

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 Judge Kuniko Ozaki
6 Trial Hearing
7 Wednesday, 21 August 2013
8 (The hearing starts in open session at 9.04 a.m.)
9 THE COURT USHER: All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE STEINER: Good morning.
13 Could, please, court officer call the case.
14 THE COURT OFFICER: Good morning. Situation in the Central African Republic,
15 in the case of The Prosecutor versus Jean-Pierre Bemba Gombo, case reference
16 ICC-01/05-01/08, and for the record we are in open session.
17 PRESIDING JUDGE STEINER: Thank you very much.
18 Good morning and welcome the Prosecution team, legal representatives of victims,
19 the Defence team, Mr Jean-Pierre Bemba Gombo. Good morning our interpreters,
20 our court reporters. Good morning, Ms Fatiah.
21 THE COURT OFFICER (via video link): Thank you, Madam President. Good
22 morning.
23 PRESIDING JUDGE STEINER: And good morning, Mr Witness.
24 WITNESS: CAR-D04-PPPP-0023 (On former oath)
25 (The witness speaks French)

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 (The witness gives evidence via video link)

2 THE WITNESS: (Interpretation) Good morning.

3 PRESIDING JUDGE STEINER: Mr Witness, I hope you are feeling better and ready
4 to continue with your testimony, sir?

5 THE WITNESS: (Interpretation) Yes, I'm well and ready to continue.

6 PRESIDING JUDGE STEINER: Mr Witness, if for any reason you need a break,
7 please do not hesitate to inform us and then you have as many breaks as you need.
8 Before you start, Mr Witness, I need to remind you that you are still under oath. Do
9 you understand that, sir?

10 THE WITNESS: (Interpretation) Yes.

11 PRESIDING JUDGE STEINER: I also wanted to remind you that you are expected to
12 speak slower than normal, Mr Witness, and to give the five seconds after a question is
13 put to you before you start answering, in order to allow our interpreters to do their
14 job. Can we count on you, Mr Witness?

15 THE WITNESS: (Interpretation) Of course.

16 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness, and Defence will
17 continue with your questioning.

18 Maître Kilolo, you have the floor.

19 QUESTIONED BY MR KILOLO: (Interpretation) (Continuing)

20 Q. Good morning, Mr Witness.

21 A. Good morning.

22 Q. I hope that you are feeling well today and that we can continue and complete
23 the Defence questioning this morning.

24 A. That's good.

25 Q. I'd like to pick up where we left off yesterday. If you don't feel comfortable,

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 please tell us, and if you wish to move into closed session, please also let us know.

2 Are you happy with that arrangement?

3 A. Yes, of course.

4 Q. In that case, let's come back to the matter of the crimes that you witnessed
5 among the rebel troops of General Bozizé, particularly from 25 October 2002 onwards.
6 During this period -- or, rather, yesterday you mentioned cases of rape that you
7 witnessed. You spoke of one case. Can you tell us some more about other cases of
8 rape, if you have any information about such cases?

9 A. Yesterday I tried to talk to you about one case, a case the closest to me, which
10 I'm suffering from, which I continue to suffer from until this very day, and that was
11 that case. For others, I heard of many similar cases. There was a number of
12 excesses where women were taken violently.

13 Perhaps I could say one thing to you? A typical characteristic of men known as
14 rebels is drugs and drug use. In order to avoid falling into that trap, one has to have
15 a clear vision of the future. One has to know what one has to do. "Impartial" is
16 perhaps going too far, but one has to try and be fair in what one does, but if you're
17 there and you don't really know why you've got caught up in this rebellion, then the
18 rebellion, it's a way of getting money, getting stuff, getting pretty women, and there
19 are people who attack women in front of their family, young girls, using force, and I
20 heard of cases and there are some I witnessed myself. And what hurts me to this
21 day is my little sister and it was -- she's two younger than me. There's another son
22 and then there's my sister, so she's close to me. So that's why I told you of her story.

23 Q. So when the troops belonging to General Bozizé settled in or arrived in Bangui
24 on 25 October, how soon did this -- did these rapes start?

25 A. Well, it would be very difficult for me to say when this phenomenon started in

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 the field, unless it actually happened next to me. In a rebellion, everybody follows
2 their own laws. Of course, there is a sort of general guide-line, and when someone
3 has a weapon such a person feels that he is to a certain extent above the law and can
4 do what he wants and asking me to give an exact date when this sort of thing started
5 would be very difficult, but I do know that there were excesses committed by such
6 people; excesses definitely committed by these people.

7 Q. And according to the information that you have, the rapes committed by
8 Bozizé's rebels took place where? Were these in homes, were they outside? Do you
9 have any information about that?

10 A. Well, you know, rapes, it's very difficult to find out where they actually took
11 place. They could be in the street, it could be in front of the family and -- in a drain
12 outside and any person who feels strong can do something like that and you go from
13 X to Y. It can even be neighbours. It can be a settlement of scores and, in most
14 cases, people wore bandanas and in front of the family, and somebody bent on this
15 will do it wherever he thinks it's the best place to do such a thing. I mean, he may
16 pull a girl into a hole, it could be in a large culvert, or it could be wherever he
17 seems -- deems it a good place to carry out such an event, and that's just how it is.
18 You are not going to go to a bedroom and make the bed. I can't say which room it
19 would be, for example, or -- I mean, a rebel is a rebel. It's not necessarily in a house,
20 somewhere that he can protect himself. I mean, it could be just in a hole in the
21 ground. That's the -- exact questions are difficult on this subject, very difficult for
22 me.

23 Q. I would like to look with you in greater detail at the area Boy-Rabé. You talked
24 about the crimes committed by Bozizé's rebels when they had reached Bangui. Were
25 there crimes committed by these rebels in Boy-Rabé?

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 A. I said -- well, as you know, Boy-Rabé is an area which we -- was a stronghold of
2 the previous president. We have two previous presidents now, but it was both of
3 them, Patassé and Bozizé.
4 Perhaps I could take a step back in order to avoid you having to ask me the same
5 question. It seems that you are not listening exactly to what I said, but -- I'm sorry to
6 put it that way, but they are cousins. When you are in Bossangoa and Bossembélé,
7 there's the Bozizé village. It's near the frontier with Chad. There's the Sara and the
8 Kaba and they are people from the same area. We call them cousins. And I said
9 initially that in Africa, in the army in Africa in general, it's very unusual to take
10 somebody from the south and appoint them to the General Staff. It's somebody from
11 the same tribe, from the same ethnic group, and they worked together and they
12 operate together. They fight together; they're cousins, and now this was a battle
13 within the family. So the men, Boy-Rabé men, Kaba, who followed Bozizé who
14 joined and went along with him in 2001 and October/November 2001, they went to
15 join up with Bozizé, and when they came back, others were not happy and that's
16 when there were problems and people fell on all sides.
17 I said that in Boy-Rabé at that time there were weapons distributed and we didn't
18 know who was who. There were weapons in every household. That was the
19 information that we had. We had to defend ourselves. They had to make sure that
20 there was no invasion from the other side, so there was exchanges of fire between the
21 young people. Civilians and the others who were hoping to take power, there were
22 fights there as well. People died. People fell and died on both sides in both camps,
23 but you must be aware of one thing and that is that when the others arrived, they
24 arrived with a plan, and when you're at the front, you can do whatever you want.
25 I think in Boy-Rabé a lot of people fell for this reason, so there was fighting. There

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 was the other side. The Bimbo, the Bruxelles, Conso (phon), people prepared to go
2 and take shelter on the other side near Sica, Bruxelles, Bimbo, because it was a
3 struggle between these two sides. There was not enough resistance from the other
4 side and they were fighting amongst themselves, in the hope that peace would return.
5 So that's really my view of what was happening then.

6 Q. So to put it more briefly, Boy-Rabé as an area was supporting which side: The
7 rebellion led by General Bozizé, or the government led by the president, Patassé?

8 A. The neighbourhood was divided into two, and what I mean by that is that you
9 take a knife or a string and you just cut it in two. You cut it through the heart.
10 I could give you an example. I'm here. There's a lady here on my left. You're
11 there. And in your heart you know who supports whom, but we're all related.
12 We're all from the same area. We're all from the same region, but there are
13 preferences, which is why I said that some supported the party in power, but it is
14 very difficult for a rebellion to arise, and in joining it you're risking your life because
15 the power was in place at that time. So some supported one side, some supported
16 the other side, but it was in the heart. But you got information and intelligence
17 about who was on which side and that's how things were at that time.

18 Q. What would you reply if I were to say to you that most of the Boy-Rabé
19 neighbourhood was supporting General Bozizé's rebellion because most of the people
20 there were from the same ethnic group as General Bozizé, rather than being from the
21 same ethnic group as General Patassé, so it's impossible that Bozizé's soldiers
22 committed crimes in that area because they were with people from the same ethnic
23 group?

24 A. You know what's happening at the moment in Bangui. You -- I think because
25 you are asking me this question, it's -- what you're asking is to know what I know.

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 I'm from the Central African Republic. I know Boy-Rabé and I know what happens
2 there.
3 If I could take a step back. When Patassé took power in 1993, October '93, if I
4 remember correctly, he took the oath. So I'm saying that the composition of his
5 government was a majority of Gbaya. The prime ministers that then followed, apart
6 from the last two, there was Djotodia, who was a Kaba, and Doléguéle, whom I think
7 was a Kaba, but most of the ministers were Gbaya.
8 Why was that? Well, I said -- I'm saying to you that Gbaya is one ethnic group, with
9 a lot of subgroups, sub-ethnic groups. The minority are Saracens, but they're a
10 minority. When you're a minority, you come to power, you have to live together
11 with your cousins. You have to work with them.
12 The power of Patassé was well managed by the Gbaya. The former Chief of Staff in
13 1994 worked with my father, not as such, but they knew each other. They -- General
14 Wanifiyo, the late lamented General Wanifiyo, and the majority of the people in the
15 army at that time were Gbaya, so there is no reason to say that there was a lot of the
16 Gbaya that supported the power. The majority -- but there were also some who
17 supported Bozizé. The proof is that today Patassé has gone.
18 The MLC -- MLPC, with Ziguélé, they had a political party, but they have the support
19 of a lot of Gbaya. He was the challenger at the presidential -- in the presidential
20 election contest. So this reasoning seems to be yours, but I'm telling you what
21 I know. I think I'll leave it at that.
22 Q. If necessary, we can go into private session. You've already mentioned the
23 name of one perpetrator of a rape, one of the rebels led by General Bozizé. Could
24 you tell the Chamber about other people? Could you give other names of actual
25 perpetrators of such crimes during this period between 25 October 2002 and

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 15 March 2003?

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

3 Q. I was just asking you whether you could provide other names; the names of
4 other people who committed crimes in the Central African Republic during the
5 conflict, namely, between 25 October 2002 and 15 March 2003, people that you heard
6 about or perhaps saw yourself, the names of people who committed crimes in the
7 Central African Republic during that time. If necessary, we can go into private
8 session.

9 PRESIDING JUDGE STEINER: Mr Witness?

10 THE WITNESS: (Interpretation) Yes, I can answer. I will answer. I would say
11 that what I provided -- well, I said initially that I couldn't say anything about
12 something I didn't know about, or I couldn't imagine or dream things up. I know
13 what happened. I said that a person -- I know that people committed, but I can't
14 invent names. I can't do that. What I am saying, I'm trying to be logical here. You
15 see, this affected me myself directly.

16 I know that you are in a position to go to the field and cross-check, but I am saying
17 that what is happening right now in my country right at this present time. I don't
18 know whether you've been listening to the news reports or whether you've been
19 receiving information about what's happening, but it is happening. These things are
20 happening amongst us; us citizens of the CAR. I am telling you that this is what's
21 happening. These things are going on amongst ourselves, citizens of the CAR. This
22 is what I can tell you.

23 PRESIDING JUDGE STEINER: Maître Kilolo, if you allow me? I need a
24 clarification, and for that purpose I ask, please, court officer to go briefly into private
25 session.

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 *(Private session at 9.34 a.m.) Reclassified as Open session

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

3 PRESIDING JUDGE STEINER: It's in relation to the last question put by Maître

4 Kilolo, here on page 8, starting on line 20, and the question was if the witness could

5 tell the Chamber about other people: "Could you give other names of actual

6 perpetrators of such crimes during this period, between 25 October and

7 15 March 2003?"

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Could you please clarify if what happened, the dramatic events (Redacted)

13 (Redacted), took place after General Bozizé took power, or during the conflict?

14 THE WITNESS: (Interpretation) Thank you.

15 This young fellow, I know this young person because he enlisted in the army and,

16 first of all, he -- (Redacted). And what does that

17 mean? (Redacted)

18 (Redacted). And then he spent some time with the

19 soldiers and then he enlisted, and that is when I got to know him.

20 This was not the first time he raped someone. This was not his first offence during

21 that entire period that we went through, and since the taking of power -- well, you see,

22 we had to stop. He was in the operations. He had a whole group of people, a

23 whole group of men under his orders, and when a leader allows himself to rape, just

24 imagine what happens after that. The soldiers are going to do what? Well, of

25 course they're going to follow suit.

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 After power was taken, it was necessary to stop the quarrelling amongst ourselves.

2 We needed to stop the bad practices. We needed continuity. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 PRESIDING JUDGE STEINER: Mr Witness, I don't want to bring back bad feelings
9 for you. I understand the pain, so you don't need to go into details about what
10 happened with (Redacted). I just needed this precision in terms of timing.

11 So my main concern is whether you saw or you heard that this person, (Redacted),
12 committed other rapes during the events, during the fights. That's my main point
13 for clarification.

