Pursuant to decision 2740 of 15 August 2013, the testimony of Witness D04-23 will be
9 given viva voce before the Chamber by means of video technology. In addition,
10 pursuant to the Chamber's decision on protective measures, decision 2746, the
11 Chamber granted the witness the use of image and voice distortion, the assignment
12 and continued use of pseudonym, as well as the use of private sessions to protect his
13 identity.
14 Before the witness is brought into the location of the video link the Chamber has an
15 oral decision to deliver, and this is the oral decision on the Defence's request to
16 amend sitting hours.
17 On 19 August 2013 the Defence filed its submissions to amend the extended hearing
18 schedule, filing 2745, in which it requests the Chamber to amend the sitting
19 hours - Maître Zarambaud, welcome - during the testimony of Witnesses D04-23 and
20 D04-25, allowing the hearing of only one witness per day.
21 In support of its request, the Defence submits that the Victims and Witnesses Unit
22 (VWU) has informed that the witnesses are not in a position to give testimony for a
23 full six-hour day.
24 In addition, the Defence submits to be cognizant of the Chamber's order that the
25 Defence must close its case by 25 October 2013. However it argues that, given the

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1 number of remaining witnesses, there would be no need to present two witnesses per
2 day. The Defence further undertakes to comply with the Chamber's dead-line and
3 submits that calling its witnesses successively will not interfere with it.

4 In addition, the Defence submits that hearing concurrently two witnesses is an
5 extremely difficult exercise which interferes with the coherent presentation of
6 evidence by the Defence.

7 Lastly, the Defence notes that this requirement was never imposed on the
8 Prosecution.

9 At the request of the Chamber the VWU informed, yesterday evening by email
10 received at 6.40 p.m., that in accordance with the assessment of the VWU Associate
11 Support Officer it might be difficult for Witness D04-23 to sit for six hours, although
12 the witness indicated to be willing to do so.

13 The Chamber notes that the Defence's request specifically refers to the scheduling
14 arrangements in relation to Witnesses D04-23 and D04-25. However, apart from the
15 information provided by the VWU, the arguments advanced by the Defence appear to
16 support a general request for amendment of the Chamber's decision to sit for
17 extended hours, or six hours per day, until the completion of the Defence's
18 presentation of evidence.

19 In order to avoid successive requests on the same matter, the Chamber finds
20 appropriate to set its general approach to the issue before deciding on the particular
21 circumstances of Witnesses D04-23 and D04-25.

22 On 16 July 2013, when deciding on the sitting hours for the remaining of the Defence's
23 case, the Chamber took into account all the submissions of the parties, the
24 participants and the Registry as expressed during the status conference of 27
25 June 2013. (See decision 2731, paragraphs 18 and 23.)

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1 In particular the Chamber considered the submissions of the Defence, which are
2 basically the same as those advanced in yesterday's request. (See transcript 331,
3 confidential English edited version, page 7, lines 1 to 17, and page 9, lines 6 to 11.)
4 The only new issue raised by the Defence in yesterday's submission is its
5 acknowledgement on compliance with the imposed dead-line of 25 October 2013 to
6 conclude with its presentation of evidence and the affirmation that, given the number
7 of remaining witnesses and the anticipated hearing times, there is no need to hear two
8 witnesses per day. However, unless the Defence has failed to communicate to the
9 Chamber, parties and participants, all the relevant information at its disposal, this
10 affirmation does not appear to correspond to reality.
11 On the other hand, in its submission of 12 August 2013, filing 274, paragraphs 3 and 4,
12 the Defence presented a temporary order of appearance of witnesses which did not
13 include ten of the witnesses still remaining in the Defence's list. However, the
14 Defence insisted in that the order and composition of its list was still subject to further
15 amendments and thus it did not express an intention to withdraw any of the
16 witnesses who were not included in that provisional order of appearance.
17 The same situation applies now to Witness D04-15, where the Defence simply submits
18 that his testimony, and I quote, "... needs to be postponed," filing 2745, paragraph 5,
19 so it appears that the Defence still expects to present the testimony of the witness in a
20 later opportunity.
21 On the other hand, when the Chamber requested the Defence at the status conference
22 of 27 June 2013 to confirm the exact questioning time for the accused, the
23 Defence alleged it was "too premature" to answer that question. (Transcript 331,
24 confidential English edited, page 42, lines 2 to 25.)
25 Consequently the scenario today, in terms of the composition of the list of remaining

1 witnesses and the uncertainty in relation to the questioning time for the accused,
2 appears to be the same as that existing at the time the Chamber issued its decision
3 2731.

4 In that decision, mostly considering the number of witnesses still to appear, the
5 Chamber decided to sit for extended hours in order to facilitate the completion of the
6 presentation of Defence's evidence by the dead-line imposed, to ensure the fairness
7 and expeditiousness of the proceedings and to guarantee the right of the accused to
8 be tried without undue delay.

9 Notwithstanding, the Chamber agreed with the Defence's submission that the welfare
10 of the witnesses should be the overriding concern and decided that, when necessary
11 and appropriate to the witnesses' needs, their testimony could be alternated; meaning
12 hearing one witness during the morning sessions and another witness in the
13 afternoon session.

14 The Defence notes that Defence did not lodge any appeal against the Chamber's
15 decision 2731 of 16 July 2013. Consequently, it appears that Defence is now trying to
16 obtain from the Chamber a remedy not provided for in the Court's legal framework;
17 namely the review of a decision which is not otherwise specifically provided in the
18 Statute and the Rules.

19 As the Chamber has previously held, this type of request cannot be entertained by the
20 Chamber and should be rejected in limine. (See decision 1010 of 16 November 2010,
21 paragraphs 9 and 10, and oral decision of 2 December 2010, transcript 42, confidential
22 English edited version, page 2, line 2, to page 4, line 13.)

23 That notwithstanding, pursuant to its powers under Article 64(2), (3)(a), (8)(b) and
24 67(1) of the Statute and Rules 134(3) and 140 of the Rules of Procedure and Evidence,
25 if the Defence would demonstrate - by providing a definitive proposal on the

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1 composition, order of appearance and questioning time for all its remaining
2 witnesses - that there is a significant change of circumstances and that a less tight
3 sitting schedule will not interfere with the Defence's undertaking to comply with the
4 dead-line imposed by the Chamber, the Chamber may decide anew on the sitting
5 arrangements for the remaining of the Defence's presentation of evidence.

6 As to the particular situation of Witnesses D04-23 and D04-25, in line with the
7 Chamber's decision 2731, following the assessment and recommendations from the
8 VWU the Chamber maintains its decision and it will hear as of today the testimony of
9 Witness D04-23 during the morning sessions and that of Witness D04-26 during the
10 afternoon session.

11 I ask, court officer, is that necessary to go into closed session in order for the witness
12 to be taken into the video link room? No. So I ask, please, the assistant court
13 officer that is in the video link location -- good morning, first of all. I ask you, please,
14 to bring the witness into the room.

15 THE COURT OFFICER (via video link): Thank you, Madam President. Good
16 morning.

17 (The witness enters the video link room)

18 WITNESS: CAR-D04-PPPP-0023

19 (The witness speaks French)

20 (The witness gives evidence via video link)

21 PRESIDING JUDGE STEINER: Good morning, Mr Witness. Thank you for being
22 with us.

23 THE WITNESS: (Interpretation) Thank you.

24 PRESIDING JUDGE STEINER: Mr Witness, I want to ask whether you prefer to
25 communicate in French or in Sango?

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1 THE WITNESS: (Interpretation) I would prefer to give my testimony in French,
2 because if I do so in Sango there may be events or expressions that I'm unable to
3 transmit correctly to the Judges. So I would prefer for the time being to give my
4 testimony in French. It may happen that I prefer to move to Sango, in which case I
5 will ask permission from the Judge.

6 PRESIDING JUDGE STEINER: Of course, Mr Witness, it will be done the way you
7 prefer and the way you feel more comfortable.

8 Before we start, I would like the parties and participants to this hearing to --

9 THE WITNESS: (No interpretation)

10 PRESIDING JUDGE STEINER: Mr Witness, please.

11 THE WITNESS: (No interpretation)

12 PRESIDING JUDGE STEINER: Mr Witness, I will very soon explain to you how we
13 need to communicate with each other in order to allow the interpreters to do their job,
14 but before I do that I just ask you please to not interrupt me when I'm speaking.

15 Otherwise, we will have overlapping speakers and it will be impossible for the
16 interpreters to interpret what we are saying. So please just wait for the instructions
17 I'm going to give you.

18 First of all, I want the parties and participants to introduce themselves and then you
19 will be aware of those who are here in the courtroom, starting by the Prosecution.

20 MR IVERSON: Good morning, your Honours.

21 Good morning, Mr Witness. My name is Eric Iverson.

22 THE WITNESS: Bonjour.

23 MR IVERSON: And I represent the Prosecutor of the International Criminal Court,
24 along with my colleagues Jean-Jacques Badibanga to my left and behind me Sylvie
25 Vidinha.

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1 PRESIDING JUDGE STEINER: Legal representatives of victims, please?

2 MS DOUZIMA LAWSON: (Interpretation) Thank you, your Honour. I am

3 Marie-Edith Douzima Lawson, legal representative of victims in this trial, and Carine

4 Pinaud, our case manager, is also with us.

5 MR ZARAMBAUD: (Interpretation) Good morning, your Honours. I am

6 Mr Zarambaud Assingambi, legal representative of victims. Thank you.

7 PRESIDING JUDGE STEINER: Maître?

8 MR KILOLO: (Interpretation) Good morning, your Honours. I am Aimé Kilolo,

9 lead counsel for the Defence team of Mr Jean-Pierre Bemba. To my right is the

10 co-lead counsel, Mr Peter Haynes, and behind me from the left to right is Ms Natacha

11 Lebaindre, who is a pro bono member of the team, then we have Cécile Lecolle, who

12 is also a pro bono member of the team, and finally Mr Jean-Jacques Kabongo

13 Mangenda, who is our case manager.

14 PRESIDING JUDGE STEINER: Thank you very much, Maître.

15 Mr Witness, I hope somewhere in front of you there is a card on which is printed a

16 solemn undertaking. Could you please read out the words on the card?

17 THE WITNESS: (Interpretation) "Solemn undertaking: I solemnly declare that I

18 shall tell the truth, the whole truth and nothing but the truth."

19 PRESIDING JUDGE STEINER: Mr Witness, now that you have taken the oath, can

20 you confirm that you understand what the oath means?

21 THE WITNESS: (Interpretation) Yes, I can confirm that.

22 PRESIDING JUDGE STEINER: Do you understand it to mean that you must give

23 answers to questions asked of you that are true and accurate to the best of your

24 knowledge and belief?

25 THE WITNESS: (Interpretation) Yes.

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- 1 PRESIDING JUDGE STEINER: Mr Witness, as must have been explained to you by
2 Victims and Witnesses Unit during the familiarisation process, you will be questioned
3 first by the Defence, then by the Prosecution, then by legal representatives of victims
4 and finally by the Defence again in case Defence needs to put some follow-up
5 questions. The Chamber will also -- may also put questions to you at any time.
6 As you know, the Chamber has put in place measures to protect your identity from
7 the public and you will therefore be referred to all the time as "Mr Witness." Your
8 voice and your image that are broadcast outside the courtroom are being distorted so
9 that the public cannot identify you by your image, or by your voice.
10 In order to keep your identity protected from the public, Mr Witness, it is very
11 important that when we are in open or public session you don't reveal any
12 information that could lead to your identification; for instance your name, the
13 position you occupied at the time of the events, your current position, the place you
14 live currently, your current profession or activity, names of persons with whom you
15 had meetings in the past or in the present in case those persons can identify you.
16 This kind of information, Mr Witness, if you need to reveal, you need to let us know
17 in advance and then we go into private session. In private session, you can speak
18 freely because nobody outside this courtroom can hear to what you say.
19 The Defence, the Prosecution, the legal representatives and the Chamber will help
20 you in identifying which kind of information should be given only in private session,
21 but we also need that you pay attention and be very cautious in order not to reveal in
22 open session any information that could lead to your identification.
23 Do you understand the protective measures, sir?
24 THE WITNESS: (Interpretation) Yes, I do understand.
25 PRESIDING JUDGE STEINER: Mr Witness, you have noticed that we speak

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1 different languages. Because we speak different languages, there is interpretation so
2 that we can understand each other. Because of the interpretation and because you
3 are testifying by video link, it is very important, Mr Witness, that you speak slower
4 than normal, as I'm doing now, in order to give time to allow the interpreters to do
5 their job properly so that we have a transcript that is a mirror of everything you say.
6 It is also very important, Mr Witness, that after a question is put to you that you wait
7 five seconds - you count to five - before you start giving your answer in order to allow
8 the interpreters to conclude the translation of the question. We need to avoid
9 overlapping speakers.

10 It is possible, Mr Witness, because it seems unnatural to speak so slowly, that you
11 start speeding up, or that you forget the five-seconds rule. In that case, Mr Witness, I
12 will have to interrupt you and to ask you to slow down. Please don't take offence.
13 That should not discourage you from speaking. It is just for practical reasons.

14 Do you understand our ground rules, Mr Witness?

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

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

17 I ask now, please, court officer to turn briefly into private session.

18 *(Private session at 9.38 a.m.) Reclassified as Open session

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

20 PRESIDING JUDGE STEINER: You see, Mr Witness, now we are in private session
21 and so nobody outside the courtroom can hear to what we say.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 THE WITNESS: (Interpretation) (Redacted)
- 16 PRESIDING JUDGE STEINER: (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 THE WITNESS: (Interpretation) (Redacted)

2 PRESIDING JUDGE STEINER: (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 THE WITNESS: (Interpretation) (Redacted)

9 PRESIDING JUDGE STEINER: Court officer, please can we turn back into open
10 session.

11 (Open session at 9.45 a.m.)

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

13 PRESIDING JUDGE STEINER: Mr Witness, we are back in open session. For your
14 information we will have this morning two sessions of two hours, with a 30-minutes'
15 break in-between. If for any reason you need a break, just let us know and a break
16 will be given.

17 Before you start giving your testimony, Mr Witness, do you have any questions?

18 THE WITNESS: (Interpretation) For the time being, no.

19 PRESIDING JUDGE STEINER: Then I'll give the floor to Defence. Maître Kilolo
20 will start questioning you.

21 Maître, you have the floor.

22 MR KILOLO: (Interpretation) Thank you, your Honour. If you don't mind, I will
23 remain seated while I put my questions to the witness?