14 THE WITNESS: (Interpretation) Indeed. Indeed. Indeed. A person who
15 continued to terrorise the population even one year after, what would keep him from
16 doing so initially? It's very easy to understand. It's just a matter of doing the maths,
17 really. These are practices that he adopted and at the end, once order returns, and if
18 a person is not afraid of the law or not afraid of prison and, you see, if there is no
19 order, a person will not control himself because everyone -- you see, everyone had
20 weapons.

21 When soldiers are in barracks, when weapons have been taken away and gathered up,
22 that's when soldiers become controllable, but if you are in -- correction, when you are
23 in a camp, you can ensure discipline, but when a soldier is out and about with a
24 weapon, he is running the show. He is the master.

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

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 (Open session at 9.42 a.m.)

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

3 MR KILOLO: (Interpretation)

4 Q. Sir, did you hear about any mutinies in the Central African Republic? Do you
5 have any information about mutinies in the Central African Republic?

6 A. Yes. If you wish, I can tell you a little bit about the various mutinies and
7 uprisings in the Central African Republic. In actual fact, the CAR was a country
8 where peace reigned. It was a peaceful country. Back in the day, the people of the
9 CAR were not in the habit of going out. It is true the CAR is a poor nation, but we
10 do not have problems with nutrition, for example. The people of the CAR had three
11 meals a day, they ate three times a day, and if someone from the CAR went out on an
12 outing or an adventure so to speak, if he did not find anything to eat, he would go
13 back home.

14 Now, in 1993 -- 1992, elections were held and then the elections were cancelled.

15 With the president, President Kolingba, the general, may the Lord bless his soul, he's
16 no longer alive, now in 1993 the elections were held again and Ange-Félix Patassé
17 won the election. President Goumba came second. That's a detail. That's not all
18 that important. I will cut to the chase and answer your question.

19 President Patassé took power. When he took power, the witch hunt began. People
20 were arrested within the camp and amongst the inner circle, people who had worked
21 with the former -- you see, these things affected me directly because my relatives
22 were involved.

23 In 1996, I believe the first mutiny occurred. That lasted two or three days. The
24 soldiers broke down the buildings, took out bullets -- ammunition rather; they stole
25 vehicles. I'm talking about the CAR soldiers. Negotiations were held, questions

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 were asked, "Why did you do that?" So, you see, negotiations occurred. You see,
2 wages had not been paid. Finally, wages were paid and the people put down their
3 weapons.

4 A few months later, a second mutiny occurred, and let me tell you, the true cause of
5 the mutiny was the discontent of the Yakoma ethnic group, the ethnic group of
6 former president, Kolingba, and most of people who were part of that mutiny were
7 from that particular ethnic group because they were uncomfortable. Why? Because
8 it was difficult to be from that group because, you see, the president, who had been
9 democratically elected, left and then a new president came in and a witch hunt began.
10 There were trials, a special court was established that was supposed to deal with
11 military matters and it was called the permanent military tribunal. The soldiers
12 were brought before the court and imprisoned. The prison there was full. Most
13 were Yakoma people, close to Kolingba.

14 The second mutiny began and this time it was an attempted coup d'état. They
15 actually tried to overthrow the government. Up until the time that -- well, I can give
16 you the name of the person who led that rebellion, because it was somewhat
17 organised. If you wish, I can give you that person's name.

18 Q. Yes, please go ahead.

19 A. At that time, it was Isidore Dakoro (phon). He headed up the rebellion. He
20 took part in the negotiations. The negotiations began. The president came down,
21 or rather was dismissed, Omar Bongo. There was a mediator, a former Malian
22 president. He came. A few Chadian generals came. Negotiations were held at the
23 assembly and they gave an ultimatum to Patassé to step down. Otherwise, there
24 would be a coup d'état. In actual fact, the mutineers took over the radio station, and
25 France became involved. They actually flew some war planes over. You see,

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 France was not in agreement. Negotiations continued and that period passed.
2 There was a third mutiny and there was fighting, people died, blood ran, and that is
3 when we saw the African intervention missions. Various stakeholders became
4 involved: The Egyptians, the Chadians, people from Senegal, people from Burkina
5 Faso. So, you see, there was this military force that tried to put itself in the middle
6 and separate the warring parties. This was not a neutral force. In actual fact, this
7 force sided with the government and tried to -- in actual fact, there were massacres.
8 People's throats were slit.
9 Once they came in, you see, there was a system. You had to type -- correction, in
10 actual fact, there was a system and people would bang the lids of their cooking pots
11 in a certain way to pass a message and the -- certain neighbourhoods were targeted;
12 the neighbourhoods along the river.
13 So the second mutiny ended. I'm telling you this was very complicated. There
14 were kidnappings, people were kidnapped. The former president, the Minister of
15 the Interior, he was kidnapped along with his son. His son was a sergeant and he
16 said he was neutral. He -- he was abducted from his very home and even up to now
17 we have no news. His body was never found. His throat was slit on a mountain
18 called Karako. He was buried along with his son, with his son. That was the first
19 mutiny.
20 Now, the third mutiny, that is when things got really, really serious. The gendarmes
21 went to arrest a former director of SOCATEL, a captain who was in prison, and he
22 was released. He spent nearly a year in prison, but then he was released. So they
23 went to get him, saying that he was preparing a coup d'état, but since people were
24 already on the look-out, they automatically, they broke down the doors of the place
25 where the gun powder was held.

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 There was a member of parliament, part ORDC -- RD -- the Central African Republic
2 Democratic. This was a Member of Parliament and a university professor. He was
3 abducted from his own home and his throat was slit. His throat was slit and that
4 was, you see, something that happened amongst Central Africans.
5 A foreigner will not get involved in such things. This was truly a case of crimes
6 committed amongst Central Africans. There were massacres, massacres, massacres,
7 and that is when we learned about loyalists. You see, loyalists did not begin in the
8 time of in -- that is when we first learned about loyalists and the other one. We
9 continued, continued, continued, and then the year 2001 came.

10 In 2001, since you see we no longer had power, (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 PRESIDING JUDGE STEINER: Mr Witness, I'm so sorry to interrupt you. First,
16 because you are speaking too fast and second to remind you -- court officer, please
17 turn into private session very briefly.

18 *(Private session at 9.56 a.m.) Reclassified as Open session

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

20 PRESIDING JUDGE STEINER: (Redacted)

21 (Redacted)

22 (Redacted) I'm ordering the redaction of the transcript and of the audio,
23 so that is not going to the public, but please be more careful, okay? We have -- let
24 me explain to you. For the transmission, the broadcast of your testimony to the
25 public, there is a 30-minute delay. So what you just said will be deleted, so it's not

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

- 1 going to the public, but in any case, when we are in open session, be more careful.
- 2 Do you understand, sir?
- 3 THE WITNESS: (Interpretation) Yes.
- 4 PRESIDING JUDGE STEINER: Yes? Yes, please?
- 5 THE WITNESS: (Interpretation) If that's the way it's going to be, I would like us to
- 6 stay in private session because these are things that I have to say. These are
- 7 experiences that I have to tell you about. I wouldn't want to get carried away.
- 8 PRESIDING JUDGE STEINER: We stay in private session. You can continue,
- 9 please.
- 10 THE WITNESS: (Interpretation) Thank you. Thank you.
- 11 I was saying that the third mutiny began. The second mutiny ended and then the
- 12 third mutiny began. The third mutiny began when people went off and arrested a
- 13 captain who was the former general director of SOCATEL, which was a
- 14 telecommunications company of the CAR. It is a State corporation.
- 15 The people who were supposed to be guarding him were not in agreement. They
- 16 took the weapons. They took the vehicle. It was -- it was a military vehicle. They
- 17 took the vehicle and they went after the bodyguards. They broke the building, the
- 18 armoury, broke into the armoury, and there were many deaths, and all the mediators
- 19 of the entire world, all the mediators of the world, people such as -- well, all kinds of
- 20 different mediators. But the problem with the CAR started in 1993 and has
- 21 continued up until today.
- 22 There were abductions, there were killings and these were the senior leaders that I am
- 23 talking about; that is authorities, people that are well-known. Who is going to speak
- 24 about those less known? When I talk about Touba, he was a member of parliament.
- 25 When I talk about Grelombe Christophe, this is a former minister and this was the

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 former Minister of the Interior. There are other cases that I cannot mention here.

2 The list is not exhaustive, but it was a good number.

3 I have mentioned that people were banging the covers of their cooking pots.

4 Everyone was doing that in the neighbourhood, and at least they protected their lives.

5 The Libyans arrived. On the other side, the mutineers did not have the adequate
6 arms to face up to the Libyans.

7 Now, if you look at the --

8 PRESIDING JUDGE STEINER: I am sorry, Mr Witness, to interrupt you again. My
9 question is: If you are not going to mention any family members, could we go back
10 into open session, because apparently what you are telling now could be said in open
11 session?

12 THE WITNESS: (No interpretation)

13 PRESIDING JUDGE STEINER: Court officer, please turn into open session.
14 (Open session at 10.03 a.m.)

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

16 PRESIDING JUDGE STEINER: You may continue, Mr Witness. Just asking you to
17 try to be --

18 THE WITNESS: (No interpretation)

19 PRESIDING JUDGE STEINER: Mr Witness - Mr Witness - just wait for me to finish.
20 I'm just asking you to try to be as more objective and concise as possible in order for
21 us to advance in your testimony.

22 Thank you.

23 THE WITNESS: (Interpretation) Thank you.

24 I was saying that the Libyans deployed what is normally referred to as 12 cannon
25 weapons and these were placed on the ground, and when they start shooting, it

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 becomes complicated. But the Libyans also killed animals, if I can refer to those at
2 that. On the other side there were animals and behind them there were animals.
3 People grieved.

4 Now, coming to 2001, 28 May 2001, there was a coup d'état and this coup d'état -- in
5 fact, responsibility for that coup d'état was claimed by General Kolingba, the late
6 former president. The situation was serious. When he made his speech, 24 hours
7 after the coup, the officers of the Central African Republic, that is what he said, that
8 they came to see him for him to take over because power had gone to the streets.

9 And I think it was serious, because there was a witch-hunt from the highest levels to
10 the lowest levels.

11 PRESIDING JUDGE STEINER: Mr Witness, sorry to interrupt you. Judge Aluoch
12 wants a clarification.

13 JUDGE ALUOCH: I'm looking at the transcript at page 12, the current transcript.
14 This is the question that Mr Kilolo posed, "Sir, did you hear about any mutinies in the
15 Central African Republic? Do you have any information about mutinies in the
16 Central African Republic?" I read that question and I am assuming that that is the
17 question you are answering; is that correct?

18 THE WITNESS: (Interpretation) Yes.

19 JUDGE ALUOCH: I see. Now, so you are coming up from where you were up to
20 the present day, because it's getting a bit confusing. That's why the kind of
21 testimony you are giving right now is a bit confusing. That's why I went back to the
22 question which Mr Kilolo asked and I do not know whether it's going to be Mr Kilolo
23 who will eventually tell the witness that you have answered that question
24 satisfactorily, because it is a bit confusing as to where we are right now. That's the
25 clarification I'm seeking.

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 So, Mr Witness, do you intend to take us through until the present day? So that I am
2 clear on what is going on; is that what you are doing right now, please?

3 THE WITNESS: (Interpretation) Yes, I had started from the very outset of the
4 military conflicts that have led us to where we are today. If you think that that is not
5 necessary, then I will stop, but if it is necessary, I am almost at the end.

6 I believe it is important for everyone to know where it all started; that is, for us to be
7 where we are today. We did not experience such things at the time of Presidents
8 Boganda and Dacko, not even at the time of President Bokassa, even though it was a
9 dictatorship. During the time of President Kolingba, this was not the case. That is
10 why I wanted to go back to give us a small background, to throw light on how we
11 came to be where we are today, but if you do not think that is necessary, I can
12 conclude by saying that in 2001 there was a coup d'état, there was a witch-hunt and
13 there were various contingents of Libyans who arrived and that is what happened
14 until today.

15 Mr Kilolo asked me whether I had any real knowledge of the various mutinies and it
16 is because of that that I wanted to elaborate a little bit on the various mutinies within
17 the Central African Army. I believe I can stop here if you do not have any objection.

18 MR KILOLO: (Interpretation) Mr Witness, I would like to ask the court officer next
19 to you to show you document number 7 on the Defence list. It is an RFI press article;
20 that is Afrique-Midi, of 14 December 2002. As soon as you have this document, I
21 will want you to read through it and after that I will ask you my question. So this is
22 document CAR-D04-0004-0030.

23 THE COURT OFFICER (via video link): Madam President, Counsel, document
24 CAR-D04-0004-0030 is being presented to the witness.

25 MR KILOLO: (Interpretation)

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 Q. Witness, you can see that document. Can you see the title, that is "Denial by
2 Captain Mbaye"?

3 A. Can I read it out? Can I read the document?

4 Q. Yes, you can read it, "Denial by Captain Parfait Mbaye" and read up to the third
5 paragraph, starting by -- with, "He mentions manipulation ..." Have you identified
6 the first three paragraphs?

7 THE COURT OFFICER (via video link): Could the counsel please indicate the page
8 number?

9 MR KILOLO: (Interpretation) It is page 0030.

10 Q. Mr Witness, you can see that document and then there is the first paragraph,
11 "The main rebellion against the Central African Head of State ..." Can you see that?

12 A. Yes, I can see that.

13 Q. Then you can see the second paragraph, "Currently Bossangoa town is
14 completely deserted." Can you see that?

15 A. Yes.

16 Q. The very last paragraph that I want you to read starts with, "Ghislaine Dupont."
17 Can you see that?

18 A. Yes.

19 Q. I would like to ask you to read that extract and end with the paragraph starting
20 with, "Ghislaine Dupont."

21 A. Should I read it?

22 Q. Yes, but read it slowly so -- and loudly to make it possible for all the parties and
23 participants to follow you.

24 A. (No interpretation)

25 Q. I'm sorry, but you have to end with that paragraph, but please begin from the

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 beginning.