24 PRESIDING JUDGE STEINER: As we usually do when we have a video link
25 questioning, Mr Kilolo, I know that it's easier for parties and participants to remain

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1 seated and please feel free to do that if you so prefer.

2 MR KILOLO: (Interpretation) Thank you.

3 QUESTIONED BY MR KILOLO: (Interpretation)

4 Q. Good morning, Witness.

5 A. Good morning.

6 Q. I'll introduce myself to you once again. I am Aimé Kilolo, one the lawyers
7 representing Mr Jean-Pierre Bemba. I am the person who will be putting questions
8 to you on behalf of the Defence. Do you understand?

9 A. Yes, I understand.

10 MR KILOLO: (Interpretation) Well, without any further ado, I'd like to ask the
11 Presiding Judge if we could go into private session so I can ask the witness a number
12 of personal questions.

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

14 *(Private session at 9.47 a.m.) Reclassified as Open session

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

16 MR KILOLO: (Interpretation)

17 Q. Witness, we are in private session. This just means that our discussions right
18 now are not being heard by the members of the public outside of this courtroom; in
19 other words you can express yourself more freely.

20 My question is this: Could you please introduce yourself? Could you please give
21 us your full identity, your first name, surname and date of birth?

22 A. (Redacted)

23 (Redacted)

24 Q. (Redacted)

25 (Redacted)

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1 A. (Redacted)

2 Q. (Redacted)

3 A. (Redacted)

4 THE INTERPRETER: Inaudible.

5 MR KILOLO: (Interpretation)

6 Q. Could you tell us about earlier jobs that you held earlier on in your career?

7 PRESIDING JUDGE STEINER: I am sorry to interrupt. Mr Witness, could you
8 please repeat to the interpreters what is your current occupation?

9 THE WITNESS: (Interpretation) (Redacted)

10 (Redacted)

11 MR KILOLO: (Interpretation)

12 Q. Could you tell us about earlier jobs that you held before the current time?

13 A. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 So there you have it. And I'm still working, so there you have it. That's what I'm
21 doing now, because I can't stand about idle and do nothing. You see, (Redacted)
22 (Redacted) I have to do some kind of work.

23 Q. (Redacted)

24 A. (Redacted)

25 Q. (Redacted)

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1 A. (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. Now, just so that the Judges can better understand your training, could you tell
5 us more about this training? Where did you take this training and could you give us
6 specific years and specific periods of time?

7 A. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. And which group did you belong to within the armed forces? Which specific
16 corps?

17 A. (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. (Redacted)

21 A. (Redacted)

22 Q. Where were you in 2002 and 2003?

23 A. Between 2002 and 2003, I beg your pardon? To answer that question, I think
24 that late in 2001 I no longer wanted to be part of the army because of what was
25 happening and I could explain all of that to you. So, you see, I left and I was in the

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1 bush. I was in the bush and I tried to join the rebels; the rebels of General

2 François Bozizé.

3 MR KILOLO: (Interpretation) Could we go into open session, your Honour?

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

5 (Open session at 9.58 a.m.)

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

7 MR KILOLO: (Interpretation)

8 Q. Witness, we are in open session now. This means that people outside the

9 courtroom can listen in, they have access to the sound, so of course we'll have to be

10 very careful and please don't give any information that might lead to your identity

11 being revealed. If ever you think that my questions might lead you to giving some

12 details that would identify yourself, you yourself can ask us to go into private session

13 and I'll be very careful as well with my questions to you. Do you understand what

14 I'm trying to tell you? Do you understand?

15 A. Yes, I've understood.

16 Q. A few moments ago, you were telling us about the rebels coming under the

17 command of Mr Bozizé. When did this rebellion begin?

18 A. General Bozizé's rebellion began -- well, you see, to be a bit more specific, you

19 see, he was the Chief of General Staff, our Chief of General Staff, the Chief of General

20 Staff of the Central African Republic of course. At one point there was a

21 misunderstanding, I don't know what it all was about, but there was a

22 misunderstanding between him and the Head of State, Ange-Félix Patassé, and so he

23 left and he went to PK12. There was gun-fire and then he left with a number of men,

24 and I believe it was practically between November and December 2001 and ever since

25 that time he left. Well, that was it. He left and the rebellion began at that point in

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1 time.

2 Q. At that time, that is end of November 2001, where was General Bozizé's rebel
3 force based?

4 A. At that time when they left, well, I was not part of those who left with him at
5 that time but, given that the army was not well-organised, each person was trying to
6 find a way to defend their own interests. And what I heard was that they went
7 north, towards the border between Chad and the Central African Republic and
8 specifically in a village called Sido. There is a Sido in Chad and another Sido in the
9 CAR. That is where they were based.

10 MR KILOLO: (Interpretation) Can we move briefly into private session, your
11 Honour?

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

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

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

15 MR KILOLO: (Interpretation)

16 Q. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 A. (Redacted)

25 MR KILOLO: (Interpretation) Can we revert to open session?

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

2 (Open session at 10.05 a.m.)

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

4 MR KILOLO: (Interpretation)

5 Q. Mr Witness, to your knowledge, when did the ambassador join General Bozizé's
6 rebel movement?

7 A. As I was telling you, after the rebellion started - and it was based in Moyenne
8 Sido - the ambassador wanted to find a way to join that rebellion, particularly because
9 there were problems of discrimination, there were divisions in the army and most of
10 the people had been set aside, or cast aside. And I believe two or three months later,
11 towards the end or the beginning of 2002 - it was in early 2002, I believe - the
12 ambassador, like a man, found a way to join that rebellion.

13 Q. When the ambassador joined General Bozizé's rebellion, do you know how
14 large that force was? What was the strength of that rebel movement at the time?

15 A. It was very difficult to know whether the ambassador would have been aware
16 with any degree of certainty of the strength of that group but, based on the
17 information that we had from the ambassador, at the beginning the numbers would
18 have been 500 to 600 or 650 men. In fact, they could not have been more than 800.

19 Q. Do you have any knowledge of the composition of General Bozizé's fighting
20 forces during that rebellion?

21 A. Counsel, can you repeat that question please?

22 Q. You have talked about 500 to 600 men, in any case not more than 800, in General
23 Bozizé's rebellion when the ambassador joined them in early 2002. My question is as
24 follows: Those men who made up General Bozizé's rebel movement, where did they
25 come from? Do you know anything about their various nationalities?

1 A. Thank you. Based on the information that I received from the ambassador, the
2 rebellion was initially made up of -- well, given that the chief of the rebellion himself
3 had been the Chief of Staff of the Central African Army, so the rebellion was made up
4 of a part of the FACA soldiers and the FACA means Central African Armed Forces.
5 Then you had volunteers. There were also Chadian fighters. Some of them were
6 known as Zaghawas, while others were known as Kodos.
7 Amongst the volunteers you also had civilians, as well as Zairean shoe-shiners.
8 Those are the people who were doing odd jobs, shining shoes and selling groundnuts.
9 So these were people doing odd jobs in the various villages and waiting for
10 opportunities, so it was a whole mix of people.

11 Q. I would like to ask you a question about the various categories of Chadians.
12 You have mentioned the Zaghawas and the Kodos. What is the difference between
13 these two groups; that is the Zaghawa and the Kodo?

14 A. Both groups are Chadians, but there is one difference that I can mention. The
15 Zaghawas are hot-blooded fighters. We referred to them as "de bas chargeurs,"
16 which in their language means "loaders," while the Kodos are Chadian soldiers who
17 had been trained at the time of President Hissène Habré. They had been trained in a
18 training centre in the DRC and they were known as the Kodos.
19 There were also Central African Republic soldiers and Chadian soldiers, because at
20 the time of General Kolingba, that is when he was president around '86, '87, '88.
21 When President Idriss Déby took over power there was a settlement of scores and
22 those people started all along the border area, and whenever armed groups were
23 formed they tried to join them so as to make a living.
24 So those were the Kodos, but the Zaghawas were both civilians and soldiers. It was
25 difficult to distinguish between them, but these were people who were very good at

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1 handling weapons.

2 Q. Can you give us more information on the training centre of the Kodos? You
3 have said that they received training in the DRC. What specifically were you
4 referring to?

5 A. Yes, I have one or two of my elder brothers who received that same training. It
6 was in a particular region of the DRC. I believe it is known as Kota-Koli. When
7 they arrived, they referred to themselves as Kodos. They were very hot-blooded and
8 in fact that is what gave me the desire to join the army, these people who were very
9 strong, who were fearless.

10 Q. Now, when the ambassador joined General Bozizé's rebellion in 2002, which
11 were the languages spoken by the Chadians who were in that rebellion, including
12 both the Zaghawas and the Kodos?

13 A. The Chadians are people who speak Sango fluently and they also speak French
14 to some extent. There are some Kodos who speak Lingala, and they said that they
15 had been well-trained by the Zaireans, particularly the hot-blooded Kodos. That is
16 what I can say. They don't speak French very well. They speak their own
17 languages and they speak Sango very well, as well as Lingala.

18 Q. Now, let us move on to the other group in General Bozizé's rebellion. You
19 mentioned volunteers. Now, why did you refer to them as civilians? Did they
20 receive any training and, if so, which type of training?

21 A. These are people who never received any formal military training, but when
22 you joined a rebellion the essential thing was to show you how to handle a
23 Kalashnikov, to put in the magazine and how to fire. That was the crucial thing that
24 was done. There were people responsible for that. If you take a MAS-36, for
25 example, you are told how this weapon could be operated. That was the main thing

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1 that was done. It is better to have to deal with a trained soldier, who is fully aware
2 of the damage that a weapon can do in the opposite camp, than to deal with a civilian
3 who really does not have any mastery over the weapon that is given to them. That is
4 what I can say.

5 Q. Based on the information provided by the ambassador, when he joined those
6 volunteers in 2002 had they received any instructions or information on the necessity
7 to spare or not attack civilians in the areas of combat?

8 A. I believe that I was clear when I said that there wasn't enough time to teach
9 them all those things. For them, the essential thing was to know how to handle a
10 weapon and then go to the front. There was no specific training centre where
11 months would be spent teaching them how to fight; that is the rules of engagement.

12 Q. You have mentioned the shoe-shiners. Can you elaborate on that? Where did
13 these people come from?

14 A. As you know, the DRC -- I know you have the map of the DRC, but I would like
15 to speak a little bit about that and I'm talking about the CAR. The CAR shares a
16 border with Chad, the DRC and Cameroon, and when I'm talking about the CAR
17 sharing a border with Chad, I'm referring to Sido, Moyenne Sido and so on and so
18 forth. The CAR also shares a border with Sudan. There is a town called Amdafok,
19 a town that separates us with Sudan.

20 And then the CAR also shares a border - a very long border - with the DRC. When
21 you go to Bangassou, opposite you there is the DRC, as well as in Mombia. There is
22 also Mongoumba right at the border with the DRC. You can go towards Congo, in
23 Mberé, and opposite you there is the DRC. You also have Bétou, which is towards
24 Congo. There is Nyele (phon) in the border area.

25 You will therefore understand that the Zaireans invade us, and these are courageous

1 people and they provide cheap labour. So the only thing separating us from the
2 DRC is the Ubangi River. You have CAR citizens, when they leave in the morning
3 8 o'clock and they will be over there after having paid less than 1,000 francs and they
4 can earn their living there and then come back over. You have villagers who leave
5 Congo and come to town in Bangui. They believe it is better to stay in the town, it's
6 better to earn their living in town, and so this is rural exodus.

7 So we are being constantly invaded by the Zaireans. You had -- you have people
8 who come and look for work, who settle there. Then you have people who do odd
9 jobs. There is really no job that should be looked down upon, but you have people
10 who do odd jobs and those are the ones we refer to as the shoe-shiners and
11 groundnuts sellers. I don't know whether I've answered your question?

12 Q. To your knowledge, Mr Witness, these shoe-shiners that you say joined Bozizé's
13 rebellion, were they civilians or soldiers?

14 A. It is very difficult to know whether these people were civilians or soldiers.

15 And why do I say that? Currently in Africa there are various armed conflicts almost
16 everywhere. You can have someone who conceals their identity. That person may
17 be a former fighter who comes from a different country and he is compelled to
18 conceal his identity so as to find a job, but when it comes to weapons handling you
19 will realise that these are people who were already very familiar with weapons. The
20 majority of them could have been civilians, but if you see somebody who comes up
21 and volunteers and they say they are a civilian maybe this person could have been a
22 soldier, but if he does not reveal that information you cannot know. So they are all
23 described as civilian volunteers who are finding -- who are looking for an
24 opportunity.

25 Q. Can you tell us anything about the languages spoken by this specific category of

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1 the rebel movement; that is the volunteers?

2 A. Those volunteers spoke Sango. Others spoke Lingala and even French. And
3 what type of French for that matter? These were the three languages spoken by that
4 group.

5 Q. Since you have mentioned Lingala, Mr Witness, is Lingala a language that is
6 spoken in Bangui, or not?

7 A. What I can say is "Yes," and in that case I will explain. I can also say "No" and I
8 will explain, that is if you want? I told you from the beginning that we share a
9 border with Zaire; that is the DRC. I have to say "Zaire", because in Bangui when
10 you talk about Congo, the DRC, people more easily refer to them as "Zaireans."
11 There are too many Zaireans living in Bangui.

12 We share a border with small towns and villages, and for those Zaireans living in
13 Bangui means living in town. I have told you that you can cross over to the DRC, or
14 to the CAR, in less than five minutes. That is if you -- you can pay less than 1,000
15 francs and there are others who even cross over without a dime, and there are too
16 many Zaireans living in Bangui.

17 I would like to tell you about the various categories. You have a middle class. For
18 example, when they arrive, they live in the centre of town, in the city centre, and then
19 they live in Lakouanga and in part of Sica 1. Those are the people who live there.
20 They have children there, they have children who are Central Africans, and so they
21 speak Lingala. So no matter where a Zairean is, they give priority to their own
22 language. So, for your information, even if you have a Congolese from Brazzaville
23 living there with Zaireans, we refer to all of them as "Zaireans" because when they
24 speak Lingala to us they are all Zaireans.

25 There is a second category of people who cross over.

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1 PRESIDING JUDGE STEINER: Court officer, we have a problem here with the
2 transmission. It's frozen.