2 A. "Denial of Captain Parfait Mbaye: After the white of Bossembélé, the summary
3 executions of Bossangoa, or the manipulation of nephew Matos.

4 The main rebellion fighting against the Head of State of the CAR is that led by
5 General Bozizé, the former Chief of Staff of Patassé, who has become his sworn
6 enemy. The pro-Bozizé rebels are based in Bossangoa, which is located 300

7 kilometres north of Bangui. It is also the cotton city of the country and it is -- it has
8 been carved out by the rebels. You have here the testimony of Monseigneur

9 Pomodimo, who is the bishop of the town answering a question from Carine Franck.

10 Currently the town of Bossangoa is totally deserted. People have fled, because the
11 rebels have taken over the location. There are no health services. The General

12 Hospital has been looted, as well as the operating unit. Everything has been

13 ransacked. People no longer have access to drinking water. The plant supplying

14 the city in -- with the drinking water was also ransacked. This means that it is very,

15 very difficult because one can be shot dead by the rebels at any time. I've heard

16 people telling me that there have been cases of rape. This is a catastrophic situation

17 for Bossangoa currently. This must end. Both sides must enter into a dialogue.

18 There is no other solution. If people opt for a military solution, it is always going to

19 be the civilian population that will suffer, always, always and always.

20 Ghislaine Dupont was able to contact Captain Parfait Mbaye. This person is a leader

21 of the pro-Bozizé rebellion and he strongly denied the statement of the bishop. He

22 said, 'It is manipulation.'"

23 Q. Mr Witness, the extract that you have just read, does it correspond to the

24 information that you received personally relating to the conduct of the soldiers of

25 General Bozizé's rebellion?

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 A. As you know, the Catholic church plays a very crucial role in conflicts in the
2 CAR. There is another bishop who was a mediator. I think it was Monseigneur
3 N'Dayen. I have heard that he is now deceased. He played a role and this is
4 because on -- it is only these people who are able to tell the truth, even if they are
5 facing danger. This is a bishop and when he says something, it is not something to
6 be contradicted. He is a religious leader and I cannot imagine this person being
7 manipulated, so it is not possible to contradict the statement of the bishop of that
8 town.

9 I do not know whether I've answered your question?

10 Q. Based on the information that you received from the ambassador about Captain
11 Parfait Mbaye, what can you tell us about the contacts that may have taken place
12 between Captain Parfait Mbaye and RFI, particularly here where it is said that he
13 categorically denied the statement of the bishop and claimed that this was
14 manipulation?

15 A. He was the spokesperson of the rebellion and he was compensated for that,
16 because as soon they took over power, he was made minister for life. We have to be
17 honest. This was the person who provided information. He had the responsibility
18 to defend them. So what he is saying is only binding on him.

19 PRESIDING JUDGE STEINER: Just one moment. I would like to ask the court
20 officer if we are having any problems with the transcript? At least the English
21 transcript stopped a long time ago.

22 (Pause in proceedings)

23 THE COURT OFFICER: Madam President, I don't see any problem in the transcript
24 so far, as I see the time stamps continue in a consecutive way: 10.17, 10.18, 10.19,
25 10.20, 10.21, 10.22, and what I am saying is being transcribed so far. That is for the

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 English transcript. As for the French, it's --

2 PRESIDING JUDGE STEINER: Then I have a problem in mine, because mine
3 stopped a long time ago.

4 MR HAYNES: It's the answer at line 16, your Honour, that stopped.

5 (Pause in proceedings)

6 PRESIDING JUDGE STEINER: I think the problem was solved, Mr Haynes, yes?
7 So I'm sorry to interrupt.

8 Maître?

9 MR KILOLO: (Interpretation)

10 Q. Mr Witness, did you hear about the crimes perpetrated by General Bozizé's
11 soldiers in Bossangoa during that period, and the period is December 2002?

12 A. We heard about that just like you through the media and through certain
13 intelligence services. These are things that are not discussed widely, except you
14 actually experience them yourself. I heard about what happened in Bossangoa town.
15 There were weapons in Bossangoa town, many weapons that were stored there. As I
16 was telling you before, Bossangoa town and Paoua town are very close to each other.
17 I am trying to refresh your memory regarding what I said some time ago.
18 Thank you.

19 MR KILOLO: (Interpretation) I would like now to ask the court officer to present
20 to the witness the map of Bangui Town, and that is document number 2 on the
21 Defence list, CAR-D04-0002-1081.

22 THE COURT OFFICER (via video link): Your Honours, Counsel, the document
23 CAR-D04-0002-1081 is being presented to the witness.

24 MR KILOLO: (Interpretation) Is it possible to present a hard copy of this
25 document to the witness? I suppose it must already have been printed.

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 THE COURT OFFICER (via video link): Yes, indeed, Counsel.

2 MR KILOLO: (Interpretation)

3 Q. Mr Witness, do you remember this map of Bangui which was shown to you
4 yesterday?

5 A. Yes.

6 Q. I would like to ask you to use a pen and indicate by a cross the various Bangui
7 neighbourhoods that were occupied by the soldiers of Bozizé's rebellion from
8 25 October 2002 to 30 October of the same year. Please place a cross on those
9 neighbourhoods so that the Judges can have a clear idea of the various
10 neighbourhoods that were occupied by General Bozizé's rebel forces.

11 A. They infiltrated to this point. Those were some of the incursions.

12 THE COURT OFFICER (via video link): Madam President, Counsel, the witness is
13 using two coloured pens, red and black.

14 THE WITNESS: (Interpretation) Where I've put lines, that's where the infiltrations
15 occurred.

16 MR KILOLO: (Interpretation)

17 Q. Witness, have you finished?

18 A. Yes, of course.

19 Q. Fine. Could I ask you to mark on the sheet of paper areas occupied by General
20 Bozizé's rebellion between 25 and 30 October 2002? This is just to make things clear.

21 Witness, I'd ask you to put the date and signature on the document and please put
22 your name next to the signature.

23 Witness, as we don't have immediate access to the document you're holding, could
24 you please explain to us what you have just done exactly? What are the different
25 areas that you have marked?

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 A. Did I have to put today's date; is that right?

2 Q. Yes, please. You're saying these are the areas occupied by General Bozizé's
3 rebellion between 25 and 30 October 2002. In order to make this an authentic
4 document, you can sign it and make it clear that the document was drawn up on
5 today's date, so you put the date on, and please also add your name.

6 A. I have done so.

7 Q. Could you now explain to us exactly what you have done, what you have
8 marked as the areas in question so that we know what you have put on the paper?

9 A. The first cross I've put, where it says "Towards Damara, Cameroon and Chad."
10 PK12. It is not indicated as PK12, so I've put a cross there, and I've put one at PK11.
11 PK10 is Gobongo and another cross at Galabadja, that's an area where there was
12 fighting, another cross at Fouh and another one -- that's in Galabadja, that's UCATEX,
13 and then another one at Miskine, another one at Ngouciment and another one at the
14 Boganda school and another one at Boy-Rabé. And going towards the centre of the
15 town I've put two crosses. These are red crosses.

16 Now, there are lines and then there are dotted lines. The dotted lines at an angle
17 show infiltrations that went through to ENERCA. The idea there was to paralyse the
18 electric supply and embark upon an offensive in order to take the Renaissance Palace.

19 Q. Witness, could you please also show marks for the different kilometre points,
20 the different PKs, so we can see where they are in relation to the districts and
21 neighbourhoods? You referred to PK12, for instance, but there's nowhere where it
22 explicitly mentions PK12. So with your biro, could you please indicate PK12 and the
23 other kilometric points, PKs that you have referred to, on the same piece of paper?

24 A. Yes, because where it says there "Towards," "Towards Damara, Cameroon and
25 Chad," that is PK12. Now, PK11, that's Gobongo.

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: Court officer, the image is frozen.

2 (Pause in proceedings)

3 THE COURT OFFICER (via video link): Madam President, can you hear us, your
4 Honour?

5 PRESIDING JUDGE STEINER: Yes.

6 THE COURT OFFICER (via video link): Madam President, we are back and we can
7 hear you clearly.

8 PRESIDING JUDGE STEINER: We can hear you, but we cannot see you.

9 THE COURT OFFICER: Court officer in the transmission room, could you please
10 tell the technician to redial again? Thank you.

11 THE COURT OFFICER (via video link): They will redial.

12 PRESIDING JUDGE STEINER: Ms Fatiah --

13 THE COURT OFFICER (via video link): Madam President, I think we are back.

14 PRESIDING JUDGE STEINER: Can you hear me?

15 THE COURT OFFICER (via video link): Yes, Madam President.

16 PRESIDING JUDGE STEINER: That means we are back.

17 Maître Kilolo, could you retake to the point you finished, in order to help the witness.

18 MR KILOLO: (Interpretation) Yes.

19 Q. Witness, you had already marked PK12 on the document. Can you also
20 indicate the other kilometric points corresponding to the names of different
21 neighbourhoods indicated on the map, or not?

22 A. Well, I might get it wrong. That's the risk.

23 The Point Zero is in the centre of the town, so I don't want to take any risks and start
24 giving kilometric points that might be made up. What is important, as far as I know,
25 is that you've got the PK12, Gobongo, it's written there, so when you leave Gobongo it

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 is one or two kilometres. I don't want to run the risk of putting anything on the
2 paper, but what's important is I've indicated this with crosses in red, the areas that
3 were invaded.

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

5 Your Honour, would it be possible to have a reference number for this document?

6 And the Defence would like to tender it into evidence.

7 PRESIDING JUDGE STEINER: Court officer, please assign an ERN number to the
8 document.

9 THE COURT OFFICER: Yes, Madam President. The document will be assigned
10 the ERN reference number CAR-ICC-0001-0097 and it will be classified as confidential
11 unless otherwise instructed, and uploaded into the Ringtail system once received.

12 MR KILOLO: (Interpretation) Witness, I have no further questions for you on
13 behalf of the Defence team. I would once again like to thank you for having given of
14 your time in order to answer these questions. Thank you.

15 PRESIDING JUDGE STEINER: Mr Iverson.

16 THE WITNESS: (Interpretation) Thank you.

17 MR IVERSON: Madam President, I can't imagine that the Prosecution would have
18 an objection to entering this map into evidence, but we'd like to preserve our right to
19 object until we can actually see the document.

20 PRESIDING JUDGE STEINER: Mr Iverson, as we have been doing, when it's time to
21 tender a document into evidence, the parties of course will have the opportunity to
22 make objections. The document was just assigned an ERN number, not an EVD
23 number, for the time being.

24 Mr Witness, the Defence concluded with your questioning and now we still have time
25 at least to start with the questioning by the Office of the Prosecution. So I give the

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 floor to Mr Iverson, who will start questioning you on behalf of the Prosecution, and

2 Mr Iverson you may be seated, if you so prefer.

3 MR IVERSON: Thank you very much, Madam President.

4 QUESTIONED BY MR IVERSON:

5 Q. Good morning, sir. How are you doing this morning?

6 A. Fine, fine. Fine this morning.

7 MR IVERSON: Madam President, because I intend to ask a few questions that will

8 reveal the identity of the witness, I would like to ask for a private session.

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

10 *(Private session at 10.48 a.m.) Reclassified as Open session

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

12 MR IVERSON:

13 Q. (Redacted)

14 (Redacted)

15 A. (Redacted)

16 Q. (Redacted)

17 A. (Redacted)

18 Q. (Redacted)

19 A. (Redacted)

20 Q. (Redacted)

21 (Redacted)

22 A. (Redacted)

23 Q. (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 A. (Redacted)

2 Q. (Redacted)

3 (Redacted)

4 A. (Redacted)

5 Q. (Redacted)

6 (Redacted)

7 A. (Redacted)

8 Q. Okay, and you also mentioned that you were there for two weeks. What else
9 were you doing in that area of the country?

10 A. We didn't do anything else. It was just the time we needed to make the repair
11 and then come back, because it took some time to go there and come back again.

12 Q. (Redacted)

13 A. (Redacted)

14 Q. (Redacted)

15 A. (Redacted)

16 (Redacted)

17 Q. (Redacted)

18 (Redacted)

19 A. (Redacted)

20 Q. (Redacted)

21 (Redacted)

22 A. (Redacted)

23 (Redacted)

24 Q. (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 A. No, no. It was something spontaneous. I just happened like that and I did it
3 and that was that.

4 Q. Okay, so were you unemployed?

5 A. No, I wasn't unemployed. I wasn't unemployed. I was there. I was in the
6 army but, given the way the army functioned and if you found something to do, you
7 did it.

8 Q. So one of your functions in the army was the army just allowed you to go and
9 work on odd jobs? Is that your testimony, sir?

10 A. You know, in Africa it's not like you in Europe. Somebody might spend two or
11 three weeks at home and might have certain responsibilities and turn up at 5 or 6 and
12 then go off, but if there's something to be done, it's done and he does it.

13 Q. What can you tell this Court about the command structure of the MLC in the
14 Central African Republic during the 2001 intervention, the Kolingba incident?

15 A. I didn't understand the question.

16 Q. Sir, do you know anything about the command structure of the MLC in the
17 Central African Republic during the 2001 intervention?

18 A. Not much. Not a great deal. That's a question that you'd have to put to the
19 military authorities, those who were competent, the General Staff of course. I can't
20 say anything about something I don't know much about, so it's really to the General
21 Staff that that question should be addressed.

22 Q. Sir, do you have any idea why the Defence in this case would tell us, the
23 Prosecution, that you did know something about the command structure of the MLC
24 in 2001?

25 A. Well, it's Defence who could tell you, but I'm the one who's speaking now and I

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 don't have any knowledge about that. I think it's the General Staff that could give
2 you information about the command structure.

3 PRESIDING JUDGE STEINER: Mr Witness -- first, court officer, please turn into
4 open session.

5 (Open session at 11.00 a.m.)

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

7 PRESIDING JUDGE STEINER: Mr Witness, it's now 11 o'clock. It is time for a
8 half-an-hour break, to give you the opportunity to take some rest, get a cup of coffee,
9 a cup of tea. Also our interpreters need to take some rest. We'll be back at 11.30.
10 The hearing is suspended.

11 (Recess taken at 11.00 a.m.)

12 (Upon resuming in open session at 11.35 a.m.)

13 THE COURT USHER: All rise.

14 Please be seated.

15 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

16 THE WITNESS: (Interpretation) Good morning again.

17 PRESIDING JUDGE STEINER: Can we continue, Mr Witness?

18 THE WITNESS: (Interpretation) Of course.

19 PRESIDING JUDGE STEINER: Mr Iverson, you have the floor.

20 MR IVERSON: Thank you, Madam President.

21 Q. Sir, what can you tell this Court about the arrival of the MLC troops and the
22 logistics provided in 2001?

23 A. I think that earlier on I said that the arrival of the troops from outside the
24 country, that's not my business. It was the General Staff. So that's a question which
25 I feel is only -- well, that can only be put to the General Staff. I don't feel that I am

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 authorised to reply to that question; a question which is not within my remit.

2 Q. Okay. And then I won't waste the Court's time asking you about every topic,
3 but could you just tell the Court then what is your knowledge about the 2001 MLC
4 intervention?

5 A. You know that in 2001 there were a lot of forces - a lot of forces - in the loyalist
6 camp. And I would just like to check that we're in private session.

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

8 *(Private session at 11.38 a.m.) Reclassified as Open session

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

10 PRESIDING JUDGE STEINER: Please, Mr Witness.

11 THE WITNESS: (Interpretation) Thank you.

12 With this question relating to the arrival of troops from outside the country, I was
13 saying that's a question for the General Staff, and in 2001 there were two camps, the
14 mutineers' camp and the other side, the loyalists, loyal to those in power, and given
15 our ethnic background, we were in the group of those undertaking the putsch. So
16 there were areas which we were not able to go into, areas such as the centre of town,
17 the airport. We couldn't go into those areas, or only with difficulty, so I can't answer
18 the question. I think it's a question that should be put to the General Staff. That's
19 roughly what I wanted to say.

20 The General Staff at that time was General Bozizé, General Bozizé with the structure,
21 and I feel that he would be the one to answer this question.

22 I don't know whether I've really got my point across here, but that's what I wanted to
23 say and now, as far as I'm concerned, you can return to public session.

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

25 (Open session at 11.41 a.m.)

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Open Session)

ICC-01/05-01/08

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

2 MR IVERSON:

3 Q. Sir, did you -- first of all, when did you meet with Defence counsel to talk about
4 this case for the first time?

5 A. Well, in my country of residence I live or we're living very carefully in the sense
6 that our daily life is a question of making sure that we can live and feed our family,
7 and we don't want to get involved in anything that's unclear. And I was surprised in
8 March/April 2012, I believe, to receive a telephone call, a very long number. I picked
9 up the phone, because I have a lot of family living in other countries, and the person
10 at the other end of the line introduced himself as a lawyer working for Jean-Pierre
11 Bemba who -- and he wanted to meet with me. I found this rather suspicious and I
12 hung up. I hung up. I explained things to my wife initially.

13 A couple of days later, I had the same phone call and the man pleaded with me to
14 meet with him for a discussion and he explained that I could be useful in things that
15 were to come. In April, I could be there. He said he was going to be there in April
16 and I said that when he was there, he could call me again. And I had phone calls
17 which I -- were rather strange, and this time the phone rang and it was a call (Redacted)
18 (Redacted). I had already stopped answering phone calls from abroad. And (Redacted)
19 (Redacted) it was a man saying, "Yes, it's me. I'm here. I'd like to meet
20 you." I discussed this with my wife, and secret things I don't talk to her, but there
21 are some things that I do need to share with my wife. And the man said he was in a
22 hotel, the (Redacted). Could I come and see him. I said, "I can't go to see you."
23 But I -- and then I indicated to him a place where we could meet. I knew where the
24 hotel was, so I suggested a place that was not far from that. I suggested that and we
25 met at (Redacted), and I called back the number and -- I called back and

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 said, "Can we go somewhere close to you?" It was a way of finding out who was
2 who, and I found a pleasant man who asked me a lot of questions.

3 THE INTERPRETER: The witness is starting to speak very fast again.

4 THE WITNESS: (Interpretation) But he said we could meet tomorrow. I had -- I
5 said that we could meet the next day, and I went there and he had -- he was there
6 with a woman, a woman who spoke only English, and this time they started to ask
7 me questions, both of them, questions similar to the first ones, but he went into
8 greater depth and we spent two or three hours in discussion. And then I went off to
9 do my job. I was in a bit of a hurry, and he asked me whether I would be prepared
10 to say these things if we need you to do so, and I said if it were possible then I would
11 be ready to do so, but if there was anything behind this request, then I would not be
12 willing to do so. So --

13 THE INTERPRETER: Sorry, the witness has started to speed up.

14 THE WITNESS: (No interpretation)

15 PRESIDING JUDGE STEINER: Mr Witness, I'm really sorry to interrupt you. You
16 started speeding up and the interpreters cannot follow you, so please slow down.
17 Speak slower. Thank you.

18 THE WITNESS: (Interpretation) Thank you. You know that today I'm not the
19 young (Redacted) who had no responsibilities, who could go and do things without
20 reflecting on the consequences. Today I have a (Redacted), and I said
21 to him that if -- I may have had three at the time. But if this wouldn't trouble my life,
22 then I would be prepared to do so, but if there was something behind it, then I would
23 not be prepared to go along with it, but if it were straightforward, I would go ahead
24 with it. It was March/April I met him with a white woman who spoke only English.
25 Thank you.

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 MR IVERSON:

2 Q. Okay, and the person you met was Mr Kilolo; is that right?

3 A. Yes, indeed.

4 Q. Okay. During the course of these few hours when you spoke to Mr Kilolo and
5 the other person, did you ever mention your knowledge about the MLC intervention
6 in 2001?

7 A. Not really, but in a way rather as I spoke to it a bit to you. That's the way I
8 talked about it, because I didn't talk about it in any detail, but rather in the same way
9 that I've just told you.

10 Q. Okay. So the assertion that you have knowledge about the command structure
11 of the MLC in the Central African Republic during the 2001 intervention would be
12 incorrect; is that right?

13 A. I'm sorry, but could you, if it's not too much trouble, put that question again,
14 please?

15 Q. That the Defence asserted to the Prosecution that you have knowledge about the
16 command structure of the MLC in the Central African Republic in 2001 is false, is
17 incorrect; is that right, sir?

18 A. It is wrong, it is incorrect, because -- we may not be understanding each other
19 here, but it would be the General Staff. I explained how this -- things happen.
20 When troops from another country arrive in a country, they are always received by a
21 staff who assign them to various corps and camps, but who am I to be aware of the
22 structure of command? No.

23 MR IVERSON: Madam President, I'd like to request that we go into private session,
24 please.

25 PRESIDING JUDGE STEINER: Court officer, please.

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 *(Private session at 11.52 a.m.) Reclassified as Open session

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

3 MR IVERSON:

4 Q. Sir, according to you, you served in the Central African Armed Forces for seven
5 years, is that correct, until 2001?

6 A. Yes.

7 Q. And in which month did you join the Central African Armed Forces, and if you
8 don't remember the exact month, was it early in the year, middle of the year? You
9 can approximate.

10 A. I've not quite understood the question. Do you mean when I enlisted in the
11 army?

12 Q. Yes, exactly, when you enlisted in the army. Do you remember the month?

13 A. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 A. (Redacted)

24 MR IVERSON: Madam President, I would like to request an open session, please.

25 PRESIDING JUDGE STEINER: Yes, just before we go into open session, just for me

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 to confirm: (Redacted)

2 (Redacted)

3 THE WITNESS: (Interpretation) Yes, that's correct.

4 PRESIDING JUDGE STEINER: (Redacted)

5 THE WITNESS: (Interpretation) Yes, indeed.

6 PRESIDING JUDGE STEINER: (Redacted)

7 (Redacted)

8 THE WITNESS: (Interpretation) Yes.

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

10 (Open session at 11.57 a.m.)

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

12 MR IVERSON:

13 Q. Sir, my question is this: So was the ambassador 14 years old or 15 years old
14 when he joined the Central African Armed Forces?

15 A. Of course he was 15, the ambassador.

16 Q. And that's a common thing that a 15-year-old can join military service in 1994?

17 A. I said that I was a special case; a special case. What is more important was the
18 size and I was -- I have lost weight, but now -- I was muscular at the time. It was
19 important in the special case for my family to furnish a child and that child was me,
20 but I'm not the only one. There were others. That happens like that in Africa.
21 You take a cousin or somebody says to you, "Do you have a child in your family that
22 can come into the army, that can join the service?", and that's how it happened. I
23 was not the only one to be under the age of 18. I understood what's concerning you
24 here.

25 MR IVERSON: Madam President, could I ask please that we go into private session?

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

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

2 *(Private session at 11.59 a.m.) Reclassified as Open session

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

4 MR IVERSON:

5 Q. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 A. (Redacted)

11 Q. (Redacted)

12 (Redacted)

13 (Redacted)

14 A. (Redacted)

15 (Redacted)

16 (Redacted)

17 THE INTERPRETER: Inaudible.

18 THE WITNESS: (Interpretation) -- code of ethics, military code of ethics, drill,

19 fire-fighting sometimes, weapons handling. Not like at a military academy, but how

20 to assemble and disassemble various kinds of weapons, various weapons, and so on

21 and so forth. That's the first training.

22 And then the second training is at a higher level, more of an instructor level. You are

23 shown how to hold a post, how to be the leader of a particular post, how to lead a

24 team, or a squad, and so on and so forth.

25 Briefly put, that's what I can tell you.

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 MR IVERSON:

2 Q. (Redacted)

3 A. (Redacted)

4 (Redacted)

5 Q. (Redacted)

6 (Redacted)

7 (Redacted)

8 A. (Redacted)

9 (Redacted) The mutiny occurred and it was necessary to leave the
10 army, particularly since the army -- correction, the mutiny affected -- we are in private
11 session, could you reassure me of that?

12 Q. We are in private session.

13 A. And when the conflict affected our ethnic group, people started to abduct
14 people and that is when the disorder began.

15 Q. Okay, and my question relates to the (Redacted)

16 (Redacted)

17 A. (No interpretation)

18 PRESIDING JUDGE STEINER: Court officer, please -- I'm sorry to interrupt you.

19 Could, please, court officer check again whether the transcript is working properly,
20 because mine again is delayed? I don't have the last question and answer.

21 (Pause in proceedings)

22 PRESIDING JUDGE STEINER: I'm really sorry about that, but I need to ask
23 Mr Iverson to repeat the last question in which you made a reference to what the
24 witness said yesterday about (Redacted), and then we'll need to have again
25 the witness answering to that question. This is the shortest way of doing that.

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 Otherwise, we need to go back on the tape and wait for the correction to be done. If
2 that is agreeable to the parties, we will proceed in that way.

3 Mr Iverson?

4 MR IVERSON: Right after the witness answered that -- the last thing he said was, "I
5 can't tell you about the training I didn't have." I remembered yesterday that he had
6 mentioned (Redacted) and that I didn't have the transcript reference ready. I do now.
7 Page 15 of yesterday's transcript, real-time, line 25 is where he mentioned (Redacted),
8 and then I believe the witness mentioned that he did in fact attend (Redacted).

9 Q. So my question to you, sir, is what was the training at (Redacted)?

10 A. I think we need to be clear. Just as I'm doing all I can to listen to your
11 questions properly, I would call upon you to listen just as carefully to my replies.
12 (Redacted)

13 (Redacted) And then you see, at the beginning - at the beginning - the disturbances
14 began and when that began we were called upon, because you see already people
15 were being abducted. So we all tried to get back and determine what was
16 happening in the town.

17 So, taking such training all the way and to the end, no. I began the training. That is
18 what I said.

19 Q. Okay. And the training that you began, what was it?

20 A. When you get there, there were sessions about civics, drills, ethics, discussions
21 about ethics, up to a week. So that was the period of time during which I told you
22 what happened happened and each person had to fend for himself. Thank you.

23 Q. Okay. What was your rank when you initially entered the military, sir?

24 A. I joined the rebellion as a (Redacted), and we received a promise: As soon as
25 we gained power, there would be a special decree, or order, and you would be

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 promoted to (Redacted) and everyone would get the rank. And, you see, the
2 rebellion, each person -- well, you see, it was the final objective that counted.

3 Q. Well, my question was actually asking when you joined the military when you
4 say you were (Redacted) what was your initial rank?

5 A. You always join the army as a (Redacted). You can't get stripes at
6 home or at the army headquarters. First, you're a second -- you began as (Redacted)
7 (Redacted) and then you rise up through the ranks.

8 Q. And did you rise up through the ranks? Did you obtain any other ranks?

9 A. (Redacted)
10 (Redacted), but if you are lacking in
11 discipline -- well, you see, you are ranked on everything during the training, but if
12 there are no problems you receive your rank, or your stripes. So after (Redacted) I was --

13 THE INTERPRETER: Inaudible.

14 THE WITNESS: (Interpretation) -- and when we went, I was a (Redacted) and some
15 time after that, with the various uprisings -- well, you see, the first stripe -- try to see
16 what is happening today. Try to look at what's going on today in the town. I'll give
17 you some time and then ultimately -- thank you.