3 Now we are back, but we lost part of the testimony.

4 Mr Witness, we had for a few seconds a cut on the transmission. Could you please
5 just repeat the final part of your answer, just for us to make it sure that everything is
6 on the transcript?

7 THE WITNESS: (Interpretation) Perhaps I could ask counsel to repeat his last
8 question, which means that I could then give you my answer from the beginning?

9 PRESIDING JUDGE STEINER: Mr Witness, the last part we have here in the
10 transcript is when you said, "And so for your information, even if you have a
11 Congolese from Brazzaville living there with Zaireans, we refer to them as 'Zaireans'
12 because when they speak Lingala to people who cross over ..." My question is: Did
13 you say something further, or this was the end of your answer?

14 THE WITNESS: (Interpretation) No, I was saying something that I'll go over again.
15 I believe you're following me. May I continue?

16 PRESIDING JUDGE STEINER: Please, Mr Witness, continue.

17 THE WITNESS: (Interpretation) Thank you. I was saying that -- well, what I was
18 doing was giving you the different categories of the people living there. There are
19 Zaireans, the higher level, in other words the people in charge so to speak or the
20 intellectuals who come over. They work for certain companies. They live in
21 comfortable areas like Lakouanga, or part of the centre of town, and Sica or even Sica
22 2. These are districts that are close to the centre of the town.

23 And then we come to a second category and these are the people we refer to as "the
24 shoe-shiners," people who don't have enough resources and who come over even
25 without respecting the formalities. They come over during the day, at night-time

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1 with a dug-out canoe, in other words without spending the necessary money to cross,
2 and they come over and they rent a small place close to you perhaps and they might
3 move in with ten people or so. Provided they've got somewhere to sleep, they'll be
4 up at the crack of dawn at 5. They'll all be out plying their trades, odd jobs, manual
5 work, domestic work, selling groundnuts, peanuts. I can't really go into too much
6 detail, but I hope you're following me.

7 It's those people that we refer to as "the uncontrollable elements." They're
8 everywhere. They're in Langbashi, Petevo, Bimbo, Miskine. They're even in
9 Boy-Rabé. They're at PK12, they're in Damara, everywhere. They go wherever
10 they feel that they can set up shop, so to speak. So that's what I was giving by way
11 of an explanation of the composition.

12 MR KILOLO: (Interpretation)

13 Q. Witness, you referred to a number of districts in Bangui. Is there any
14 particular district that could be described as a district where Lingala is spoken?

15 A. Yes, the district where Lingala is spoken most is Lakouanga. It's a district
16 where you have a mix and people are comfortable there. There are Zaireans. There
17 are Central Africans. It's a district where you will find all languages spoken and
18 that's perfectly normal, but in other districts such as Yapelé they might speak Lingala
19 among themselves. Perhaps with certain Central Africans who also speak Lingala,
20 they'll talk to them as well. That's in the other districts.

21 Q. Witness, to your knowledge, is there a difference to be made between a Central
22 African soldier speaking Lingala, or even a Chadian soldier, as compared to a
23 Congolese from Zaire or from Congo speaking Lingala? In other words, is there a
24 difference that you hear through the accent or in some other way? Can you
25 differentiate and can you in that way identify the nationality of the person who is

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1 speaking Lingala?

2 A. You know, there is a problem in Central Africa. If you're someone in charge, if
3 you're from the CAR and if you speak Lingala, people are not interested in finding
4 out what sort of accent you have. You're referred to as "mono." That's what you're
5 called, "mono." Generally speaking, monos are people who are looked down on,
6 even if you're wearing a suit. For Central Africans it's an insult, even among Central
7 Africans. There are people who live in the DRC for instance who come back home,
8 come back from Congo-Brazzaville, and when they speak Lingala to each other
9 they're referred to as "monos." It's difficult to know whether a person comes from a
10 specific place, but for a professional, yes, you might be able to, but otherwise it's
11 difficult. It depends on your own subjective view.

12 PRESIDING JUDGE STEINER: Sorry, Maître Kilolo.

13 Mr Witness, the interpreter -- the court reporter is having difficulties in following you,
14 so I need to ask you please to speak a little bit slower. Sometimes you get more
15 enthusiastic and you are speeding up. Thank you, sir.

16 Maître Kilolo?

17 MR KILOLO: (Interpretation)

18 Q. Witness, there is then a further category, a third category, that you described in
19 the General Bozizé's rebellion; that is the FACA. Could you tell us which languages
20 were used by that third category?

21 A. The FACAs tended to speak Sango, they also spoke French and there others
22 who spoke Lingala and those are the ones I was talking to you about a few minutes
23 ago. I was talking about those who had been trained in Kota-Koli, they spoke
24 Lingala, and if at a specific moment for whatever reason they wanted to speak
25 Lingala among themselves that's what they did. They spoke Lingala to each other.

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1 But, in general, the languages spoken were at least those.

2 There were others as well, the Manda, Gbaya, mother tongues that they used and
3 other languages as well if there were just a couple of people together. There was
4 Gbaya that was spoken by the FACA. There was Manda. Mandja, Gbaya. I don't
5 often hear these sort of languages. When you have somebody speaking one of these
6 languages you just have a rough idea, but the Gbaya that's an ethnic group that brings
7 together people from different areas, different ethnic groupings, tribes. I mean, I
8 learnt all about that when I was learning geography. They tend to be people from
9 the north who speak those languages.

10 Q. When the ambassador joined General Bozizé's rebellion in 2002, what happened
11 next? Was there a specific operation organised by General Bozizé's rebellion in
12 2002?

13 A. Yes, there was an attempt to take power in Bangui. There was an attempt to
14 take control over Bangui and there were at that time repeated attempts to penetrate
15 the town. The idea was to resist and create a border town.
16 There were problems with the government, this is what the ambassador told me in
17 person, and that's why he wanted to join the rebellion and take up arms because of
18 the government's problems. There was a problem as regards division in the ranks of
19 the army. They were looking for a liberator. They had to look for a liberating
20 element, a unifying element, someone who could reform the army in order to defend
21 territorial integrity. So there were attempts that were made to penetrate Bangui and
22 take power.

23 Q. And in these attempts to take power in Bangui, how was the rebel force of
24 General Bozizé organised? Was there a General Staff?

25 A. Yes. As in the case of any organisation in any rebellion and in any military

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1 movement, there has to be a structure that you would refer to as "a General Staff."

2 You can't do without it, because if not things will be disorderly. A soldier by

3 definition is not someone who likes disorder, but likes order. A soldier is typified,

4 characterised, by discipline. So that's what I mean when I say that there was a

5 General Staff; some form of General Staff.

6 Q. Could you say something about the composition of the General Staff?

7 A. That's a very difficult question because I could never have imagined that I

8 would have to answer such a question, but I can't say nothing and so I'll try to explain

9 to you how things were organised at the time. There were people who were in

10 charge of different activities. I think there was Doutingai, who was then to become

11 Minister of the Mines, the mining industry. I think he was in charge of operations.

12 All of the operations in the field were co-ordinated by him. There was Francis

13 Bozizé himself who was in charge of logistics, that was the son of Bozizé himself, and

14 he then became minister later; Minister of Defence of course. And then there was

15 Sangbaté, who was the co-ordinator. He was the Chief of Staff, if you like. And as

16 for communications, intelligence, it was Captain Mbaye who was in charge of that.

17 There were others as well, but it's very difficult for me to remember everything

18 accurately. I would need time for that, but that's roughly in a nutshell the

19 composition of the General Staff.

20 Q. Thank you, Witness. I see in the transcript we don't have inclusion of the

21 names that you gave. Would it be possible for you to give us those names, perhaps

22 somewhat more slowly, so that the court reporters can note down these African

23 names? Sometimes it's rather difficult to note them.

24 A. Well, I was saying that it's not terribly easy to give you an accurate response,

25 but what I can say is the following: There was Doutingai, Doutingai, who

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1 subsequently became Minister for Mining and Geology and he was a head of
2 operations. He co-ordinated operations in the field.

3 Q. Excuse me, Witness. I'm sorry to interrupt you, but could I ask you perhaps to
4 spell the name each time round?

5 A. I was talking about Doutingai. Your Honour --

6 PRESIDING JUDGE STEINER: Yes, Mr Witness?

7 THE WITNESS: (Interpretation) Could I have a pen and a sheet of paper? I'll
8 write them down and then I will spell them out.

9 PRESIDING JUDGE STEINER: Ms Fatiah, please provide the witness with a pen
10 and paper.

11 THE WITNESS: (Interpretation) So as to save time, I was talking about Doutingai,
12 who was head of operations: D like Delta, O like Oscar, U, T for Tango, I for India,
13 N for November, G for Golf, A for Alpha, I for India, with a trema accent above it.
14 That was a head of operations. Then you had Bozizé: B for Bravo, O for Oscar, Z, I
15 again, Z and E for Echo at the end; head of logistics.

16 Then there was Parfait Mbaye, which is M-B-A-Y-E. I'm not too sure of the spelling
17 because I don't have their birth certificates before me, but I think that's what it is. I
18 think that's how you spell it. He was in charge of communications and intelligence.
19 Then you have the co-ordinator, or the Chief of Staff, who was Sangbaté.
20 I hope that this is correct. It goes back quite a way, so I hope I've got it right. It was
21 a long time ago. Thank you.

22 PRESIDING JUDGE STEINER: Mr Witness, only this last name you mentioned, can
23 you please spell it as well?

24 THE WITNESS: (Interpretation) Yes: S like Sierra, A for Alpha, G for Golf -- no,
25 sorry, N first, N for November, then G for Golf, B for Bravo, A for Alpha, T for Tango

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1 and then E for Echo. Sangbaté.

2 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. It's now

3 11 o'clock. We'll have our half-an-hour break, time for you to take some rest, have a

4 cup of coffee or tea. We will resume at 11.30. The hearing is suspended.

5 (Recess taken at 11.00 a.m.)

6 (Upon resuming in open session at 11.40 a.m.)

7 THE COURT USHER: All rise.

8 Please be seated.

9 PRESIDING JUDGE STEINER: Welcome back.

10 Welcome back, Mr Witness.

11 THE WITNESS: (Interpretation) Good morning.

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

13 THE WITNESS: (Interpretation) Yes, indeed.

14 PRESIDING JUDGE STEINER: I'll give back the floor to Maître Kilolo.

15 MR KILOLO: (Interpretation)

16 Q. Mr Witness, I hope you had a chance to rest and that we can continue our
17 questioning?

18 A. Yes.

19 Q. Do you know what the ambassador's role was in General Bozizé's rebellion?

20 A. Yes. The ambassador was seconded to the section, I think that's the best way
21 to describe it, dealing with intelligence transmissions, communications, co-ordinated
22 by an officer at the time, Mbaye.

23 Q. What sort of relationship did the ambassador have with Captain Mbaye at the
24 time of the rebellion?

25 A. He was for the rebellion and, according to what the ambassador told me, he

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1 thought the rebellion was necessary to know what was happening on the other side in
2 the opposition camps - when I say "opposition," I mean the loyalist fighters for the
3 government at the time, the Central African Army - and everywhere, what was
4 happening in every village, to know who was for us, who was against us, and the
5 village leaders, the authorities, who among them could provide us with information.
6 We needed from time to time to confront them, and in the communications those who
7 were in charge of these sections, or the heads of these sections, had to inform the
8 hierarchy of what was going on so that the troops could operate effectively. I mean,
9 that's the way things work.

10 Q. Before the break, you spoke of an attempt to take Bangui. Were General
11 Bozizé's forces -- did General Bozizé's forces arrive as far as Bangui?

12 A. Yes, this was one of the strongest attempts. I mean, you could go so far as to
13 call it an attack which succeeded, which allowed the rebels to take part of the capital.
14 I may be wrong, but I think it was about October 2002, around 25 October. 20th/25th.
15 There was a point where the troops entered into Bangui.

16 Q. When General Bozizé's rebel elements entered Bangui, can you tell us which
17 areas they occupied?

18 A. Perhaps I could say one thing? Unofficially, in all the neighbourhoods of
19 Bangui we were present. Our men were there. They were there as scouts, as
20 intelligence, reconnaissance. They were not fighting, but they were working on
21 behalf of the rebellion, and according to what the ambassador told me, once they had
22 this initial penetration of Bangui -- obviously it's through PK12, Kilometre 12, that
23 they arrived first of all. So they first occupied -- they say that the ground belongs to
24 the first people to occupy it. So they first occupied the areas to the north.
25 Perhaps I can try and give you an indication of what the city of Bangui looks like.

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1 When I talk about the northern areas I hope that you'll be able to understand me, but
2 I'll try and give you an indication of what a map of Bangui would look like. You've
3 got the Zero Point, which is the centre of the city. The centre of town has the 7th
4 quarter and the other quarters, or neighbourhoods. So the 7th arrondissement.
5 Between that and the others there's a mountain, Bazoubangui, which is where the
6 General Staff is located, and that is -- was down towards the River Ubangi. There's a
7 hotel, which is now called the Hotel Ubangi, and there is the boulangerie and then if
8 you go that way you're moving already into the 7th arrondissement. So if you go
9 towards Point Zero in the centre of town, you come along the river down towards the
10 centre of town, Lakouanga. Lakouanga and then there's Sango.

11 THE INTERPRETER: I'm sorry, but the witness is giving these details far too fast for
12 the interpreter to follow.

13 THE WITNESS: (Interpretation) So you then move on further, go up towards PK5.
14 That's the 3rd arrondissement. Then you go up towards the 5th, Miskine. From
15 Miskine you come to a small roundabout where there's the high school, Barthélemy
16 Boganda. Then you go towards the right, you go to Boy-Rabé, and if you turn left
17 when you leave the centre of town, if you go towards the left you go to PK12, you go
18 to Fouh, Fouh, Gobongo, Gobongo, and then you go down to PK12. And then from
19 this roundabout that I mentioned, if you go along you come to the Camp Fidel Obrou,
20 ONAF, you go towards the gendarmerie and then you go down into town.

21 PRESIDING JUDGE STEINER: I'm sorry, Mr Witness, to interrupt you. You are
22 speeding up again, you are speaking too fast and more than that mentioning some
23 names that the interpreters are having difficulties in identifying. So please try to
24 speak slower and, if you need to mention the name of a neighbourhood or a specific
25 place, please say it very, very slowly. Otherwise, the interpreters cannot

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1 understand.

2 Is that fine with you, sir?

3 THE WITNESS: (Interpretation) Yes, of course.

4 PRESIDING JUDGE STEINER: So please continue, Mr Witness.

5 THE WITNESS: (Interpretation) So I'll go back a bit on what I've just been saying.

6 I said in answer to the question from Mr Kilolo, which was related to the initial

7 penetration, what I was saying was what are the various areas occupied by the rebels

8 as they entered Bangui, but if I don't give you a map, a mental map of the town of

9 Bangui, it's going to be difficult to get my point over. So I tried to give you a quick

10 sketch of Bangui and I said there's the northern quarter, the southern quarter, but

11 that's compass directions, and then of course you've got the east and the west.

12 In Bangui we have the northern people and the southern people and the various

13 arrondissements, the quarters, in Bangui. The 7th is separated from the others by the

14 centre of the town. In the 7th arrondissement, there are neighbourhoods --

15 THE INTERPRETER: With a number of names that the interpreter was unable to

16 catch.

17 THE WITNESS: (Interpretation) Yongoho (phon), Ngaragba, Ouango and so on.

18 So if you come back to the centre, so in the centre there is one outstanding feature

19 which is the mountain, Bazoubangui, which gives its name to our national basketball

20 team. They're called the Bazoubangui men. Le fauves de bazoubangui.

21 But this mountain runs down to the river, and at the bottom there you have the Hotel

22 Ubangi and if you cross that you go into the 7th arrondissement.

23 So if you come back to Zero in the centre of town, there are three main routes: One

24 Avenue David Dacko, I believe; David Dacko, a former President of the Republic.

25 This goes along the River Ubangi and you go through Lakouanga, the Sango quarter,

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1 Bruxelles, then Langbashi, you come to a Petevo crossroads and then you go to Bimbo,
2 which is at Kilometre 9.
3 So if we then go back, if one takes the second main route, Avenue Barthélemy
4 Boganda, again the name of a president, in this case our first president, may his soul
5 rest in peace, and this all goes through part of Lakounga, Pika -- no Sica. There's Sica
6 1, 2, 3 and so on, leading out to PK5. And then if you take a second route, or in fact a
7 third route, this goes towards the cathedral, the gendarmerie, the Camp Fidel Obrou
8 with the support regiment there, the national parliament, and then you get to the
9 crossroads, and this crossroads, when you leave PK5, that's where you arrive and we
10 call that Miskine and that's the start of the 4th arrondissement.
11 I'm sorry, I'm not tapping the table. I'm just drawing a sketch on my sheet of paper
12 here. But there there's a scientific high school, Barthélemy, lycée Barthélemy
13 Boganda, and on this side this brings you to Boy-Rabé. Boy-Rabé, that's still 4th
14 arrondissement. You come to the crossroads and you arrive in the Fouh, the Fouh
15 quarter. You go then to PK10. You're in Gobongo, Gobongo area, and you carry on
16 and that brings you to PK12. There is a barrier there and there is a control point
17 there, a check-point there for if you wish to enter the city centre.
18 The men came in through PK12, but the road from the 4th arrondissement crossroads
19 to PK12 separates Damara, which is where there is Bangui international airport, and
20 that's the area where we have the Combattant quarter. That's what we call it,
21 Delabata (phon), and then there's Fouh and then you go up a bit to get to Boy-Rabé.
22 But during the first attempt people were occupying the northern zone with the Fouh,
23 Gobongo --
24 PRESIDING JUDGE STEINER: Mr Witness - Mr Witness - sorry to interrupt you.
25 The Prosecution wants to make a point.

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1 Maître Badibanga?

2 MR BADIBANGA: (Interpretation) Thank you. Terribly sorry, your Honour, but
3 perhaps to help the Chamber and participants and parties, perhaps it might be easier
4 to put a map up on the screen. I believe there is a map provided amongst the
5 various items of evidence and I think this might be easier for all of us. It's very
6 difficult to really follow all of this when -- especially when all these place names and
7 the like come from out of the blue. There is a map on the list, so I just thought I
8 would make that suggestion.

9 PRESIDING JUDGE STEINER: Maître Kilolo?

10 MR KILOLO: (Interpretation) We would be most grateful to the Office of the
11 Prosecutor if they did not involve themselves excessively in the examination of our
12 witnesses, particularly at a point when our witness -- our witness was interrupted as
13 he was making mention of various points within the town of Bangui that had been
14 occupied. Of course we plan to show a map to the witness, but let us not place the
15 cart before the horse.

16 PRESIDING JUDGE STEINER: Mr Witness, you can continue. I think the -- at least
17 the tentative description of the places has been already done and now we can go into
18 the facts. So you can continue, Mr Witness.

19 THE WITNESS: (Interpretation) Thank you.

20 Now, I was saying the description for me, I had given a brief description and I
21 wanted to say this: At the time of the first attempt the rebels occupied the northern
22 areas, the northern neighbourhoods. Why? Because the objective, the most
23 difficult neighbourhood was the northern neighbourhood because, just for your
24 information, the rebels were fighting the government in power and the government in
25 power -- and, you see, the 4th arrondissement was the stronghold of the government.

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1 So when the rebels tried to take over the northern areas, Fouh, part of Miskine
2 neighbourhood and so on and so forth, and then going down towards the centre of
3 town, so part of the 4th arrondissement and so on and so forth. So, you see, they
4 were targeting the more northerly neighbourhoods.

5 MR KILOLO: (Interpretation) Witness, I'm going to ask the court officer to show
6 you document number 2 on the Defence's list. This is a map of the town of Bangui
7 and I'll give -- this is CAR-D04-0002-1081.

8 THE COURT OFFICER (via video link): Madam President, the document is
9 presented to the witness.

10 MR KILOLO: (Interpretation) Your Honour, I don't know whether the same
11 document is being shown to the parties and participants on their screens?

12 THE COURT OFFICER: Madam President, if I may, the document is being shown
13 currently on the screens. It's a public document and it's identified by the ERN
14 CAR-D04-0002-1081. Thank you.

15 MR KILOLO: (Interpretation)

16 Q. Witness, now you have a map before you. Can you see at the very bottom,
17 towards the south, do you see the country known as Zaire on the map?

18 A. Yes.

19 Q. Now, between Zaire and the urban area known as Bangui, can you see the
20 Ubangi River? Do you see that?

21 A. Yes.

22 Q. If we move from the south, from the CAR territory from -- do you see David
23 Dacko Avenue, that avenue that you mentioned a few moments ago?

24 A. Yes.

25 Q. If you take that as your reference point and then look to the north, you will see

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1 there's a parallel street, Avenue Barthélemy Boganda. You mentioned that avenue
2 earlier.

3 Do you see that as well?

4 A. Yes.

5 Q. Once again, if we start from the cross point, there's another avenue that goes up
6 to the very far north, all the way to Gobongo, and this is Independence Avenue. Can
7 you see that particular road?

8 A. Yes.

9 Q. If we go from the northern part of this map of Bangui, can you see Gobongo?
10 You made mention of that. It is to the north of Bangui on this map, at the very far
11 end of Avenue de l'Independence?

12 A. Yes.

13 Q. If we now move down towards the south, do you see the Fough neighbourhood
14 that you mentioned?

15 A. Yes.

16 Q. If we move down to the south, to the right, do you see a neighbourhood called
17 Boy-Rabé?

18 A. Yes.

19 Q. Very well, Witness. Could I ask you to identify - could you actually mark the
20 various spots, the various locations - that were occupied by General Bozizé's rebels
21 when they entered Bangui, as you said, between 20 and 25 October 2002?

22 A. Yes. Its quite clear, as I was saying --

23 THE INTERPRETER: Overlapping speakers.

24 MR KILOLO: (Interpretation)

25 Q. Could you please take a pen and could you please mark an "X" at the various

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1 spots - the various locations - that were invaded by the rebel forces?

2 PRESIDING JUDGE STEINER: Ms Fatiah, is the witness provided with a hard copy
3 of the map?

4 THE COURT OFFICER (via video link): Madam President, the witness is provided
5 with an electronic copy of the document.

6 PRESIDING JUDGE STEINER: So only with the electronic copy it's not possible, I
7 suppose, to put any marks. Is it possible to provide the witness with a paper copy of
8 the map?

9 THE COURT OFFICER (via video link): Madam President, I will need some time to
10 help and to have the map printed.

11 PRESIDING JUDGE STEINER: So maybe Maître Kilolo could put some other
12 questions while Ms Fatiah provides the printing of a paper copy of the map? Is that
13 fine with you, Maître?

14 MR KILOLO: (Interpretation) No problems, your Honour. I was thinking that in
15 the meantime perhaps the witness could be given a blank sheet of paper and he could
16 write down the names of the various locations that were invaded by General Bozizé's
17 rebels.

18 Q. Witness, do you understand what I'm trying to say?

19 A. Yes, I understand.

20 Q. Once we provide you with a piece of paper and a pen, I'd like to ask you to
21 write down the names of all the various neighbourhoods that you remember that
22 were invaded by General Bozizé rebels as of 25 October. If you could write down
23 those various names; the names of those various neighbourhoods?

24 A. I do have a piece of paper. If you don't mind, I can use that?

25 Q. No problem. I would imagine someone has given you a blank sheet of paper,

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1 because you see this is a document that will be placed on the case file. So I would
2 like to ask you to just write down the names of the various neighbourhoods and
3 locations that were invaded by General Bozizé's rebels forces. Perhaps you could
4 begin by writing down a heading, something along the lines of, "Neighbourhoods or
5 locations invaded by Bozizé's rebels," and then if you could list them in as complete a
6 fashion as possible?

7 A. Here I have the heading, "The various neighbourhoods invaded by the rebel
8 forces of General Bozizé." I've written this down as the heading. PK12 on the map
9 here, towards Damara, towards Chad. I believe this is the spot, PK12, because when
10 you get to PK12 -- when you leave Bangui, you get to PK12 and there is the road that
11 goes towards Damara, and Damara and then the road that goes towards PK12 -- I beg
12 your pardon, that goes towards Boali and the road that goes toward Damara; Boali
13 and Damara.

14 Now, when you get to PK12, at the entrance there's Gobongo, there is Fouh, there's
15 Boy-Rabé, of course; Boy-Rabé. There is Galabadja, Ucatex neighbourhood. Ucatex
16 neighbourhood. Ucatex is a factory. It's no longer in operation. I don't believe
17 that factory is back in service. It was used. This is also known as the Combattant
18 neighbourhood, or the Ucatex factory. Clothing was made there.

19 Then there's Miskine and also a part of --

20 THE INTERPRETER: Inaudible.

21 THE WITNESS: (Interpretation) -- if I'm not mistaken.

22 PRESIDING JUDGE STEINER: Mr Witness, can you repeat this last name, please?

23 THE WITNESS: (Interpretation) Ngouciment. Ngouciment. And then going
24 along from the Lycée Boganda -- from the Lycée Ubanga (phon), then going
25 along -- going along Avenue -- the avenue, Independence Avenue, Avenue de

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1 I'Independence, and then we get to the approach to the centre of town.

2 So, briefly put, when I'm talking about along -- and Koudoukou, that's in Miskine.

3 I'm briefly summarising what I would refer to as the first occupation.

4 PRESIDING JUDGE STEINER: I'm informed that it's not possible for the time being
5 for Ms Fatiah, the assistant of the court officer, to leave the room in order to provide
6 with a printed copy of the map, so I think that this exercise will have to be postponed
7 for tomorrow's session.

8 MR KILOLO: (Interpretation) Thank you, your Honour.

9 Q. Witness, what was the -- or which particular front line was the most advanced
10 within Bangui?

11 A. The front line? The most advanced front line in the capital city? I beg your
12 pardon, I'm sorry to be putting this question to you.

13 Q. Yes, indeed, I'm just trying to understand. Now, when these various forces
14 were invading the city of Bangui, they got to which particular point? How far did
15 they get, in approximate terms?

16 A. Well, there was just a little bit of resistance. The loyalists were trying to retain
17 the Palais de la Renaissance, but they got past Sica 1. They nearly got to the entrance
18 of the centre of town. There was -- you see, there was an avenue, Avenue of France,
19 yes, yes, practically to the entrance of the centre of town, all the way to ENERCA.
20 That is where they met with resistance. So there you have it.

21 Q. You mentioned resistance. Can you tell us, when General Bozizé's troops
22 arrived in Bangui, on the loyalist side, what sort of loyalist forces did they meet up
23 with? Who was putting up resistance?

24 A. There was themselves. There were the Central African Republic Armed Forces,
25 so the armed forces. There were the Libyans who were there. The Libyans were

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1 there. There were various African forces there as well, and so on and so forth. But
2 at that time I wasn't really -- I can't exactly say specifically whether the loyal -- exactly
3 which forces made up the loyalist forces. I'm trying to reply but, you see, when I left,
4 when I left Bangui, those are the forces I had left.

5 Q. Can you tell us more about the amount of time during which the rebels
6 occupied the town of Bangui? How long did the occupation last?

7 A. The duration of the occupation of Bangui, is that what you're asking for?

8 Q. Yes, exactly. Witness, you say that they arrived in October and they were able
9 to invade the city of Bangui, and my question is this: How long did they stay in the
10 city of Bangui, in approximate terms? How long did they stay?

11 A. About a week. I believe that the strong resistance began on the 30th, from the
12 30th to the 1st. If we do some calculations, this brings up to five or six days, five or
13 six days. Because I believe the toughest fighting was between the 30th, the 1st, and
14 consequently we received the order to withdraw, to carry out a tactical withdrawal.

15 Q. Now, just for the record, when you mention the 30th, could you specify which
16 month and year?

17 A. Yes. I'm talking about October. October 2002.

18 Q. When you mention the strong resistance that you met up with on the 30th,
19 exactly what do you mean by "strong resistance"?

20 A. Well, they must have received reinforcements from outside, and mention was
21 made of mercenaries --

22 THE INTERPRETER: Inaudible.

23 THE WITNESS: (Interpretation) -- all around, but it was a strong striking force.

24 MR KILOLO: (Interpretation)

25 Q. And exactly who made up these forces, according to your sources of

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1 information?

2 A. We heard that they received support from the DRC and also reinforcements
3 from Libya, according to the information that we received, that was made available to
4 us, and the Banyamulengue, the Banyamulengue who came from the DRC, the
5 Amazons from Libya, but what's important is for you to realise that we sensed a very
6 strong strike force.