18 MR IVERSON:

19 Q. (Redacted)
20 (Redacted) Somebody
21 who was in the military would know that, right?

22 A. Yes. I talked about second class, first class, corporal, chief corporal, sergeant,
23 and so on and so forth. (Redacted)

24 THE INTERPRETER: The interpreter apologises. Could the witness repeat his
25 reply?

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 MR IVERSON:

2 Q. Sir, could I ask you to repeat your reply, because the interpretation did not pick
3 up your reply? Thank you.

4 A. Let me explain. The first rank in the army is a combatant, second class private,
5 then first class and then you become a corporal, then you become chief corporal, then
6 you become a sergeant, then chief sergeant or staff sergeant - it's a non-commissioned
7 level - and then you become warrant officer. Those are the various ranks. You go
8 up gradually, one step at a time. You could call it rising up the ranks. This is for
9 people who didn't go to military academy. So (Redacted) begin as a first class private,
10 second class private, corporal, chief corporal, sergeant, chief sergeant or staff sergeant,
11 warrant officer, chief warrant officer, second lieutenant. Then you become a
12 fully-fledged lieutenant, captain, commander, lieutenant-colonel, colonel, and so on
13 and so forth.

14 So if you go to a military academy or if you graduate from a military school, there's a
15 different system. So even if you go and you have the possibility, if you have support,
16 I'm sorry to say this, but in Africa there's no true logic when it comes to ranks. If
17 your parents -- you may move up faster, or if you have some relatives who are so -- if
18 you have these relatives supporting you. This is what I can tell you.

19 Q. Okay. Sir, you say once you finished basic training, you said (Redacted)
20 (Redacted). Yesterday you also said that that basic training lasts for (Redacted)
21 (Redacted); is that right?

22 A. The first one I did in (Redacted). That's what I said. Perhaps it was not
23 understood properly. And then the second training I did in (Redacted).

24 Q. (Redacted)

25 (Redacted) Is that a correct understanding of your

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 testimony?

2 A. That's right. I told you that. I was a particular case, and the person who
3 offered me or suggested me wanted to please the person who had asked a favour
4 from him. Let me tell you, in two years, there were some people who were stronger
5 than me. If you look at what's going on today and this whole issue of military ranks,
6 the logic of white people is not African logic. For example, on television you see
7 people who are chief corporals and they may not have gone -- they didn't go to any
8 military academy at all and they go from chief corporal to captain just like that.
9 Some people go from lieutenant and directly become lieutenant-colonel. I don't
10 think there should be any controversy about that. You have to understand what's
11 going on right now in Bangui and ask the head of the army why this is happening.
12 Thank you.

13 Q. So, sir, just to get the record straight, in (Redacted)
14 and after you completed your training, about (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)

18 A. I would say, yes, but I was not the only one. I was not the only one. I'm the
19 one who's before you right now. I'm the one before you, but I was not the only case.
20 And let me remind you of one thing: (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted) And when we exited the rebellion, there were some people who
25 had had no training who became part of the army and now they are officers. They

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 had had no training, no military training whatsoever, except some training in the
2 forest, of course, training during the rebellion. Thank you.

3 Q. Sir, I've asked about your own personal experiences. Why do you feel the need
4 to try to convince us that other people do this?

5 A. No, I beg your pardon if I'm talking about other people, but I'm telling
6 you -- I'm giving you the answer. Now, just to refresh your memory, sometimes I
7 have to make reference to what is happening within the army, the same army. It is
8 the same army. If you ask me about my experience, it's as if there's two armies.
9 Now, just so that you can reconcile the facts, that is why I am telling you about this,
10 but I am give you answers -- I'm giving you the answer to the question you asked me
11 before encouraging you to look around yours -- look around.

12 Q. Sir, are you telling us about the others because your story seems highly
13 unlikely?

14 A. No, my story is not unlikely. My story is clear. Perhaps you don't
15 understand, but I think I know that you -- you know your job, but I think that it is
16 important that from time to time I be able to tell you a few things. If you were
17 sufficiently informed, you wouldn't need my remarks, but I think it is important for
18 you not to try to trap me in some kind of corner, thus -- which is prejudicial to me.

19 Q. Sir, where would one find a safety latch on an AK-47?

20 A. At the bottom.

21 Q. Which side?

22 A. The safety latch?

23 PRESIDING JUDGE STEINER: Mr Iverson, do we need to continue in private
24 session? We are still in private.

25 MR IVERSON: The reason I would opt to stay in private session is because I have no

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted) based on his last answer, but if the witness is willing to try, certainly we
3 would support going into open session.

4 PRESIDING JUDGE STEINER: Mr Witness, we will try to go back into open session,
5 so please be attentive --

6 THE WITNESS: Merci.

7 PRESIDING JUDGE STEINER: (Redacted)

8 (Redacted)

9 THE WITNESS: Merci.

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

11 (Open session at 12.28 p.m.)

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

13 MR IVERSON:

14 Q. Sir, so again, which side of the weapon would one find the safety latch on an
15 AK-47?

16 A. You're asking about the safety latch?

17 Q. Yes, sir.

18 A. It's at the bottom, where the -- there's the trigger. It's right beside the trigger.

19 Q. And yesterday, on yesterday's transcript, page 22, line 16, you mentioned
20 another weapon. You mentioned a MAS-36, M-A-S-36. Where would one find the
21 bolt on an MAS-36?

22 A. MAS-36 is not a very complicated weapon. It is made of wood and, in order to
23 arm the weapon, you raise up -- and it is a one-shot weapon, one shot at a time. It is
24 a hunting type weapon. I hope you are looking at me as I demonstrate the
25 manipulation. You take the handle, you raise it, you load the bullet and then you

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 have the trigger. So all the items that you can manipulate are at the top and then the
2 trigger is at the bottom.

3 Q. Okay, I'd like to talk about the ambassador now, sir. Starting from the
4 beginning of the ambassador's supposed military career, please list all of his units that
5 he served in.

6 A. Yes. Based on what the ambassador told me, he served in the RMI. He
7 stayed there for some time. Then he went to the support regiment, and the support
8 regiment includes civil engineering operations and so on. It is almost like a garage.
9 If you lose trust in the hierarchy, you are deployed there and they try to teach you a
10 few trades, and if there's no work, you go back home. So the ambassador told me
11 that he spent some time in these units, and that is it.

12 Q. How large a unit was the RMI? What type of unit was it? How many people
13 were in it?

14 A. This was a large unit. I really cannot take the risk of answering this question,
15 because I was not in charge of the administration of that unit.

16 Q. During the time that the ambassador was in the RMI, what was the size of a -- of
17 the platoon?

18 A. I do not quite understand your question.

19 Q. What was the size of the platoon within the RMI?

20 A. The size of a platoon? Was that your question? I didn't quite understand it.

21 Q. Are you able, sir, to tell this Chamber in general what the size of a platoon is?
22 Do you understand that question?

23 A. A platoon? I said I did not quite understand the question. A platoon, or what?
24 Please kindly repeat slowly.

25 Q. Sir, do you know what a platoon is?

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 A. A platoon? Let me start my answer. In any case, we were working in sections
2 of 30 to 40 men, and so on and so forth. There were officers responsible for those
3 details. (Redacted) So these
4 administrative details were reserved for those people responsible for administration.

5 MR IVERSON: Madam President, I would like to request that we go into private
6 session, please.

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

8 *(Private session at 12.38 p.m.) Reclassified as Open session

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

10 MR IVERSON:

11 Q. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 A. I do understand. I would like to ask that we revert to open session. Please
17 understand that I will take a bit more time because I will try to speak slowly so as not
18 to go too fast and risk identifying myself.

19 PRESIDING JUDGE STEINER: Let's try again.

20 Court officer, please turn into open session.

21 (Open session at 12.40 p.m.)

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

23 MR IVERSON:

24 Q. Sir, you still haven't answered my question though. Do you know what a
25 platoon is?

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 A. Yes, I know what a platoon is. You have a section, a platoon, a battalion, but
2 the problem is that it is difficult for you to understand me. As you know, at one
3 point the army was no longer well-organised. Currently it is organised, but at that
4 time there were so many conflicts that the president took care of only the Presidential
5 Guard, his own personal guard and private militia. It was as if the rest of the army
6 were simply on duty. I do not know whether it was bad luck for us not to really live
7 the experience of a real army. It was like people who wanted to go to work simply
8 went to work. And soldiers normally live in camps, but in those days many were
9 living in the neighbourhoods. So there are questions that I cannot answer in the way
10 you want, because there was total disorder, so I don't want to take the risk of telling
11 you just anything. Thank you.

12 If it is all right with you, let me add that you could arrive then 30/40 minutes,
13 afterwards you disappear. If it is your day to be on guard duty, you do that and
14 after your shift you return home. There used to be assemblies and so on, but I don't
15 know whether that is the case today, but at that time the supreme commander took
16 much more care of his personal guard unit because he was afraid. That is all I can
17 tell you.

18 Q. Okay. And it's true that if you were not -- if one was not trusted, they would
19 be placed in the support unit; is that right?

20 A. That is what I am telling you. The support unit was known as "the garage" and
21 the officers referred to it as "under the mango trees," and this means this concerned
22 people who did not have any positions of responsibility. In the support camp there
23 were big mango trees and that camp was opposite the Camp Obrou, Camp Fidel
24 Obrou. So you have mango trees there and you could have a lieutenant, a captain,
25 who does not have a position of responsibility, for political reasons or because they

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 have been suspended or because of a lack of trust. This person would go there in the
2 morning with his uniform. He can play games and he looks at the time. At the end,
3 he would then go home. And this happened more in the support regiment. And
4 you had the young people doing manual labour. Others learned how to do
5 carpentry and motor mechanics and so on. You were just there, but they -- it was
6 very difficult to be involved in normal military operations. That is why I said that.
7 Thank you.

8 Q. Okay. So if one was not trusted, they'd go to the support battalion and, if one
9 was trusted, they could achieve a meteoric rise from private second class to sergeant
10 in less than a year; is that right?

11 A. I think we should not confuse between the time periods. (Redacted)
12 (Redacted) There was a leader who left and then there was a problem between the
13 ethnic groups. It was said that it was the Yakomas who were in power. I know
14 I can say this in open session. So the ambassador told me that if there was so much
15 unrest, at the time of unrest the most targeted ethnic group was the Yakoma. These
16 are people who were the most mistreated, but prior to that there was no problem.
17 At one point, if you want to join one camp, you have to hate the others, so I do not
18 think we should confuse things here. (Redacted)

19 MR IVERSON: Madam President, could I ask for a private session, please.

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

21 *(Private session at 12.48 p.m.) Reclassified as Open session

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

23 MR IVERSON:

24 Q. (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 A. (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 MR IVERSON: Could we try open session again, please, Madam President?

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

9 (Open session at 12.50 p.m.)

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

11 MR IVERSON:

12 Q. Sir, when did the ambassador attain the rank of sous-lieutenant, or second
13 lieutenant?

14 A. Maybe you did not understand what the ambassador said. The ambassador
15 never officially reached the rank of second lieutenant, but when the ambassador
16 joined the rebellion, he was given a promise. A promise was made to him that, after
17 taking over power, there would be a special decree issued promoting people to
18 officers. The ambassador was relying on that promise and this was one of the
19 reasons that led to the defection of the ambassador, because based on what he told me,
20 there were other people who had never attended a training academy and did not even
21 receive any military training, left civilian life and were immediately appointed to
22 ranks of NCOs and senior officers.

23 The decision did not please the ambassador and he himself considered himself as an
24 officer, referring to himself as an officer, and other people started referring to him as
25 such. The ambassador felt that what had happened was not correct. Enough was

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 enough. And up 'til today some people who know the ambassador continue to refer
2 to him as "officer." That is because of what I have just described. Thank you.

3 MR IVERSON: I hate to have to switch back and forth like this, but could I go into
4 private session, please, Madam President?

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

6 *(Private session at 12.54 p.m.) Reclassified as Open session

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

8 MR IVERSON:

9 Q. Sir, when you met with Mr Kilolo last year in (Redacted), you must have
10 told him a different story. You must have told him that you were an officer. Did
11 you tell him that you were a (Redacted)?

12 A. Of course. Yes, of course, I told him that, on the basis of the account that I have
13 just given you, but I did not have very much time with him. He asked me too many
14 questions. I did not give him all the details, but I was the one who told him that on
15 the basis of the account that I have just given you. I hope we are in private session.

16 Q. We are, sir. So, as you've just admitted, you gave false information to
17 Mr Kilolo; is that right?

18 A. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted) it is in relation to what I said because I had already imagined myself
22 acquiring this rank, but I was not given the rank. The others were appointed to
23 those ranks officially, and this was one of the reasons for the defection; one of the
24 reasons. And when I met counsel, I told him that, but I did not give him all those
25 details. We did not have enough time to discuss the issue in-depth. He also asked

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 his questions to me very quickly. They were very fast. That is all I can tell you.

2 That is all I can tell you. Thank you.

3 Please, please, I hope, I hope -- in fact, there are a certain number of things that we

4 experienced very, very personally and this should not be the subject of mockery.

5 I think this is, for you, a way of making fun of me. Let me stop there.

6 Q. Sir, we have information from the Defence that you said that you were a

7 (Redacted) and I'm trying to get behind that information and find out. This has

8 nothing to do with mockery. This has everything to do with getting to the truth and

9 I want you to understand that. So did you or did you not tell the Defence that you

10 were a (Redacted)?

11 PRESIDING JUDGE STEINER: Yes, Maître --

12 THE WITNESS: (No interpretation)

13 PRESIDING JUDGE STEINER: Mr Witness, please wait.

14 Yes, Maître Kilolo?

15 MR KILOLO: (Interpretation) Madam President, I believe that it would be

16 pointless to be badgering the witness regarding issues or questions that he has clearly

17 answered. About three times he has said that, "Yes, I told counsel that I was (Redacted)

18 (Redacted) for the reasons that I have already given you," so it would be pointless to

19 harass him to the point of irritating him at this time.