7 Q. Can you tell us, judging by the information that you received from your own
8 intelligence services regarding the enemy positions, when did the MLC or the
9 Banyamulengue forces as you term them, when did they come on to the theatre of
10 operations?

11 A. Well, it would be difficult for me to answer. What's for sure is when we met
12 up with resistance, when I talk about pushing back, pushing back a great number and
13 that is when, I believe it was the 30th or the 1st, that is when the DRC force called the
14 Banyamulengue arrived and also the Libyans. We were even told that some people
15 from Chad were also fighting alongside Patassé, the former president; the former
16 president, the president of the day, who was mixed with the loyalist forces. I don't
17 know exactly which day. I don't have all the details, but it was as of the 30th that we
18 sensed that. You see, we heard gun-fire.

19 Q. Witness, do you remember specifying earlier on in the questioning that it was
20 important for the service led by Mr Mbaye to receive information on an hourly basis
21 about the enemy troops and their positions?

22 A. Yes, but a leader -- you see, reports in the army -- you see, you can't go against
23 the hierarchy. You have to follow the order, bottom to the top, the information that
24 we had provided. But the information that he had available to him, because one
25 can't keep a leader to receive -- from receiving information from independent sources,

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1 so the information that he had at his level, he disclosed to the hierarchy. And you
2 have to realise one thing. There were some highly important things.
3 You see, there was some sort of discrimination. You see, people were like puppets.
4 You were there and people made use of you. If you were needed, you were used.
5 But some information was not provided to you and there was some documents that
6 you weren't entitled to look at, so some information might go right over your head
7 and you would not be in a position to know that information.

8 Q. Based on the information that the ambassador received, was he aware of the
9 manner in which the MLC troops known as Banyamulengue were deployed on the
10 field, that is in relation to the other loyalist forces?

11 A. That is very difficult. It is not possible for me to know that, and this is because
12 everyone was dressed in military uniform and it is quite difficult for me to be able to
13 distinguish between those groups.

14 Q. Can you tell us something about the relationship between General Bozizé's
15 troops and the civilian population in the various neighbourhoods and other locations
16 occupied by the rebels?

17 A. The relationship was not good. As I was telling you, the president in power at
18 the time, a few months before that, the commander of the rebels, that is the liberators
19 as they were referred to, had been the Chief of Staff of the army. They were people
20 from the same region.

21 When I talk about a stronghold, I was referring to the 4th arrondissement. So it was
22 like brothers fighting each other. And the neighbourhoods that we occupied were
23 the neighbourhoods where those same people lived, and so the relationship was not
24 good. There was a settlement of scores. So you had Mandjas who supported
25 Bozizé, while others supported Patassé. You had Gbayas who supported Bozizé,

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1 while others supported Patassé. And in Fouh and the other areas, you had the
2 Mandjas and the Pakpas and there were Kabas. Patassé came from Paoua, while
3 Bozizé was from Bossangoa. So when you leave Bozizé's village, a few hours later
4 you will arrive at the other one's village. These are cousins, brothers, people from
5 the same region. So the fighting was between people of the same region. So it was
6 very difficult for the relationship between the liberators or freedom fighters and the
7 population of the occupied locations to be good. Someone would say, "Look, you
8 have occupied this area. You have done this and that."

9 There were people who felt aggrieved by the government and who accepted the
10 rebels, so this almost led to war between those groups and the population. So I can
11 say the relationship was not good.

12 Q. Can you describe to us the conduct of General Bozizé's rebel soldiers, that is in
13 relation to the civilian population? How did they behave themselves? Can you tell
14 us about their conduct, what did they do?

15 A. As you know, as an African proverb says, the goat has to feed where it is tied.
16 Given that it was not possible to have supplies at that time, people tried to fetch
17 something to eat from members of the population, and when there was resistance,
18 there were elements that you could refer to as rogue soldiers who grabbed everything
19 forcibly, that is, if they did not succeed. So I cannot say that they really conducted
20 themselves like responsible freedom fighters.

21 There are people who would arrive and know that they have to destroy
22 such-and-such a person's house, and people talked about it. They would say, "This
23 person did that and I have to grab items from this person's shop to equip my house."
24 There were people who had already made such plans. And poverty was at such a
25 level, that people had to survive by looting.

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1 I would be a liar if I -- I would be a liar if I said that Bozizé's soldiers did not do that.

2 I would not be honest with myself. There were people who fled the fighting, and
3 when they returned subsequently, there was nothing left. So that is what I can say.

4 Q. Can you tell us the type of -- types of items that were looted by General Bozizé's
5 rebels?

6 A. To my knowledge, you had foam mattresses, foodstuffs, cans of food. There
7 were even vehicles; that is in case people knew how to drive. There was rice, fresh
8 food items, electronic equipment. That is basically it.

9 Q. How were those items looted by General Bozizé's soldiers transported? How
10 were they carted away?

11 A. Well, talking of pillaging, it is normal for people who are hungry to look for
12 food, so they left on board vehicles.

13 Q. Is it possible for you to remember the various locations where pillaging was
14 perpetrated, that is based primarily on the map of Bangui that was before you a short
15 while ago, so as to enable the Judges to have a better understanding of the locations
16 where looting by General Bozizé's forces took place?

17 A. Before occupying a location, it is necessary to fight first. It is not always easy,
18 but there is always minor or major resistance, in the case of PK12 for example, and
19 when there is fighting the population tries to shelter from the fighting. Some of
20 them flee, while others stay put. In PK12, in Gobongo, Fohu and so on, all the
21 occupied neighbourhoods, if there is a possibility to do something there, then it is
22 done. I was talking about the occupied areas. I talked about part of Boy-Rabé, and
23 this is because in another part of Boy-Rabé there was very strong resistance; that is in
24 the direction of Camp Kasai.

25 Let me tell you something. When you get to Boy-Rabé, there is another road leaving

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1 through the 7th arrondissement and then there is a cemetery known as Ndrès. From
2 that cemetery you will get to the market of Camp Kasai. There is a guard-post and
3 there is a large camp there. This was where there was a lot of resistance, but in the
4 area of Miskine, Fouh, Galabadja, there was some resistance also.

5 Q. Based on the list of the various neighbourhoods occupied by General Bozizé's
6 forces that you mentioned some time ago, were any of those neighbourhoods spared;
7 that is where crimes were not perpetrated by General Bozizé's forces? And I'm
8 talking about the neighbourhoods that you have listed on a sheet of paper.

9 A. I didn't have a thermometer to measure the temperatures of the population.
10 That is a question that is very difficult to answer. There are other possibilities. You
11 could go down to the field and collect information. People will tell you that they
12 were aggressed or not.

13 But I can say this: If a rebel comes into a location, there are two possibilities. If you
14 resist what he's trying to do, then he will consider you as an enemy.

15 I believe you have all the capacity to find out that information in the field. Right
16 here I cannot tell you there was nothing in Gobongo, or in Fouh, but there was
17 something else somewhere. I don't have a spiritual thermometer or some such thing
18 to measure the temperature of the members of the population, and I cannot measure
19 their blood pressure. So, Counsel, I don't think I can give you an answer to that
20 question.

21 Q. Before we continue, Mr Witness, let me ask you to write your name down on
22 the document that you have just drafted and then include your signature and today's
23 date.

24 A. The date of today is the 20th; is that correct? Can I put down the country of
25 residence?

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1 Q. No, that is not necessary. Just write down your name, sign the document and
2 write down the date of today before handing the document over to the courtroom
3 officer?

4 A. I had already written the country. Should I cross that out? Can I cross it out,
5 or should I change the paper?

6 Q. It is much easier to leave the original document as it is, even though you have
7 the completed name of the country on it. So leave the document as is. Do you
8 understand me?

9 A. Yes, I understood you, but can I just cross it out?

10 Q. Very well, cross it out, but put your signature right next to it to indicate that you
11 are the one who crossed it out.

12 A. I have drawn four lines across and seven horizontal lines.

13 Q. Very well, Mr Witness. Please put your signature next to it.

14 A. 20 August 2013. Should I write down the name?

15 Q. Yes. I suppose you have already written your name at the bottom of the page?

16 A. Not yet.

17 Q. Very well, kindly put down your name and sign.

18 A. My name? Family name and first name?

19 Q. Yes.

20 A. It's done.

21 MR KILOLO: (Interpretation) Please hand it over to the court officer.

22 Madam President, can a reference number be assigned to this document? I would
23 like to have it tendered into evidence.

24 PRESIDING JUDGE STEINER: Please, court officer, assign an ERN number to the
25 document.

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1 THE COURT OFFICER: Yes, Madam President. The document will be registered
2 under the ERN number CAR-ICC-0001-0095 and will be classified as confidential
3 unless otherwise instructed.

4 PRESIDING JUDGE STEINER: Thank you.

5 Maître Kilolo?

6 MR KILOLO: (Interpretation)

7 Q. Mr Witness, regarding the officers in the General Staff of General Bozizé's
8 rebellion, were they aware of the crimes perpetrated by the soldiers?

9 A. (No interpretation)

10 Q. I'm afraid I did not quite catch your answer.

11 A. Yes, one way or the other they were aware.

12 Q. What was the reaction of the officers in General Bozizé's General Staff; that is in
13 relation to the crimes perpetrated by the soldiers?

14 A. Under those circumstances, there were a few officials or officers who did not
15 agree. As you know, in the rebellion everything came from the top. Whether you
16 agreed or not, you only had to keep your ideas to yourself because if you resisted
17 then they will turn the guns against you. Naturally a soldier is afraid of death, the
18 soldier is aware that death exists, and that is why during your training you are taught
19 how to fall flat on the ground so as to dodge bullets. So there were people who
20 could not express themselves freely, so they would be silent in the face of all those
21 excesses.

22 Q. More specifically, were the crimes perpetrated by the soldiers punished by the
23 General Staff officers of General Bozizé's rebellion?

24 A. Punishment, I can't say that, but what I can tell you is this. There were people
25 who thought they were extremely close to the leaders of the rebellion and in their

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1 eyes there were no limits, and behind them there were others and they were the only
2 bosses. You will realise that, up to the time they took over power, these activities
3 continued. I can even give you one or two names if those need to be given in private
4 session.

5 Q. Before we go to private session, the person you referred to as "the liberator,"
6 that is General François Bozizé, was he aware of the crimes committed by his men?

7 A. He was the leader of the rebellion and people briefed him, so I believe that he
8 was constantly briefed. You cannot be a family head and not be aware of what is
9 happening in the family. General Bozizé is someone who speaks little but he's the
10 most informed person. He is a general and he's not the least important general.

11 Q. When the rebels came to grab the property of the civilian population, did these
12 people allow them to get away with it?

13 A. I did not quite understand your question.

14 Q. When the looting was taking place, that is when the rebel soldiers of General
15 Bozizé went to people's homes to grab their property, did these people allow them to
16 take away their property without resistance?

17 A. Let me tell you that the neighbourhoods that I have mentioned are
18 neighbourhoods in which almost all the members of the population, particularly the
19 young people, had weapons because they wanted to block the advance of the
20 liberators; that is based on the information at our disposal. Weapons had been
21 distributed, even to the civilian members of the population. And someone who has
22 a weapon can simply not allow themselves to not resist. That is why there were
23 killings. There was resistance. It is like an armed robber. When we talk of armed
24 robbery in our country, this involves armed men who arrive at 2 a.m. and even at
25 noon, to forcibly grab your property. This is a phenomenon that emerged after the

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1 various civilian/military conflicts in our country. So you have weapons on the
2 streets. And if you have civilians who know how to handle weapons, they are going
3 to rob some homes, and if there is a soldier in one of those homes, they will also take
4 out their weapon, and that is how you will find that someone gets killed. So these
5 are the causes of the killings and the acts of violence.

6 Q. You talk about the looting and the killings carried out by the rebel soldiers of
7 General Bozizé. Did they perpetrate any other types of crimes, that is in relation to
8 the civilians, apart from looting and killings?

9 A. I'm telling you what I know. I am not in a laboratory here to invent anything.
10 I am telling you and explaining to you that there was a settlement of scores and there
11 was also some resistance that led to exchange of gun-fire and casualties, but I do not
12 know anything about other types of crimes.

13 Q. Witness, did you hear any talk of sexual violence or the rape of women during
14 that period under the occupation of Bangui by General Bozizé's rebel force?

15 A. In private session I can tell you about something that affected me personally. It
16 concerned my family.

17 PRESIDING JUDGE STEINER: Mr Witness, we are in open session. Would you
18 like us to go into private session?

19 THE WITNESS: (Interpretation) Just for a few minutes so that I can answer the
20 question that counsel has just put to me.

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

22 *(Private session at 1.01 p.m.) Reclassified as Open session

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

24 PRESIDING JUDGE STEINER: We are in private session, Mr Witness. You can
25 continue.

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1 THE WITNESS: (Interpretation) Fine. I'll go back a little bit, to kill two birds with
2 one stone. I was saying because you asked me the question, you asked about the
3 reaction of the officers to a certain number of things that had gone wrong. There
4 were some things that happened right through to the taking of power, when the
5 population was absolutely terrorised, and things were agreed at the outset and the
6 idea was that, because there had been a division in the army, the idea was to expel the
7 parties responsible.

8 You know, in Central Africa, we only speak one language, one language for the whole
9 of CAR, and that's Sango. That's the national language and that language is spoken
10 in the north, the south, the east, the west, right through to the smallest village on the
11 frontier, on the border, whatever the village is. But what is typical of the Central
12 Africans is their dignity. Our slogan is, "Unity, Dignity, Work." And Central
13 Africans at a given time, well, it was as if they hadn't any values left as a result of this
14 division. And we who had been born and brought up there had seen what our
15 fathers had lived, so it was necessary to rise up and fight against impunity, fight
16 against the person who was trying to divide the Central Africans. At the time if you
17 leave the south to go to the north, you go into somebody's home and you will be
18 given a meal. That is what is typical of Central Africans. So we had to rise up, and
19 we said that things would have to change, that there had to be change in the army,
20 there would be elections, politicians would take over power. Civilians heard all
21 sorts of promises that were made and that encouraged them to give their support.
22 But when we arrived, we realised what was happening, there were things that were
23 going wrong. That can happen during war when there's gun-fire. But afterwards,
24 it was much more serious. There was a certain young person. If I can give the
25 name, I will. I ask your permission to give the name.

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1 PRESIDING JUDGE STEINER: Yes, please, Mr Witness.

2 THE WITNESS: (Interpretation) (Redacted) When we arrived,

3 he was terrorising people. He went down the streets, and if you looked at him, he

4 would do things. If there was a pretty girl, he would take her. He would rape her,

5 just leave her. If you go into a bar, he would take people. And this was some

6 months after the taking of power. He terrorised the population. (Redacted)

7 (Redacted) and I

8 couldn't accept that and that created conflict. And he had the support of an uncle or

9 a member of his family who was already president. There were situations such that

10 we couldn't stand them so we had to take action. He always had people

11 accompanying him, and if you looked at him, he'd say, "What are you looking at me

12 for?" and you'd be taken off. So people living there were absolutely terrorised. So

13 these are very recent examples that I'm giving you.

14 These are people who really caused trouble in the context of the rebellion. And, well,

15 here we are today and all we want is for this to come to an end and for the Central

16 African population to have full freedom returned to them. That is what we pray for.

17 (Redacted)

18 (Redacted)

19 Please understand. Please understand my emotions.

20 PRESIDING JUDGE STEINER: Mr Witness, if you're not feeling comfortable and

21 you want a break, just let us know.

22 Maître Kilolo.

23 MR KILOLO: (Interpretation) Your Honour, I would suggest that we should

24 perhaps have a break, that we do what we have always done with witnesses in

25 similar circumstances in the past.

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1 PRESIDING JUDGE STEINER: Mr Witness, would you like us to suspend your
2 testimony for the time being and give you the opportunity to recover and to feel more
3 comfortable?

4 THE WITNESS: (Interpretation) If that is possible.

5 PRESIDING JUDGE STEINER: I would like to suggest that we suspend the
6 testimony for today and we continue tomorrow morning, and in the meantime to give
7 the witness the opportunity to interview with a representative of VWU in order to
8 ascertain if he needs any kind of assistance in any way, if Defence is fine with this
9 solution?

10 MR KILOLO: (Interpretation) Obviously, we leave it to your wisdom, your
11 Honour.

12 PRESIDING JUDGE STEINER: I suppose there is no objection from the part of
13 Prosecution and legal representatives.

14 MR KILOLO: (Interpretation) No objection, Madam President.

15 MS DOUZIMA LAWSON: (Interpretation) No objection, your Honour.

16 PRESIDING JUDGE STEINER: Court officer, turn briefly into open session, please.
17 (Open session at 1.11 p.m.)

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

19 PRESIDING JUDGE STEINER: Mr Witness, we are going to suspend your testimony
20 for today, to give you some time to take some rest. I'm asking VWU, the
21 representative of Victims and Witnesses Unit, to get in contact with you, in order to
22 have a chat with you and to see whether you need any kind of assistance. We will
23 resume with your testimony tomorrow morning at 9 o'clock. We hope you can take
24 your rest and come back tomorrow morning in order to
25 continue with your testimony.

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1 The Chamber will suspend from now and resume in the afternoon at 3 o'clock with
2 the -- starting the testimony of Witness 26. Mr Witness, please feel comfortable, and
3 VWU will be in touch with the Chamber to transmit any kind of concern you have.
4 This hearing is suspended.

5 THE COURT USHER: All rise.

6 (Recess taken at 1.12 p.m.)

7 (Upon resuming in open session at 3.11 p.m.)

8 THE COURT USHER: All rise.

9 Please be seated.

10 PRESIDING JUDGE STEINER: Good afternoon and welcome back to those that
11 were here in the morning and welcome to those that just arrived.

12 We will continue today's hearing, but now starting with the testimony of Defence
13 Witness D04-26.

14 Pursuant to decision 2740 of 15 August 2013, the testimony of Witness 26 will be
15 given viva voce before the Chamber by means of video technology. In addition,
16 pursuant to the Chamber's decision on protective measures, 2746-Conf of
17 19 August 2013, the Chamber granted the witness the use of image and voice
18 distortion, the assignment and continued use of pseudonym, as well as the use of
19 private session whenever needed to protect his identity.

20 Before the witness is brought into the location of the video link, the Chamber has also
21 a short oral decision to deliver and it is the oral decision on special measures for
22 Witness D04-26.

23 This morning, at 10.27 a.m., the Chamber received an email from the Victims and
24 Witnesses Unit Associate Support Officer recommending reading assistance to be
25 provided to Witness D04-26 during his testimony taking into account the VWU's

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1 recommendation, the Chamber authorises the provision of reading assistance to
2 Witness D04-26 at the location of the video link and during the entirety of his
3 testimony.

4 Now, I ask please Miss Fatiah, our assistant court officer, to bring the witness into the
5 video-link transmission room.

6 THE COURT OFFICER (via video link): Thank you, Madam President.

7 (The witness enters the video-link room)

8 WITNESS: CAR-D04-PPPP-0026

9 (The witness speaks French)

10 (The witness gives evidence via video link)

11 PRESIDING JUDGE STEINER: Mr Witness, good afternoon.

12 THE WITNESS: (Interpretation) Good afternoon.

13 PRESIDING JUDGE STEINER: Mr Witness, before we start, I would like to parties
14 and participants to this hearing to introduce themselves and their teams, starting by
15 the Prosecution.

16 MR ZENELI: Thank you, Madam President. The Prosecution team this afternoon
17 will be the team leader, Jean-Jacques Badibanga, trial support Sylvie Vidinha, and
18 myself, Shkelzen Zeneli. Thank you.

19 MS DOUZIMA LAWSON: (Interpretation) Thank you. I am Maître Marie-Edith
20 Douzima Lawson, representative of the witnesses, and I will be assisted by our case
21 manager, Carine Pinaud.

22 MR ZARAMBAUD: (Interpretation) I am Maître Zarambaud Assingambi, also
23 representing the witnesses.

24 MR KILOLO: (Interpretation) Thank you, your Honours. This afternoon the
25 Defence is represented by, on my right, by my co-counsel, Peter Haynes, and from left

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1 to right behind me, Natacha Lebaindre, a pro bono member of the team; Cécile
2 Lecolle, another pro bono member; Maître Jean-Jacques Kabongo Mangenda, our case
3 manager; and myself, Aimé Kilolo, as lead counsel.

4 PRESIDING JUDGE STEINER: Thank you very much.

5 Mr Witness, I hope somewhere in front of you there is a card on which is printed a
6 solemn undertaking. Could you please, with the help of the court officer, read out
7 the words on the card? I ask, please, court officer to assist the witness in case the
8 witness has any difficulties in reading out the words on the card.

9 THE WITNESS: (Interpretation) I declare solemnly that I will state the truth, the
10 whole truth and nothing but the truth.

11 PRESIDING JUDGE STEINER: Mr Witness, now that you have taken the oath, can
12 you confirm that you understand what the oath means?

13 THE WITNESS: (Interpretation) I have understood.

14 PRESIDING JUDGE STEINER: Do you understand it to mean that you must give
15 answers to questions asked of you that are true and accurate, to the best of your
16 knowledge and belief?

17 THE WITNESS: (Interpretation) Yes.

18 PRESIDING JUDGE STEINER: Mr Witness, as must have been explained to you by
19 the Victims and Witnesses Unit during the familiarisation process, you will be
20 questioned first by the Defence, then by the Prosecutor, then by the legal
21 representatives of victims and finally again by Defence, in case Defence needs to put
22 to you some follow-up questions.

23 The Chamber at any time can also put questions to you.

24 As you know, the Chamber has put in place measures to protect your identity from
25 the public and you will therefore be referred to during the course of your testimony

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1 as "Mr Witness." Your voice and your -- your voice and your image that are
2 broadcast outside the courtroom are being distorted so that the public cannot identify
3 you by your voice or by your face.
4 In order to keep your identity protected, Mr Witness, it is very important that when
5 we are in open or public session you don't disclose any information that could lead to
6 your identification; for instance, your name, the functions you occupied at the time of
7 the events, your current functions, where you live, the name of neighbours, close
8 friends, the names of people that you met or you had meetings of two or three people
9 that could identify you, who was your boss, who is your boss if you have one. This
10 kind of information cannot be said in public session because they may lead to your
11 identification.
12 If you need to disclose this kind of information, please just let us know in advance
13 and then we go into private session. In private session, you can speak freely because
14 nobody outside the courtroom can hear to what is said in this courtroom.
15 The Defence, the Prosecutor, legal representatives of victims and even the Chamber
16 will help you in trying to identify the kind of answers that could lead to your
17 identification, but it is very important, Mr Witness, that you help us in keeping this
18 information confidential. So please pay attention before giving any answer and, if
19 you are of the impression that the answer will lead to your identification, just inform
20 us and we will go into private session.
21 Do you understand the protective measures, sir?
22 THE WITNESS: (Interpretation) Yes, I have understood.
23 PRESIDING JUDGE STEINER: Mr Witness, as you have noticed, we speak different
24 languages and for that reason there is interpretation so that we can understand each
25 other. Because of the interpretation and because you are giving your testimony by

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1 video link, it is very important that you speak slower than normal, as I am doing now.

2 It is also very important that after a question is put to you, that you wait five seconds
3 before you start giving your answer in order to allow the interpreters to conclude the
4 translation of the question. We call this "the five-seconds golden rule."

5 Because this may be seen as unnatural, it is very likely that you will start speeding up
6 or that you forget the five-seconds rule. In that case, Mr Witness, I will have to
7 interrupt you and ask you to slow down. Please don't take offence. That should
8 not discourage you from speaking. It is necessary only for practical reasons.

9 Do you understand our ground rules, Mr Witness?

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

11 PRESIDING JUDGE STEINER: Court officer, please let's turn briefly into private
12 session.

13 *(Private session at 3.23 p.m.) Reclassified as Open session

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

15 PRESIDING JUDGE STEINER: (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 THE WITNESS: (Interpretation) (Redacted)
- 8 PRESIDING JUDGE STEINER: (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 THE WITNESS: (Interpretation) (Redacted)
- 12 (Redacted)
- 13 PRESIDING JUDGE STEINER: (Redacted)
- 14 (Redacted)
- 15 THE WITNESS: (Interpretation) (Redacted)
- 16 (Redacted)
- 17 PRESIDING JUDGE STEINER: (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 THE WITNESS: (Interpretation) (Redacted)
- 21 (Redacted)
- 22 PRESIDING JUDGE STEINER: (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 THE WITNESS: (Interpretation) (Redacted)
- 7 PRESIDING JUDGE STEINER: (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 THE WITNESS: (Interpretation) (Redacted)
- 14 PRESIDING JUDGE STEINER: Court officer, please turn back into open session.
- 15 (Open session at 3.30 p.m.)
- 16 THE COURT OFFICER: We are in open session, Madam President.
- 17 PRESIDING JUDGE STEINER: Mr Witness, we are back in open session. For your
- 18 information, we will have this afternoon one session of two hours. If for any reason,
- 19 Mr Witness, you need a break, just let us know and a break will be given.
- 20 Before you start with your testimony, Mr Witness, do you have any questions?
- 21 THE WITNESS: (Interpretation) No question.
- 22 PRESIDING JUDGE STEINER: Then I'll give the floor to Defence, Maître Kilolo.
- 23 Maître Kilolo, you can start.
- 24 QUESTIONED BY MR KILOLO: (Interpretation)
- 25 Q. Witness, good afternoon.

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1 A. Good afternoon.

2 Q. I'd like to introduce myself to you once again. I am Aimé Kilolo, one of the
3 lawyers representing Mr Jean-Pierre Bemba, and I am the person who will be putting
4 a number of questions to you on behalf of the Defence. Do you understand?

5 A. Yes, yes, I'm listening.

6 MR KILOLO: (Interpretation) I'd now like to ask the Presiding Judge if we could
7 immediately go into private session so that I can put a number of questions to you
8 quite freely so that we can avoid the general public learning your identity when you
9 provide your answers.

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

11 *(Private session at 3.32 p.m.) Reclassified as Open session

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

13 MR KILOLO: (Interpretation)

14 Q. Witness, we're in private session now. This means that the general public
15 cannot listen in to our discussion, so to speak, right now, so please feel free to speak
16 freely. Only the people in this courtroom can hear you, and they are bound by an
17 oath of professional secrecy. Do you understand?

18 A. Yes. Yes, I understand.

19 Q. Witness, could you please introduce yourself to the Chamber by giving the
20 Chamber your name and date of birth?

21 A. My name is (Redacted)

22 Q. Witness, what is your marital status?

23 THE INTERPRETER: Inaudible.

24 MR KILOLO: (Interpretation)

25 Q. I'd like to ask you whether you are married or divorced or single and at the

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- 1 same time I'd like to ask whether you have any children and, if so, how many?
- 2 A. (Redacted)
- 3 Q. And what is your current line of work?
- 4 A. (Redacted)
- 5 Q. And what was your previous job?
- 6 A. (Redacted)
- 7 Q. (Redacted)
- 8 A. (Redacted)
- 9 Q. Now, when you mentioned the (Redacted), could you tell us which country
- 10 this was in?
- 11 A. (Redacted)
- 12 THE INTERPRETER: Inaudible.
- 13 THE WITNESS: (Interpretation) -- near (Redacted).
- 14 MR KILOLO: (Interpretation)
- 15 Q. (Redacted)
- 16 (Redacted)
- 17 A. (Redacted)
- 18 (Redacted)
- 19 Q. (Redacted)
- 20 A. (Redacted)
- 21 (Redacted)
- 22 Q. (Redacted)
- 23 (Redacted)
- 24 A. (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 THE INTERPRETER: Message from the interpreters: The sound quality is only
3 acceptable. We will do what we can.

4 MR KILOLO: (Interpretation)

5 Q. (Redacted)

6 A. (Redacted)

7 Q. Where were you in 2002 and 2003?

8 A. 2002 and 2003?

9 Q. Let's begin with the year 2002. Do you remember which country you were in
10 at that time, or which town?

11 A. (Redacted)

12 Q. (Redacted)

13 A. (Redacted)

14 (Redacted)

15 Q. (Redacted)

16 (Redacted)

17 A. (Redacted)

18 MR KILOLO: (Interpretation) I'd now like to ask the Presiding Judge if we could
19 go into open session, so please be careful not to provide any information in your
20 answers that might lead to your identification and I will make the same effort when I
21 put questions to you. If ever you have the impression that your answer might lead
22 to your identity being revealed, please don't hesitate and ask the Presiding Judge if
23 we can go into private session, and when I'm putting my own questions to you, I shall
24 do the same thing.