20 PRESIDING JUDGE STEINER: Mr Iverson, I tend to agree with Maître Kilolo that

21 apparently the witness has already answered to this question, so unless you have a

22 reason to seek confirmation of the answer, I think we could go -- move forward.

23 MR IVERSON: Absolutely, Madam President, and I intend to move forward. I just

24 want to state, though, for the record that much of the information that we received in

25 the Defence summary is either inaccurate or false, or both, and so it is incumbent

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 upon the Prosecution to explore why that information is inaccurate, whether or not it
2 is false, whether or not it came from inaccurate information from the witness, whether
3 knowingly or unknowingly, whether it came from inaccurate information from the
4 Defence, because we have very few tools with which we can prepare and, given in
5 this case less than 24 hours' notice that this witness would be the witness to testify,
6 I think that it's warranted that we explore some of these issues, and that is what I
7 intend to do.

8 PRESIDING JUDGE STEINER: Mr Iverson, the Chamber has no objections that you
9 proceed with this line of questioning. It is just a concern that sometimes maybe you
10 could move forward to another topic on the same issue, instead of insisting to the
11 point that the witness may become emotional. So it's a matter of moving forward
12 only, not an objection to this line of questioning.

13 You can proceed, please.

14 MR IVERSON:

15 Q. Sir, I'd like to ask you a few questions and then try to move into open session
16 again. Now, can you tell this Court the circumstances under which you left, or
17 supposedly left, the Central African Armed Forces and then joined the Bozizé forces?

18 A. I just want to check that we're in private session.

19 Q. Check, we're in private session.

20 A. Thank you. I told you that everyone has got a vision in their lives. They have
21 a project. I'm not keen on bad governance, nor impunity, and when my army is rent
22 asunder, the army command has been sacrificed to outsiders, people with dubious
23 morals and of doubtful origin who shot up the ranks, it led to serious disorder and
24 that meant that we needed somebody to liberate us, and we were looking for
25 someone.

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 Given the general tenor of the discourse of General Bozizé, to begin with, that
2 reassured us. And we were unemployed virtually, in actual practice, so everybody
3 was seeking a means to join up with the rebellion. Some went off with him, created
4 detachments that joined up with him, and others joined later at the entrance to Bangui,
5 they joined the rebellion, and as for myself, (Redacted)
6 (Redacted). And I said that it was towards the end of
7 2001/early 2002, if I'm not mistaken.
8 As you want all of the details I'm doing my best, but it's difficult. We were
9 traumatised. You have to put yourselves into our shoes, even if you have doubts
10 about what we're saying, but if you had lived through what we lived through, I think
11 you would understand us. And there's an African saying, "When the neighbour's
12 house is on fire, don't make fun of him. It might be yours the next day." And that
13 is why we ask you, Counsel, in doing your work to be careful in what you are saying.
14 Thank you.

15 Q. And when you left according to (Redacted); is
16 that right?

17 A. That's what I've told you. And, please, let me also take this opportunity to say
18 that there was -- the rebellion, there were people there who had the insignia of a
19 captain who weren't actually captains, and in taking power there were others - not me,
20 but others - who had refused the rank and now they're at large so to speak, as I am. I
21 hope we're in private session. Now, today, they're dispersed left, right and centre.
22 Thank you.

23 Q. Okay. What were you doing as (Redacted)?

24 A. Please repeat the question more slowly. I didn't get it.

25 Q. What were your duties as (Redacted)?

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: Mr Iverson, could you please be more precise? In
2 which period? In the FACA? In the rebellion? Even I did not understand which
3 period you are referring to now.

4 MR IVERSON: Well, Madam President, I don't know which period because I don't
5 know exactly when he was supposedly (Redacted), so I wanted to ask a general
6 question to possibly get some more information to generate more questions that are
7 specific, but certainly I can try to drill down on.

8 Q. And, sir, this is for you: What were the time periods that you were a (Redacted)?

9 A. I hope it's the same question. I think it's the same question, I've already
10 answered it, but you're asking me again, but let me get straight to the crux of the
11 matter because otherwise it will delay things again. You'll correct me if I'm wrong.
12 I'm going to try and reformulate it: "When you joined the rebellion, what were the
13 different tasks that you had to carry out?" Is that your question? If that's the
14 question, then I can give you an answer to it.

15 Q. Okay. And perhaps you did provide an answer to this question, but I
16 completely missed it. What were the time periods when you were a (Redacted)? From
17 what time until -- I suppose the end time would be the time when you left? In other
18 words, when did you become a (Redacted)?

19 A. When I talk about a (Redacted)
20 (Redacted). Am I being clear? And I said -- well, I gave you a lot
21 by way of explanation about that, a lot, but I think that somehow or other you are
22 absolutely determined -- and I'm sorry to put this in these terms, Prosecutor, but you
23 are really determined to annoy me with this. So, please take a look at the previous
24 questions and you will find the answer to that question.

25 Q. Well, sir, I have looked, with all due respect, and I don't believe you ever

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 testified as to when you became a (Redacted). So could you please tell the Court now
2 when you became a (Redacted)?

3 A. Well, perhaps I didn't, but you will help me. You will help me. Perhaps I
4 don't have the definition of what (Redacted) is. Perhaps you could give me the
5 definition of (Redacted)? That will make it easier for me to answer your question.

6 Q. Sir, I'm just using the word that you used. You said that you were (Redacted), and
7 since you said you were (Redacted) that I did not know until yesterday, I'm
8 asking you a question about when you became (Redacted). Unless I'm missing
9 something, that seems perfectly logical to me.

10 A. Perhaps you have a different definition of (Redacted)
11 (Redacted) So
12 it was -- I am saying this on the basis of the different promises that we were given,
13 and that is what I hung on to and it was after that that I defected and that was the
14 basis, and I was determined to get there, even if it's not immediately, today,
15 tomorrow, but later.

16 Thank you.

17 Sorry, I'd like to have a drink of water.

18 Q. So you never actually attended the military academy; is that right?

19 A. No, never.

20 Q. Okay. So, in other words -- at least I'll put it this way and you can correct me if
21 I am wrong. (Redacted) Is that
22 a fair statement of your position during the time frame which you will not tell us?

23 A. Thank you, but please don't put words in my mouth. This is what I said. Let
24 me give it to you once again. When I joined the rebellion, you know that the world
25 is one of vested interests. When you -- well, when people left they were risking their

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 lives under gun-fire. You need a clear promise and that's what we got. I wasn't the
2 only one. We got promises.

3 There are others who, for reasons of their ethnic appartenance (sic), received -- and I
4 told you that they started from scratch and were shot up to officer rank, but in other
5 cases there was a clear refusal to promote them to officer rank. Some people could
6 cope with that. Others, less so. And those who couldn't, I mean that's life. Those
7 who couldn't just went off to do something else in civilian life. They went off into
8 civilian life.

9 I gave you an example of my civilian life. I do odd jobs and I am continuing in my
10 civilian life. I'm not going to go into too much detail, (Redacted)
11 (Redacted) to prepare to get ready for
12 a future life, to move on, to move ahead.

13 I really wanted to say this again, I'll repeat it again and that is what I wanted to say.
14 Thank you.

15 MR IVERSON: Okay, for what it's worth I will just leave it there, sir.

16 Madam President, could I request that we go into open session, please? Thank you.

17 PRESIDING JUDGE STEINER: Mr Witness, we will now turn back into open session,
18 so please be very cautious with what you say.

19 Court officer, please turn into open session.

20 (Open session at 1.18 p.m.)

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

22 MR IVERSON:

23 Q. Sir, from the end of 2001/beginning of 2002, what were the ambassador's duties
24 in Moyenne Sido?

25 A. The ambassador was -- well, you know that there was fighting, there was

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 division, there wasn't too much order, but there was a semblance of organisation - a
2 semblance of organisation - and it was broken down into sections, or platoons.

3 There were logistics, operations. That included communication and intelligence.

4 This is open session? Public session?

5 Today I cannot hide from you what the ambassador did, but the ambassador was

6 within the intelligence and communications platoon. In that section there were the

7 technical experts and there was Thuraya. They were using the Thuraya. And there

8 was also Parfait Mbaye, Minister la Vie, so that was what that was about.

9 Intelligence, drafting reports, that's the sort of thing that the ambassador was

10 involved in. That was his contribution in the context of the organisation.

11 Q. Sir, was the staff broken down according to some type of military doctrine as to
12 how tasks are separated, so administration, intelligence, logistics, operations, that sort
13 of thing?

14 A. I understand your question, because you want things to move ahead normally,
15 but just let me say this: The rebellion was made up of not just soldiers and there
16 weren't enough people who had been to military academies.

17 Let's go back in time, if we may, into private session as well, so that I can give you
18 some names, if you don't object?

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

20 *(Private session at 1.22 p.m.) Reclassified as Open session

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

22 PRESIDING JUDGE STEINER: We are in private, Mr Witness. You can continue.

23 THE WITNESS: (Interpretation) If you take a look at the situation, there

24 was -- there were people like (Redacted), he'd been to a military academy. It was

25 afterwards that he got lots of money that he underwent training, but (Redacted) for

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 instance I knew he came out of a French military academy. I don't know whether it
2 was Saint-Cyr, or somewhere else, but I know that he graduated from a military
3 academy. That's where he was trained.

4 And then there were the others, but it was very difficult to do everything according to
5 full military discipline because there were civilians, there were lower ranks, but what
6 was important was the intellectual value of people. If you could read and write, or if
7 you were good at public speaking, but what happened was there was a lot of doubt
8 surrounding everything and everything was concentrated at the hierarchical levels.

9 That's where power was concentrated. There wasn't much in the way of
10 decentralisation.

11 And in the forest, well, what we went through was when power was taken and we all
12 know, together with you, what happened next, but perhaps you're not terribly
13 interested in what happened next, but I'll tell you anyhow even if you don't want to
14 know. Whether you are talking about the government, or that was his family, direct
15 family, children were involved in things, that's the image that -- we had the image of
16 what we had to begin with and it was transferred right through to different levels.
17 So we can't really say there was any military discipline and I really think I ought to
18 leave it that.

19 MR IVERSON:

20 Q. Sir, do you know the last question that I asked you? Could you tell the
21 Chamber, if you know?

22 A. The question that you put and that I've just answered?

23 Q. Yes, please.

24 A. Well, it's difficult for me, but I'll try. Perhaps I didn't give you the right answer,
25 because I misunderstood the question, but if that's the case you'll have to put it to me

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Private Session)

ICC-01/05-01/08

1 again. You said, "Organisation, was everything done according to military
2 discipline?" That was the question.

3 Q. Okay, sir. I just wanted to check, because I didn't mention anything about
4 discipline in that question. Okay. What was the --

5 PRESIDING JUDGE STEINER: Mr Iverson.

6 Yes, Mr Witness?

7 THE WITNESS: (Interpretation) Yes, the Prosecutor says that he didn't mention
8 discipline in his question. I don't want to answer a question if I have misunderstood
9 it, so could you -- Mr Prosecutor, could you perhaps give me the question again so
10 that I don't change his question and give my version of the answer?

11 PRESIDING JUDGE STEINER: Mr Iverson, we have two minutes. Do you think
12 it's possible to rephrase the question and obtain the answer you want?

13 MR IVERSON: I don't think it's necessary, but I do have one question prior to the
14 break if I could, Madam President?

15 Q. Sir, when was the last time that you spoke with Joachim Kokaté?

16 A. I've never spoken to him.

17 MR IVERSON: Okay. Well, I'd like to follow-up on that issue tomorrow morning,
18 but I believe now is the time that we're going to break for lunch. Thank you, sir.

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

20 (Open session at 1.28 p.m.)

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

22 PRESIDING JUDGE STEINER: Mr Witness, we will suspend for today your
23 testimony. It's now 1.30. We hope you can take some rest during the afternoon, the
24 evening. We'll be back with you tomorrow morning at 9 sharp.

25 The Chamber, parties and participants will resume this afternoon at 3 o'clock with the

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Open Session)

ICC-01/05-01/08

- 1 continuation of the testimony of Witness 26.
- 2 The hearing is suspended.
- 3 THE COURT USHER: All rise.
- 4 (Recess taken at 1.29 p.m.)
- 5 (Upon resuming in open session at 3.03 p.m.)
- 6 THE COURT USHER: All rise.
- 7 Please be seated.
- 8 PRESIDING JUDGE STEINER: Good afternoon, everyone, and good afternoon and
- 9 welcome back, Mr Witness.
- 10 WITNESS: CAR-D04-PPPP-0026 (On former oath)
- 11 (The witness speaks French)
- 12 (The witness gives evidence via video link)
- 13 THE WITNESS: (Interpretation) Good afternoon, everyone.
- 14 PRESIDING JUDGE STEINER: Mr Witness, are you feeling well and ready to
- 15 continue with your testimony, sir?
- 16 THE WITNESS: (Interpretation) Yes, indeed. I'm fine, thank you.
- 17 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that you are still
- 18 under oath. Do you understand that, sir?
- 19 THE WITNESS: (Interpretation) Excuse me, I didn't quite catch that?
- 20 PRESIDING JUDGE STEINER: I want to remind you that you are still under oath.
- 21 You understand what that means?
- 22 THE WITNESS: (Interpretation) Yes, yes, yes. Yes, I understand.
- 23 PRESIDING JUDGE STEINER: I also want to remind you, Mr Witness, that you
- 24 have to speak slower than normal, in order to facilitate the work of our interpreters,
- 25 and that you don't forget after a question is put to you to wait five seconds before you

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Open Session)

ICC-01/05-01/08

1 start giving your answer in order to allow the translation of the question and to avoid
2 overlapping speakers. Is that fine with you, sir?

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

4 PRESIDING JUDGE STEINER: So the Defence will continue questioning you and,
5 therefore, I give the floor back to Maître Kilolo.

6 MR KILOLO: (Interpretation) Thank you, Madam President.

7 QUESTIONED BY MR KILOLO: (Interpretation) (Continuing)

8 Q. Mr Witness, good afternoon.

9 A. Good afternoon, Counsel.

10 Q. I would like to spend a few more moments with you, but be reassured it's not
11 going to be too long. Can you remember that in our discussions yesterday you
12 mentioned the fact that the troops of General Bozizé's rebellion arrived on -- during
13 the year 2002 on the 25th and they remained until the 30th? Do you recall saying
14 that?

15 A. Yes, you did indeed ask me this question yesterday. You asked me if we
16 arrived in the north of Bangui, and I said it was the 25th, 25 October, and we spent
17 five days there and then withdrew to PK12.

18 Q. So this withdrawal to PK12 was when exactly?

19 A. It was after the five days. So 30 October we withdrew to PK12, and then we
20 spent a day there and then we all went our separate ways.

21 Q. Once you arrived at PK12 on the 30th, when did you leave PK12?

22 A. We left PK12 after the six days - after the period of six days - and then we left 12,
23 going towards PK22 towards Damara and Sibut.

24 Q. Yesterday you mentioned the crimes committed by troops of General Bozizé's
25 rebellion during their time in Bangui. You mentioned the question of other people's

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Open Session)

ICC-01/05-01/08

1 property that had been stolen - looted - and which was brought together at PK12.

2 Do you recall this?

3 A. Counsel, yesterday what I said was that military action is not even -- it's not like
4 a football match. Mind you, it might be like a modern football match given the way
5 some people fight there, but it wasn't like that in the neighbourhoods. When there
6 were the excesses we came across people were dispersed, and when people were
7 spread out people just did what they want. And then when we met and withdrew to
8 PK12, I saw people with pushcarts, wheelbarrows, full of things, vehicles full of goods.
9 That is what I told you yesterday.

10 Q. As far as you're aware, why were there all these acts of looting and stealing
11 from -- carried out by General Bozizé's rebel troops at that time?

12 A. As I said yesterday, it's a question of resources. People were not being paid.
13 There was a famine, there was hunger, misery, and when they arrived in town and
14 when they knew they were going to withdraw, in difficult circumstances they just
15 profited from what was around. They stole. They looted. They did what they felt
16 like. That's what it was like.

17 Q. As well as the stealing and looting, were there any other types of crimes
18 committed by these troops that you could tell us about?

19 A. I didn't see it, but when we were called together in the evenings I heard people
20 talk about the acts they had committed, but everyone was trying to save their own
21 skin. I don't know what other people got up to, but I did hear people talking about
22 things in the evening.

23 Q. What did you hear being spoken about by the different soldiers? What did
24 you personally hear them talking about at PK12?

25 A. Those who spent time in the forest they didn't have time to let off steam, so they

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Open Session)

ICC-01/05-01/08

1 were taking advantage of what was available and then they -- they came back after a
2 while.

3 Q. What do you mean by "let off steam" with the women around? What do you
4 mean by that?

5 A. Well, I think what they meant by that was that they slept with women forcibly.

6 Q. So these rapes were taking place where, according to your information?

7 A. Well, Counsel, I said in the beginning that there were excesses taking place.
8 We were all in the neighbourhood doing our own thing and I don't -- we couldn't
9 know what other people were up to, but then there was a lot of talk and there was
10 talk of people having committed acts such as that.

11 Q. Do you have any information about the type of relationships in Central African
12 Republic between 25 October and 5 -- 2002 and 15 March 2003? I'm talking about the
13 relationships between the various ethnic groups within the Central African Republic.

14 A. Counsel, could you please put that question again?

15 Q. Well, would you agree with me that the Central African Republic has a
16 population made up of a number of different ethnic groups?

17 A. Yes, and that is still the case today. There's a major problem with the mix of
18 ethnic groups. We haven't yet resolved this problem, it carries on and in the present
19 circumstances this problem still exists. That's the way it is.

20 Q. What do you mean that's continuing? What problems are you referring to
21 between the ethnic groups in the CAR?

22 A. The problem of those from the north and those from the south, that is still
23 ongoing. What happens in Central Africa I think you are well-placed to know about
24 this. It's the same problems again and again. Everybody can hear that.
25 Everybody can see that on the TV. I think you're fairly well-placed to know what's

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Open Session)

ICC-01/05-01/08

1 going on nowadays. How many deaths? How many people are killed every day?

2 These are Central Africans who are dying. If you listen, people talk about Boy-Rabé,

3 Miskine, Gobongo. The same names keep cropping up, so the problem has not yet

4 been resolved. It's persisting to this day.

5 Q. So the problems between the different ethnic groups, or at least those from the

6 north and those from the south in Central African Republic, is this problem linked in

7 any way with -- to the armed conflict that took place between October 2002 and

8 March 2003?

9 A. Sorry, could you break that question down a bit, please? I really found it
10 difficult to follow.

11 Q. You said earlier that there were crimes; crimes committed by the elements of

12 General Bozizé's rebel troops in the Central African Republic. So my question is:

13 During the same period, 2002/2003, were the crimes you spoke of linked to the ethnic

14 conflicts in the Central African Republic in any way?

15 A. The conflict between the north and the south is still ongoing, right up to this

16 very day it's carrying on, so I can't say anything to the contrary.

17 Q. I would like to concentrate more on the crimes committed in 2002/2003. The

18 question I'm asking is whether these crimes were linked in any way to the ethnic

19 conflicts, the north/south ethnic conflict in the CAR?

20 PRESIDING JUDGE STEINER: Yes, Mr -- wait, Mr Witness, before you answer.

21 Yes, Mr Zeneli?

22 MR ZENELI: Thank you, Madam President. I try and respect your wish not to

23 intervene, but this is a typical example of a leading question, especially after a series

24 of questions by the colleague on the other side has been dealing with the same issue.

25 I don't think it should be allowed, in my submission. Thank you.

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Open Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: Maître Kilolo?

2 MR KILOLO: (Interpretation) Madam President, it was a question aimed at
3 clarification. Mr Witness has answered the question in that he has said between
4 the -- the conflict between the north and the south is still ongoing. What I was trying
5 to understand is whether he was also situating these conflicts in the 2002/2003 period.
6 He's talking about it being ongoing but there needs to be a starting point, but we need
7 to know when this starting point is. He hasn't made that clear, so what I was hoping
8 to find out whether -- was whether 2002/2003 was in the period that he was referring
9 to.

10 PRESIDING JUDGE STEINER: Well, this last question you have just mentioned is a
11 different one, so if you rephrase in that way we can allow the question to be put.
12 Could you repeat the question, because I'm sure now the witness is completely lost.

13 MR KILOLO: (Interpretation)

14 Q. Mr Witness, I'm sure you understood the question I was asking you. What I
15 would like to be able to understand is when you say the conflicts between the north
16 and the south continue to this day, in the period of time you're thinking of does that
17 include the years 2002/2003? So to try to make this as clear as possible for you, I
18 would like to know whether the crimes committed in 2002 that you have described to
19 us are linked, or not, to the conflict that was ongoing in 2002/2003? I'm not talking
20 about the situation in 2013.

21 PRESIDING JUDGE STEINER: Maître Kilolo, I'm sure you understood quite well
22 when I said that you should rephrase the question in the way you mentioned first.
23 So what we are trying to obtain from the witness is the information -- is that whether
24 this alleged ethnic conflict, or conflict between the north and the south, had already
25 erupted or existed in 2002/2003. Now you're talking about the crimes committed

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Open Session)

ICC-01/05-01/08

1 again, so what exactly do you want?

2 MR KILOLO: (Interpretation) Madam President, I will confine myself to the first
3 part of the question you outlined.

4 Q. Mr Witness, the conflict between the north and the south in Central African
5 Republic, was it already in existence in 2002/2003, or is it a conflict that broke out at a
6 later stage only?

7 A. The conflict started after the fall of President Kolingba. Patassé took power
8 and the problem between the north and the south started with the arrival in power of
9 Patassé; in other words when Kolingba ceded power.

10 Q. Mr Witness, yesterday, particularly when you were replying to a question put
11 by Madam President, the question being, "When did the troops led by General Bozizé
12 arrive in Bangui?", you mentioned the date of 25 November 2002 on more than one
13 occasion. Today you have mentioned 25 October 2002. Could you please clarify
14 this for me? It's the month that interests me.

15 A. Counsel, it's something that happened a long while ago, about ten years if my
16 memory is correct, and you lose track of dates and days. People who are following
17 this closely and doing the research are able to keep these dates, others may make
18 mistakes, but the date was 25 October 2002 and I remembered the date and the time
19 before our return to Bangui because the date that I remember -- the distance in time
20 between then and Christmas, and that's when I realised that the date was October. It
21 wasn't 25 November. If I said 25 November then that was an error on my part, but
22 we are talking about a time some years ago. I can't be absolutely certain, but now
23 I'm saying it was 25 October 2002.

24 Q. So after PK12, what happened next? You said that you remained for one night
25 at PK12. Where did you then move to?

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Open Session)

ICC-01/05-01/08

1 A. When we arrived at PK12, we spent the night there and I went towards Damara,
2 Sibut, Wawa, Grimari, Bambari. There was a problem of resources and I went to
3 Bambari. Others went to Sibut and other places on their way to Kaga-Bandoro, but
4 on the roads there can be problems. We weren't actually all moving together. We
5 all made our own way.

6 Q. And what did you do in Bambari?

7 A. In Bambari I tried to join up with the others, moving towards Ippy, but I did
8 not -- I did not have that opportunity and I was afraid for my own safety. I found
9 myself forced to continue on towards Bangassou, because I had -- you see, I had a
10 woman and that woman is from Bondo, closer towards Équateur, and so I had to go
11 and isolate myself there for a period of time.

12 Q. And then after that did you meet up with the other forces?

13 A. We went our separate ways. Well, usually it's Damara-Sibut. Sibut is the
14 crossing, the cross-road. I took the other way and the others went their way. I
15 thought there might be an opportunity at Bambari to meet up with the others, but
16 there wasn't that opportunity and there was also a problem of safety. Already I felt
17 quite isolated and I had to continue along my way and go that way towards Bambari,
18 so I went my own way.

19 Q. Bondo is where exactly? In which country?

20 A. It is towards -- around Bangassou. You take a boat and that will leave you at a
21 little village called Mbrés and then you cross over a river, the Munga, and then you
22 get to Bondo. Bondo is on the way to Kisangani. That is where I -- that is the place
23 I withdrew to.

24 MR KILOLO: (Interpretation) Thank you, Witness. I have no further questions
25 for you. On behalf of the Defence, I'd like to thank you for agreeing to give some of

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Open Session)

ICC-01/05-01/08

1 your own personal time to testify, to answer our questions.

2 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo.

3 Mr Witness, I will now give the floor to the Prosecution. Mr Zeneli will put some
4 questions to you.

5 Before that, Mr Witness, I need to remind you please that you speak slower and,
6 when you mention names of so many villages, you need to say it very slowly because
7 our interpreters are having difficulties in identifying the names of the villages you are
8 mentioning. So, please, don't forget. Speak really slower than normal in order to
9 facilitate the interpreters' and court reporters' job.

10 Mr Zeneli, you have the floor and feel at ease if you prefer to remain seated.

11 THE INTERPRETER: Many thanks from the interpreters.

12 MR ZENELI: Thank you, Madam President. I prefer to stand whilst questioning,
13 so with your leave I will proceed this way. Thank you.

14 QUESTIONED BY MR ZENELI:

15 Q. Good afternoon, Mr Witness.

16 A. Good afternoon.

17 Q. I will start with a few questions to follow up on your answers to the
18 Defence this afternoon. From yesterday, when you finished your testimony, until
19 the moment you came back today, have you had contact with anyone?

20 A. (No audible response)

21 Q. Did you get the question, Mr Witness? I asked you if you have had any
22 contacts with anyone?

23 A. I don't understand what kind of contacts.

24 Q. Any kind of contacts? It could be telephone. It could be emails. It could be
25 direct contact with anyone. Have you?

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Open Session)

ICC-01/05-01/08

1 A. That's what I wanted to know. What kind of contacts? About what problem?

2 What topic? That's what I'd like to know.

3 Q. My question is about any kind of contacts about any sort of topic?

4 A. That's what I'm asking you, the topic. I'm waiting for the topic and what kind
5 of contact, and then on the basis of that I will answer.

6 Q. Mr Witness, have you been contacted or have contacted anyone, any person,
7 about anything, any subject, from yesterday when you finished your testimony until
8 today when you started with it again?

9 A. I didn't have any contact with anyone since yesterday. I'm staying at the hotel.
10 I haven't had contact with anyone.

11 Q. Yesterday, Mr Witness, when you were talking about the dates, several times
12 you repeated the month of November. Today at the first question, with your very
13 first answer, you corrected that month to the month of October. My question is:
14 Have you been advised on the dates from anyone?

15 A. No one talked to me about that date. That's what I experienced myself. And
16 you must realise yesterday it is true -- well, it was the first time I ever attended a trial
17 like this, and initially when a person finds himself before the Court, or in a room like
18 this, one is always afraid. And when you talk about the date, I answered saying that
19 someone could have done some research or prepared. Perhaps someone could do
20 some research to determine the date. But if I said that yesterday, today -- today I
21 changed the date, but the date -- I can confirm the date today. That was the date.
22 Yesterday's date, well, since -- you see, it was a long time ago, so I might have made a
23 mistake.

24 Q. Yesterday you also told us that you were at PK12 only for one night. Today
25 you told us that, after you went to PK12, you were there for another six days, which

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Private Session)

ICC-01/05-01/08

1 Maître Kilolo again today corrected to one day at PK12. Can you clarify how many
2 days you spent at PK12?

3 A. When you occupied the northern part, that is to say the northern
4 neighbourhoods of Bangui, Miskine, Boy-Rabé, Fouh, et cetera, we spent five days in
5 the northern neighbourhoods. Our withdrawal to PK12, specifically to PK12, we
6 spent one day before we packed up and left. That's what I'm saying.