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

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1 (Open session at 3.40 p.m.)

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

3 PRESIDING JUDGE STEINER: Mr Witness, we are back in open session. I just
4 wanted to remind you that you are expected to speak slower than normal and to give
5 five seconds before you give your answer, in order to facilitate --

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

7 PRESIDING JUDGE STEINER: -- the work of our brave interpreters.

8 Maître Kilolo?

9 MR KILOLO: (Interpretation) I beg your pardon, your Honour. Could we briefly
10 go back into private session?

11 PRESIDING JUDGE STEINER: Of course.

12 Court officer, please turn back into private session.

13 *(Private session at 3.42 p.m.) Reclassified as Open session

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

15 MR KILOLO: (Interpretation)

16 Q. I'd like to continue my questioning now, Witness, in open session, but I'd just
17 like to come (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 A. Fine, fine.

25 PRESIDING JUDGE STEINER: Mr Witness, we will turn back into open session, but

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1 I think you noticed that you start answering before Maître Kilolo finished. So try to
2 avoid that. Wait for Maître Kilolo to finish the question. When he finishes, you
3 count 'til five and then you say something. Otherwise, we'll have overlapping
4 speakers, which makes the work of our interpreters and court reporters completely
5 impossible. I'm sure we can count on you, sir.

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

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

8 (Open session at 3.44 p.m.)

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

10 MR KILOLO: (Interpretation)

11 Q. Witness, now, a few moments ago we were talking about Bozizé's rebellion in
12 Moyenne Sido in the year 2002. My first question for you is this: When did
13 General Bozizé's rebellion actually begin? When did it all begin?

14 A. I haven't understood your question, Counsel.

15 Q. A few moments ago you mentioned the rebellion that broke out, the rebellion
16 led by General François Bozizé, and you mentioned a number of activities in the town
17 of Moyenne Sido that were related to the rebellion. My question is this: Do you
18 know exactly when General Bozizé launched -- or created, rather, a rebel movement?

19 A. General François Bozizé began in 2001. 2001.

20 Q. Do you know what part of the year of 2001? Early in 2001, mid-2001, late in
21 the year? Do you have any idea what part of the year it was?

22 A. Mid-2001.

23 Q. Do you know under what circumstances this rebellion broke out and why?

24 A. When General Bozizé --

25 THE INTERPRETER: Inaudible.

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1 THE WITNESS: (Interpretation) -- as soon as he left, that is when he regrouped and
2 brought a number of people together to express his discontent.

3 MR KILOLO: (Interpretation)

4 Q. Now, in relation to these people that he brought together, do you know who
5 made up these various members of the rebel movement led by General Bozizé?

6 A. Well, indeed. There was Ndoutingai. There was Mbaye Parfait. There was
7 Sangbaté, and his son himself, Francis Bozizé. He too was part of that. They were
8 the main leaders of the movement.

9 Q. Do you remember the respective roles played by these people whose names
10 you've just mentioned?

11 A. Well, it was a long time ago. And there was the other fellow who was the
12 Chief of General Staff, Ndoutingai, and there was Francis Bozizé as well. He
13 handled logistics, Parfait Mbaye in charge of intelligence and communications. So
14 there you have it.

15 Q. Do you have any idea of how many men made up the movement at the very
16 early -- in the very early days? How many rebels were there?

17 A. I really couldn't give you the theoretical numbers. Generally speaking -- well,
18 he also recruited some people from Chad and former members of the FAZ who were
19 in exile. There were a number of volunteers and some soldiers who had deserted,
20 but I really can't give you the theoretical number of troops, no. I can't give you the
21 troops' strength.

22 PRESIDING JUDGE STEINER: Mr Witness, could you please repeat very slowly the
23 name of the Chief of General Staff?

24 THE WITNESS: (Interpretation) The name of the Chief of General Staff was
25 Ndoutingai.

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1 PRESIDING JUDGE STEINER: Could you please spell it for us?

2 THE WITNESS: (No audible response)

3 PRESIDING JUDGE STEINER: Are you able to spell it? If not, there is no problem,
4 Mr Witness.

5 MR KILOLO: If you don't mind, your Honour, I don't know whether but perhaps
6 the word "spell" has been completely understood by the witness. Would you mind if
7 I put the question to him differently, or in more simple terms?

8 Q. Mr Witness, would you mind if we give you a sheet of paper and a pen and you
9 could write down the names of the people who belonged to the General Staff of the
10 rebel movement, even if you don't know the exact spelling? Do you think you could
11 try to do this for us?

12 A. Yes. Yes, I can.

13 Q. Witness, can you hear me?

14 A. Yes.

15 Q. I would suggest, Mr Witness, that you begin the little document with a heading,
16 "Members of the rebel movement led by Mr Bozizé," and then you could give us a list
17 of the various names, if you could do that for us.

18 PRESIDING JUDGE STEINER: If I may remind the parties that the witness was
19 given special measures consistent in giving someone to assist him in reading, so
20 I think it would be convenient to ask whether he needs assistance in writing as well.
21 The assistant is in the room with him.

22 MR KILOLO: (Interpretation)

23 Q. Witness, can you hear me?

24 A. Yes.

25 Q. Now, to write out the various names, there's a person in the room alongside you

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1 and that person can help you if you need any assistance writing out the names, or
2 perhaps you might want to just give the names verbally. Do you need any
3 assistance?

4 A. I can write. I can write. I've finished.

5 Q. Witness, do you think you could read out what you've written on the document
6 to us and to the Chamber?

7 A. The General Staff was made up of the following people: Ndoutingai, Francis
8 Bozizé, Mbaye Parfait, Sangbaté and Nibo. They were the major leaders of the
9 movement.

10 Q. Just to make sure that things are clear, could you specify that you are talking
11 about the General Staff of the rebel movement led by General Bozizé? I'm not so
12 sure that this point is clear on the document.

13 A. These are -- that's it. These are Bozizé's men.

14 THE INTERPRETER: Inaudible.

15 MR KILOLO: (Interpretation)

16 Q. Very well. Do you think you could sign the document at the bottom, also
17 writing out your name and today's date? This is just for the record, for the actual
18 transcript of the -- or the case file, rather. That's why I'm asking you to do this.

19 A. I've finished, Counsel.

20 Q. Did you write down your name and sign the document and did you also write
21 down today's date? Did you provide those three items?

22 A. I put the name, the date and I've signed.

23 Q. Would you mind providing the document to the court officer who is right
24 beside you and she will keep the document for the case file?

25 Your Honour, may I ask for a reference number for this document. Could it be

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1 noted that the Defence is asking for this document to be placed on the case --

2 PRESIDING JUDGE STEINER: I will ask the court officer to assign an ERN number
3 to the document.

4 THE COURT OFFICER: Yes, Madam President. The document, once I've loaded it
5 into the eCourt, will bear ERN-reference CAR-ICC-0001-0096 and it will be classify as
6 a confidential document unless otherwise instructed.

7 PRESIDING JUDGE STEINER: Maître?

8 MR KILOLO: (Interpretation)

9 Q. Witness, now a few moments ago you were telling us about the various kinds of
10 people who were amongst the troops that made up the rebel movement led by
11 General Bozizé and you mentioned some former members of the FAZ. Who are
12 these people?

13 A. The former FAZ members were people -- well, basically, refugees who were
14 living in the Central African Republic at that time.

15 Q. And what -- who are these people, the FAZ?

16 A. The FAZ, it's an army, an army from Kinshasa. And, you see, these were
17 people who had been part of that army who had crossed over and had come and
18 asked for asylum in the Central African Republic, and they have been there for a long
19 time. They live there now.

20 Q. Do you know when these people arrived in the CAR?

21 A. I really don't have any details, but they are refugees and their references could
22 be found in the UNHCR, so these are soldiers who are refugees living in the CAR.

23 Q. Do you know whose -- who was the Head of State in the DRC when that army
24 known as the ex-FAZ existed?

25 A. Yes, it was during the time of Maréchal Mobutu Sese Seko.

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1 Q. You have said that these soldiers had been living in the CAR for several years.

2 Can you give us the approximate number of years; that is from 2002 backwards?

3 Can you tell us that they had been living there for two years, four years, five years,
4 ten years? Can you give us an idea?

5 A. What I know is that they had spent quite some time in the Central African
6 Republic during the time of Mobutu.

7 Q. Please tell the Court which language these ex-FAZ soldiers spoke; that is those
8 who were in General Bozizé's rebellion.

9 A. They spoke Lingala fluently, but they could also speak a little Sango, and you
10 could realise that they did not speak Sango fluently.

11 Q. To your knowledge, why did the ex-FAZ cross over to Bangui? What was the
12 purpose of their crossing over?

13 A. I really do not know the reason. They were refugees and they were being
14 taken care of by UNHCR. I know that they were there, but I do not know the reason
15 why.

16 Q. Based on your information, you have mentioned President Mobutu. Were
17 these former soldiers who came and took refuge in the CAR before the fall of
18 President Mobutu, or did they arrive after President Mobutu lost power?

19 A. The majority of them arrived after the fall of President Mobutu.

20 Q. You have also mentioned the volunteers who, according to you, were different
21 from the soldiers who had deserted. We are going to come back to the deserters, but
22 let us focus on the volunteers to begin with. Who were these people?

23 A. The volunteers were people who did not have work, the civilians -- in fact, the
24 unemployed people who were idle.

25 Q. As far as you know, those volunteers in the rebel movement of General Bozizé,

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1 where did they come from? Can you tell us their nationality, their origin?

2 A. From the outset, I had told you that we were all mixed up. They were all
3 mixed up. There were the Chadians, the ex-FAZ, the soldiers who had deserted and
4 the volunteers, so this was not a very organised structure. There was no
5 organisation chart whereby you would identify with people based on where they
6 came from. These were simply people who arrived and I really do not know how to
7 tell you who came from which village or from which province. All I know is that
8 there were volunteers, deserters, as well as the ex-FAZ and the Chadians.

9 It is difficult to distinguish between them because people in the CAR spoke Sango
10 fluently, whereas the Chadians spoke their language and Arabic. The Zaireans also
11 spoke Lingala. So that is the information I can give you, but I am not in a position to
12 tell you who came from which village. It was not a very organised structure. We
13 did not have an organisation chart.

14 Q. I am particularly interested in the language or languages spoken by the group
15 of volunteers. Can you tell us anything about that?

16 A. The volunteers were sons of the soil. They spoke Sango fluently. That is our
17 national language.

18 Q. Do you know when the ambassador joined General Bozizé's rebellion? If you
19 think it's necessary, we can go to private session.

20 A. I understood the question.

21 THE INTERPRETER: From the interpreter: There was a problem with the sound.
22 The answer was not clear.

23 MR KILOLO: (Interpretation) Your Honour, can we go to private session?

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

25 And apparently we are having problems with the sound, so Maître Kilolo will, I

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1 suppose, repeat the question.

2 *(Private session at 4.11 p.m.) Reclassified as Open session

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

4 MR KILOLO: (Interpretation)

5 Q. Mr Witness, we are in private session. This means that the sound shall not be
6 broadcast outside of this courtroom, so you can express yourself freely. My question
7 was as follows: When did you join General Bozizé's rebellion?

8 A. 2002.

9 Q. And how did you join the rebellion? What was the reason for you joining the
10 rebellion?

11 A. It was through a telephone call from an official of the movement.

12 Q. Feel free to state this person's name.

13 A. That person passed through someone else; that is, (Redacted)
14 (Redacted)

15 Q. Do you know why he wanted you to join the movement?

16 A. He gave an explanation. The person I mentioned contacted me and I said to
17 myself, "Well, at that time the president was Mr Patassé, who was mismanaging the
18 country, and we all were interested in fighting against him." So I gave him my
19 position and then I joined up with the others.

20 Q. You have said 2002, but can you tell us the month?

21 A. (Redacted)

22 Q. And what was your position in the rebellion?

23 A. (Redacted)

24 Q. And what does that mean, precisely?

25 A. (Redacted)

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1 (Redacted)

2 MR KILOLO: (Interpretation) Mr Witness -- well, I would like to propose that we
3 revert to open session.

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

5 (Open session at 4.16 p.m.)

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

7 MR KILOLO: (Interpretation)

8 Q. Mr Witness, do you know the various Heads of State who succeeded each other
9 in the Central African Republic?

10 A. Yes. Let me begin with President Bokassa in '66. He was in power from '66 to
11 79. From '79 to '81, it was President Dacko. From '81 to '90, it was President
12 Kolingba, and after Kolingba, from '94 onwards, it was Patassé, and after Patassé it is
13 the outgoing president, the one who has just lost power; that is Bozizé. These are the
14 presidents who served the CAR.

15 Q. To your knowledge, generally speaking, were the soldiers who were the
16 members of the Central African Armed Forces the same; that is under the various
17 presidents who succeeded each other?

18 A. Can you kindly repeat your question, please?

19 Q. Who was the immediate predecessor of President Ange-Félix Patassé?

20 A. After Ange-Félix Patassé, it was the outgoing president, Bozizé.

21 Q. And before Ange-Félix Patassé, immediately before him, who was the Head of
22 State?

23 A. It is the late General André Kolingba.

24 Q. Now, talking about the soldiers of the Central African Armed Forces, during the
25 time of General André Kolingba, do you know the criteria that was used to recruit

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1 them?

2 A. There were no criteria. These were Central African nationals, but there was a
3 problem during the time of Kolingba and this was a problem with the borders. Even
4 at this time, people said that President Kolingba was recruiting only his relatives, that
5 is the Yakomas, into the Central African Army. There is a small village close to the
6 DRC on the border with Bangassou, and that village is also known as Yakoma since it
7 is on the border with the DRC. And when people were being recruited everyone
8 was saying, "These are Kolingba's relatives," and when these people joined the army
9 they had problems expressing themselves fluently and freely in Sango. The majority
10 of them spoke Yakoma and also Lingala. That is what I can say. That is
11 well-known by all Central Africans. Even 'til today, people are speaking about it
12 because this was related to a border problem.

13 Q. Now, during the time of the former president, André Kolingba, what was the
14 proportion of the Yakoma soldiers in the Central African Armed Forces, if you can
15 give us a percentage? Can you say it was 10 per cent, 30 per cent, 50 per cent, 80 per
16 cent, 90 per cent, just to give the Chamber an idea?

17 A. It is known by everyone in the Central African Republic. Even today I can say
18 80 per cent or 90 per cent.

19 Q. And why do you say that during the time of the Head of State immediately
20 before President Patassé, that is General Kolingba, you have said that 80 or 90 per cent
21 of the Central African Republic forces had trouble or problems speaking Sango?
22 What makes you say that?

23 A. The problem is, for example, when you are in the barracks, the only language
24 that was to be spoken was Sango, and when someone spoke Sango badly, immediate
25 you would know that that person had language problems. It was clear.

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1 Q. Just to be clear, these soldiers from the Yakoma ethnic group, at that time which
2 were their own preferred language or languages of communication?

3 A. They spoke their dialect, that is Yakoma, but they also spoke Lingala.

4 Q. Now, when President Patassé took over power, that is from General Kolingba,
5 what happened to those 80 to 90 per cent of the soldiers of the Central African Armed
6 Forces; that is the Yakomas?

7 A. All Central Africans are realising today that, when President Patassé took over
8 power, he did not trust all the Yakomas who were in the army. He started
9 imprisoning or detaining the senior officers. He put people in prison and
10 particularly the Yakomas, so the prisons were full of Yakoma officers, in fact, the
11 majority of the prisoners. And so this angered the Yakoma soldiers, who started a
12 mutiny in the Central African Republic. The evidence is there right up 'til today.
13 That is what I can tell you regarding that matter.

14 Q. Now, where is Yakoma; that is in relation to the CAR and the DRC?

15 A. Yakoma is located opposite one of the prefectures in our country, Bangassou.
16 When you go to Bangassou, you can look across and see Yakoma. Those who leave
17 Yakoma and come to our area speak Yakoma.

18 Q. Can you spell Yangassou (sic)?

19 A. It is not Yangassou. It is Bangassou. B-A-N-G-O-U-S-S-O-U (sic), Bangassou.

20 Q. Bangassou is in which country?

21 A. Bangassou is a prefecture of the CAR. When you leave Kembe, you then go to
22 Bangassou.

23 Q. And in which -- in which country is Yakoma located?

24 A. Yakoma is towards Zaire. There is a river that separates Bangassou from
25 Yakoma and that river is known as Uele.

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1 Q. As far as you know, what is the distance between those two villages
2 approximately; that is Bangassou and Yakoma?

3 A. There is the river which separates them. If you take a dug-out or a canoe, you
4 can cross over to Yakoma or to Bangassou. It is the Uele River that separates them.

5 Q. How much time does it take to cross from Bangassou to Yakoma by canoe?

6 A. Ten minutes, seven minutes, to cross, because there's even a boat that is used to
7 cross between Yakoma and Bangassou.

8 Q. Is there any link or relationship between the inhabitants of Yakoma in the DRC
9 and the inhabitants of Bangassou in the CAR?

10 A. A relationship? Well, maybe that is saying too much, but those who live on the
11 other side, when they express themselves, you know that they come from the other
12 side. Their accent is different; that is when they speak Yakoma. The name of the
13 village is Yakoma, but the village also is Yakoma, but when they speak you know that
14 they are from either across the river or from this side.

15 Q. In order to make things clearer, let me ask you which language is spoken in the
16 CAR in the village of Bangassou?

17 A. In the village of Bangassou, people speak Sango. That's usually what they
18 speak. Zande and also Zaghawa and Yakoma.

19 Q. I'd like to turn now to the former Yakoma soldiers, who were members of the
20 CAR Armed Forces under President Kolingba. Could you tell the Chamber where
21 those soldiers were when General Bozizé started his rebellion in 2002/2003?

22 A. I didn't fully grasp your question, Counsel.

23 Q. You spoke about former FACA soldiers, who spoke Yakoma and Lingala and
24 who had difficulties expressing themselves in Sango. Do you remember that?

25 A. What I'm saying is this: It wasn't anything organised. You didn't come along

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1 and recruit people like that. No, they came from a certain place. There were also
2 volunteers, and I said that there were also soldiers who had deserted. So there was a
3 mix of people and among all of those people together each one spoke the language
4 that was easiest for him. That's how it was.

5 Q. Witness, to be precise, the former Yakoma soldiers under Kolingba, I'd like to
6 know whether they were involved in the conflict between the rebellion movement of
7 General Bozizé and the loyalist forces who were pro-Patassé and, if so, which force
8 did those elements belong to? Where were they to be found in 2002 when there was
9 the armed conflict between the rebellion of General Bozizé and the loyalist CAR
10 forces?

11 A. You know, under Patassé, he didn't like the Yakoma soldiers and most of the
12 Yakoma soldiers were hunted out. So, if you were a Yakoma and you were an
13 officer, you weren't entitled to take on any post of responsibility and that is how an
14 awful lot of Yakoma soldiers were in the area and were looking for things to do, and
15 that's how they deserted. Under Patassé, there weren't actually even very many
16 Yakoma soldiers in the army.

17 Q. And when General Bozizé arrived with his rebel movement, what did the
18 former Yakoma soldiers of the Kolingba period, what did they do?

19 A. It wasn't especially the Yakoma soldiers. Most of the them were expressing
20 their discontent at -- against Patassé. They had to join up with Bozizé and his forces
21 to fight against Patassé.

22 Q. Very well. My question is now more specific. Among the soldiers, or the
23 deserters, who joined the rebellion under General Bozizé to fight against Patassé, I'd
24 like to know whether among them there were also Yakoma soldiers who had worked
25 under Kolingba.

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1 A. The majority of the Bozizé elements during the rebellion, most of them were
2 soldiers - CAR soldiers - deserters. They had decided to leave and fight against
3 Patassé and they joined up with the others. To say specific numbers, well, I really
4 don't know, but an awful lot of them left in order to fight against Patassé.

5 Q. I'd just like to check that I fully understood your last statement. You said
6 many joined up with Patassé; is that what you're saying?

7 A. That is the case.

8 Q. Witness, you say that many joined up to go with Patassé, is that right, or to go
9 with Bozizé? I just want this to be clear.

10 A. Sir, I said at the outset that there were volunteers as well and there were
11 deserters, but when I talk about deserters, they are soldiers who are not satisfied and
12 they left the army, and that's what I was saying, and then they were taken on. That's
13 what I'm saying.

14 Q. Very well. Can you give us information concerning the operations carried out
15 by General Bozizé's rebellion? You referred to Moyenne Sido and I'd like to know
16 what happened afterwards.

17 A. Well, we need to know what sort of operation.

18 Q. Earlier on, you said that the purpose of the rebellion led by General Bozizé was
19 to put an end to President Patassé's regime. Have I correctly understood you?

20 A. You have correctly understood what I was saying. That was our objective, to
21 bring down Patassé.

22 Q. So in actual practice in the field was any specific attempt made to bring about
23 Patassé's demise, to bring about his fall from power in Bangui?

24 A. Counsel, I didn't really understand your question.

25 Q. General Bozizé's rebellion, did it embark upon any operation with a view to

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1 bringing down President Patassé, removing him from power in Bangui?

2 A. Yes. You can see this from the fact that we got through to Bangui in the month
3 of November. It was to get him to go, but there was resistance which led to a
4 withdrawal.

5 Q. Very well. So specifically when was it that you got to Bangui? Do you
6 remember that?

7 A. It was on 25 November that we reached Bangui. That was 25 November 2002.

8 Q. And when you got to Bangui on the 25th, could you tell us which sectors or
9 which areas of the town of Bangui you occupied?

10 A. When we arrived, we went into the northern areas of Bangui, starting at PK22,
11 PK12, Boy-Rabé, Miskine, Fouh, Dedengue, Miskine, Gobongo, right through to the
12 8th arrondissement. That was the area that we occupied to begin with.

13 Q. For how long did you occupy that area?

14 A. Five days. We were in that area of the CAR for five days.

15 Q. Can you tell us anything about the conduct of the soldiers, the troops, of
16 Bozizé's rebel force during that period in Bangui?

17 A. Well, to begin with I was in the health unit and we withdrew at the start to
18 PK12. You know, when there are military actions like that, when people are routed,
19 they tend to go left, right and centre, and we know that when this happens there's a
20 certain type of conduct on the part of soldiers - you know that yourselves - theft,
21 robbery and so on, but when we were in at PK12 we were trying to find means to
22 leave. People came along with wheelbarrows, vehicles, an awful lot of things.
23 That's how it was.

24 Q. Before continuing these questions, I'd like to know whether you would wish us
25 to continue in open session or in private session?

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1 A. In private session would be better.

2 PRESIDING JUDGE STEINER: Mr Witness, before we go into private session, I just
3 want to make it sure that the English transcript reflects what you said. On page 87,
4 lines -- starting on line 22, and through page 86, you said that you got into
5 Bangui -- that the rebellion went to Bangui on 25 November 2002. Is this what you
6 said? Is that correct?

7 THE WITNESS: (Interpretation) That is correct.

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

9 *(Private session at 4.47 p.m.) Reclassified as Open session

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

11 MR KILOLO: (Interpretation)

12 Q. Witness, I would like to talk to you now about the question of the conduct of
13 General Bozize's troops during the five-day period in which -- during which you
14 occupied the different parts of Bangui, starting on the 25th. Could you give us some
15 details? You were referring to wheelbarrows, carts, different objects. Could you be
16 more specific? You can now speak freely, because nobody else can hear you outside
17 this courtroom.

18 A. So I was saying that during the withdrawal (Redacted). We fell
19 back to PK12 and, when we got there, we were looking for means to avoid
20 withdrawing. We spent some time there, and the others would come along with
21 carts and wheelbarrows conveying different goods. There were vehicles. They
22 actually overtook us there at PK12 and went ahead.

23 Q. Fine. I will take this step-by-step. You are talking about a withdrawal.
24 When did this withdrawal occur?

25 A. On the same day, the 25th. The same day, the 25th. No, no, it was the 30th.

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1 It was the 30th, the day of the withdrawal. We arrived on the 25th. We spent five
2 days in the area. As regards PK12, we were there for one day and in the evening we
3 upped and offed.

4 Q. Before talking about the month, if we just talk about the actual date. Do you
5 remember exactly which day? Was it the 1st, the 2nd, the 3rd, the 30th? Which day
6 was it that you left PK12? Do you remember that?

7 A. It was the 30th. It was on the 30th that we left the area, and then we had
8 another day at PK12 and it was then that we left.

9 Q. You were talking about the others, the others who came along with goods.
10 Who were these others?

11 A. They were part of the rebellion. That's what I was saying. I was saying that
12 we're in the northern part of the CAR, it was occupied on 25 November by our
13 elements and after five days we fell back to PK12. And then there were the people
14 who came along with equipment, with wheelbarrows. They were elements of the
15 movement. They were occupying the northern part of that -- of that district.

16 Q. Could you clarify to the Chamber what sort of goods or equipment was brought
17 to PK12? What were the different items? Can you tell us about that?

18 A. I don't know if I can give you everything. Anyhow it was all done very
19 quickly, so I can't honestly tell you exactly what was. There were things loaded on
20 to vehicles, but there were certain things that I could see, freezers, television sets,
21 ventilators, fans, but other than that I can't really say any more.

22 Q. And how did you know that all of those goods had been taken by elements of
23 General Bozizé's rebellion movement? How did you know that?

24 A. I told you earlier that that zone was occupied by our elements from
25 25 November to the 30th. They were the elements that were present there.

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1 Q. Are these things that you experienced, that you saw with your own eyes, or
2 were you told about it? How did you know about this?

3 A. I saw these things with my own eyes.

4 Q. And how did the officers of the Bozizé General Staff react to this when they saw
5 these items being conveyed?

6 A. I said earlier on that things weren't terribly well-organised and, as for the
7 organisational chart, the officers in charge weren't really trained for that. It was a bit
8 of a free-for-all and each individual was concerned with saving his own skin. There
9 wasn't really anybody in any capacity who could intervene.

10 Q. Who did the goods belong to? How did they get hold of the goods? Did they
11 purchase them? How did they get their hands on all of the goods and equipment
12 that was at PK12 at the time of the withdrawal?

13 A. At the time there was money to go and pay for something, but whenever there
14 wasn't any money it was difficult even to get hold of food. Who could pay in those
15 circumstances? So things then were stolen.

16 PRESIDING JUDGE STEINER: Maître Kilolo, is it necessary that we continue in
17 private session?

18 MR KILOLO: (Interpretation) I think we can indeed go into open session, your
19 Honour.

20 PRESIDING JUDGE STEINER: Court officer, please turn back into open session.
21 (Open session at 4.56 p.m.)

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

23 MR KILOLO: (Interpretation)

24 Q. Witness, do you know why General Bozizé's rebel elements were taking goods
25 that belonged to other people and bringing them up to PK12?

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1 A. It was a problem to do with resources. They didn't have enough to eat, there
2 was no food, they weren't being paid, so all of that meant that the soldiers started to
3 steal.

4 THE INTERPRETER: The latter sentence was inaudible to the interpreter.

5 MR KILOLO: (Interpretation)

6 Q. And the goods belonging to other people that were taken by the soldiers, what
7 was to be done with them? Where were they taken to?

8 A. The base was in Moyenne Sido and most of what was taken was then taken up
9 to Chad.

10 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo. I think we need to stop
11 here.

12 Mr Witness, it comes to an end your first day of testimony. We have to suspend
13 your testimony here and we will resume with you tomorrow again in the afternoon at
14 3 o'clock. We thank you very much and we hope you have a very restful evening.
15 I would like to thank very much as well the Prosecution team --

16 THE WITNESS: (Interpretation) Thank you.

17 PRESIDING JUDGE STEINER: I'd like to thank the Prosecution team, legal
18 representatives of victims, the Defence team, Mr Jean-Pierre Bemba Gombo. Thank
19 you very much to our interpreters, our court reporters, Ms Fatiah, Mr Rojas.
20 The Chamber will resume tomorrow morning with the continuation of the testimony
21 of Witness 23 at 9 o'clock.

22 This hearing is adjourned.

23 THE COURT USHER: All rise.

24 (The hearing ends in open session at 4.59 p.m.)

25 RECLASSIFICATION REPORT

Trial Hearing

(Open Session)

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- 1 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 2 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public.