7 Q. You told us, Mr Witness, that you were (Redacted). What does this
8 mean? Were you part of the front-liners during the attacks, or were you somewhat
9 retreated from the other troops?

10 PRESIDING JUDGE STEINER: Just a moment, Mr Witness, before you answer.

11 I ask, please, court officer to turn into private session.

12 *(Private session at 3.43 p.m.) Reclassified as Open session

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

14 PRESIDING JUDGE STEINER: Mr Zeneli, the information that the witness was part
15 of (Redacted) has been redacted as identifying, so please don't forget that.

16 Mr Witness, you can answer to the question in private session, please.

17 THE WITNESS: (Interpretation) (Redacted)

18 (Redacted)

19 (Redacted)

20 MR ZENELI:

21 Q. So during those five days in the whereabouts of Bangui, according to your
22 testimony, where were you exactly? What neighbourhood?

23 A. We were based -- you see, there is a (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 Q. And were you there the whole time during those five days?

4 A. We were there in that general area, but -- we were there in that general area,
5 around that neighbourhood, (Redacted)

6 (Redacted)

7 Q. (Redacted)

8 A. (Redacted)

9 Q. Please provide us with the names. We're in closed session.

10 A. I don't remember the names. We would speak to one another and -- well,
11 people had a lot of nicknames, but the real names people might say, "I was Colonel so
12 and so," "Captain so and so." People didn't give their names. You see, they
13 were -- we were working together. We were co-workers. So we would call each
14 other "Warrant officer so and so," "Colonel so and so." We didn't really use our real
15 names.

16 Q. You stated yesterday that you were born on (Redacted). The date provided to us
17 by the Defence is (Redacted). Can you explain the difference? Did you give them a
18 different date from what you gave to the Honourable Bench?

19 A. Well, I can't forget the date of my birth, but I said (Redacted). I can't forget
20 the name of my own birth.

21 Q. So what you told the Chamber yesterday, which is (Redacted), is incorrect? Is that
22 what you're saying?

23 A. (Redacted), that's what I said. I can't forget the name of my own birth. (Redacted)
24 (Redacted).

25 Q. Mr Witness, in the trial transcript 332, the English edited version of it, at page 61,

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Private Session)

ICC-01/05-01/08

1 lines 19 to 21, you were asked, "Witness, could you please introduce yourself to the
2 Chamber by giving the Chamber your name and date of birth?", and your answer was,
3 (Redacted) That
4 is your testimony, Mr Witness.

5 A. You've misunderstood. (Redacted)

6 After all, I can't forget my very own birthday. (Redacted)

7 Q. Do you have any documents, identification papers, Mr Witness?

8 A. (Redacted)

9 (Redacted)

10 Q. When was it issued?

11 A. I beg your pardon? I haven't quite understood.

12 Q. I asked you when it was issued.

13 A. (Redacted)

14 (Redacted)

15 Q. Do you have it with you?

16 A. I have had it up to now. I have kept the card. I have it.

17 Q. Do you have it with you?

18 A. Right now, I didn't bring it with me. I didn't bring it with me.

19 Q. Is it at the place you are staying, at the hotel or wherever you're staying?

20 A. I didn't bring it to the hotel. I didn't bring the card to the hotel. If -- well,
21 I don't know. I don't have it with me right now.

22 Q. Have you travelled with any identification papers with you?

23 A. No, I'm not travelling with a legal document, but regarding the card I can get in
24 touch and I can call for it.

25 Q. And correct me if I'm wrong, that is the only identification document you have;

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Private Session)

ICC-01/05-01/08

1 am I correct?

2 A. That's all I have is a professional card.

3 Q. Would you have an issue if you were asked to make a copy and provide it to us?

4 Would you have an issue with that, or would you oblige by that request?

5 A. I trust the Court. I can make a photocopy and give it to you.

6 Q. Thank you, Mr Witness. You said yesterday you were a businessman.

7 PRESIDING JUDGE STEINER: Yes, Mr Haynes?

8 MR HAYNES: It did occur to me that, when the witness gave his date of birth, he

9 probably would have done so in French and that (Redacted)

10 (Redacted). If Mr Zeneli would be so good as to check transcript T-312, French

11 edited version, page 68, line 10, he might withdraw this line of questioning because he

12 will find there that the witness said in French (Redacted).

13 PRESIDING JUDGE STEINER: Thank you for the clarification, Mr Haynes.

14 MR ZENELI: Madam President, I consider that line of questions exhausted and was

15 actually moving on to another set of questions.

16 Q. Mr Witness, yesterday you told us that you were a (Redacted); am I correct?

17 A. That's right.

18 Q. (Redacted)

19 A. (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. Where are you located now; that is to say where do you live?

23 A. Right now I'm in -- (Redacted)

24 (Redacted)

25 Q. How long have you been living there for?

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Private Session)

ICC-01/05-01/08

1 A. I've been there for (Redacted)

2 (Redacted)

3 Q. Prior to moving there, where were you living?

4 A. Could you please put the question again?

5 Q. You have been living there for the last (Redacted). Where were you living
6 prior to that?

7 A. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. And what sort of identifying document do you use when you travel from one
14 country to the other?

15 A. I've answered. I said that the papers that I travel with are not legal. I told
16 you that. I've told you that since yesterday. I travel with papers that are not legal.

17 Q. I must have missed that very important point from yesterday's testimony. Can
18 you tell us what sort of illegal papers you travel with?

19 A. Safe conduct passes, other passes, that sort of paper.

20 Q. And what is the name that you use in those sort of papers?

21 A. I didn't quite get that question.

22 Q. Do you have any other identity, other than the name you have provided to this
23 Court, that you use in these other documents you travel with?

24 A. On the document I often use my name; my family name. I don't change my
25 name.

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Private Session)

ICC-01/05-01/08

1 Q. Do you change the date of birth?

2 A. I don't change the birth-date.

3 Q. Do you change any other personal data, the height, ethnic background,
4 anything that relates to you?

5 A. I don't hide anything. How can I change my height? I can't really change my
6 height. (Redacted). The ethnic group, religion, I don't change anything.

7 Q. What makes those papers illegal?

8 A. Excuse me?

9 Q. What makes those papers illegal?

10 THE INTERPRETER: The answer was inaudible.

11 MR ZENELI:

12 Q. What makes those papers illegal?

13 A. I said that the papers, the documents -- well, if I'm entitled to a legal paper
14 today it's only within the CAR that I can get a legal document, but you are -- when
15 you're elsewhere you can't be given a paper that really is a legal document. So that's
16 roughly what the situation is.

17 Q. Can you tell us how you obtained those illegal documents?

18 A. For instance, if you're travelling around in another country and you have a
19 paper, the papers from that country, then those papers are not legal because you don't
20 have that nationality, but you have the papers anyhow. So they're illegal papers.
21 It's only in your own country, where you're born, that you can get papers that are
22 legal.

23 Q. How did you obtain those illegal papers?

24 A. I've answered you. I said it's only in your own country that you can get legal
25 papers, but when you are elsewhere and you have a paper that you use to move

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Private Session)

ICC-01/05-01/08

1 around with, then that paper is not legal. It's illegal. That's my answer.

2 Q. Yes, but my question is how you obtained them and I'm going to try the same
3 question in a different way. Who gave you those illegal papers?

4 A. I already said, a paper that is illegal is a fake document. I think I'm being clear
5 with you.

6 Q. Mr Witness, I asked you how you obtained those illegal documents and you did
7 not answer. I asked the question in a different way, as to who from you obtained
8 those papers, and again you did not answer. That is noted for the record, so I'll
9 move on to a different set of questions. Do (Redacted) live with you,
10 Mr Witness, (Redacted)?

11 A. (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. Just so that we set the record straight, Mr Witness, yesterday at transcript 332,
15 the edited version in English, when you were asked by Maître Kilolo whether you
16 were married, divorced, or what your status was, you said that you (Redacted)
17 (Redacted). Today you're telling us that you live (Redacted)
18 (Redacted) My question is: Which of the two
19 versions is the correct one?

20 A. We are Africans. (Redacted)

21 (Redacted) Things are different here. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 Q. Are all the (Redacted), if I may use that word?

3 A. (No interpretation)

4 PRESIDING JUDGE STEINER: Mr Witness, just wait a little bit. Maître Kilolo
5 asked for the floor.

6 Yes, Maître?

7 MR KILOLO: (Interpretation) Your Honour, I'm a little bit concerned about the
8 different questions that are being put to the witness and now these are somewhat
9 intrusive questions concerning the private life of an individual, trying to find out
10 (Redacted), and also questions are
11 starting to be put that mean that he is revealing his address. That could lead to
12 certain difficulties as regards the work of the VWU, because these are witnesses
13 where a number of concerns have been made very clear concerning needs vis-à-vis
14 the protection unit that's doing its work and, if we are to follow the line that's always
15 been pursued by the Chamber, then that means that we never put questions to the
16 witnesses concerning their location. And I think you ought to intervene vehemently
17 whenever questions are put to the witness which lead to him revealing his address,
18 even in private session, and so I just wanted to draw your attention to this.

19 PRESIDING JUDGE STEINER: Maître Kilolo, I agree -- I tend to agree with you in
20 relation to the first concern, but not in relation to the second one. We are in private
21 session and I saw no question related to the address of the witness. It has been said
22 many times in relation to all witnesses where they live, but not the address.
23 In relation to the line of question, mainly the last question on whether (Redacted)
24 (Redacted), unless Mr Zeneli can prove us the relevance of such
25 question I would prefer that this kind of question is not put to the witness. It is too

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Private Session)

ICC-01/05-01/08

1 invasive, at least prima facie.

2 MR ZENELI: Madam President, the only reason that the Prosecution is pursuing
3 that line of question is related with the testimony we received yesterday from the
4 same witness and in our submission it goes to the credibility and reliability of the
5 evidence, especially with his identity, but taking into consideration your observations
6 I'm satisfied and will move on with a different question without receiving an answer.
7 I would like to, however, note that it is obvious that I have proceeded with my
8 questions in the most respectful way and manner possible with the witness.
9 So, with your leave, I may proceed with a different question?

10 PRESIDING JUDGE STEINER: You can proceed, Mr Zeneli.

11 MR ZENELI: Thank you, ma'am.

12 Q. Mr Witness, when did you leave Bangui?

13 A. I left Bangui after the six days, in other words the five days that we were in
14 Bangui and the last day when we withdrew to PK12, and after that I left Bangui
15 moving off to (Redacted).

16 Q. And (Redacted) is the last place of your residence in (Redacted)?

17 In order for me to be fair to you, I will rephrase the question. After the 2002 and
18 2003 conflict in Central African Republic, what did you do? Did you move to a
19 different country?

20 A. Please could you put the question again? I didn't really understand the
21 question.

22 Q. After you left Bangui and arrived to (Redacted) - I correct myself, arrived to
23 (Redacted) - what did you do? Tell us your next itinerary.

24 A. (Redacted)

25 (Redacted). I was looking for the opportunity to join

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Private Session)

ICC-01/05-01/08

1 up again with the others, but it wasn't possible and so I stayed there. I then left

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. And what here are we talking about? (Redacted)

7 A. (Redacted)

8 Q. And all these other locations that you went to, where are they located? In what
9 country?

10 A. I said that there were excesses and each individual left in his own direction.

11 There were those who were fortunate enough to go to Bossembélé, they went their
12 own way, and others went elsewhere. We didn't know which route was being taken
13 by different people, but I know where I chose to go. That's what I said.

14 Q. (Redacted)

15 (Redacted)

16 A. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 THE INTERPRETER: The interpreters would like to point out that there is a

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Private Session)

ICC-01/05-01/08

1 degradation in sound quality.

2 MR ZENELI:

3 Q. (Redacted)

4 (Redacted)

5 A. That is correct, madam.

6 Q. Were you travelling alone?

7 A. I told you that that was my route. I wasn't accompanied. I was already on
8 my own. I couldn't join up with the others, and because of the suffering and the
9 poverty I preferred to continue my own way.

10 Q. So then would it be correct to conclude that you were with the Bozizé rebel
11 movement until (Redacted)? Am I correct?

12 A. That is correct. That is correct.

13 Q. Yesterday you told us that you joined that movement in August 2002 and that
14 was through the phone calls that you received. Now, just help me understand.
15 Until August 2002, when you received the phone call or joined Bozizé's rebel
16 movement, where were you working?

17 A. I didn't get your question. Please would you repeat it?

18 Q. Prior to joining Bozizé rebels' movement, where were you working? What was
19 your profession?

20 A. (Redacted)

21 (Redacted)

22 Q. So I am to understand that, from the moment (Redacted)
23 (Redacted)
24 correct?

25 A. Could you give me the date again, please?

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Private Session)

ICC-01/05-01/08

1 Q. Absolutely. Absolutely, Mr Witness. The English version of the edited
2 transcript 332, at page 72, you were asked by Maître Kilolo about the time when you
3 joined the rebels. I'll read from line 16 to 21: "He gave an explanation. The person I
4 mentioned contacted me and I said to myself, 'Well, at that time the president was
5 Mr Patassé, who was mismanaging the country and we were all interested in fighting
6 against him.' So I gave him my position and then I joined up with the others."

7 Question: "You have said 2002, but can you tell us the month?" Your answer: "It
8 was (Redacted)" Is that correct, Mr Witness?

9 A. Yes, that is correct.

10 Q. And is it also correct that you stated that you became (Redacted)?

11 A. (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. (Redacted)

15 A. I told you yesterday that, when President Patassé came to power, most soldiers
16 were mismanaged by Patassé and many of them deserted. That's what I said
17 yesterday.

18 Q. From the moment that you (Redacted) until the moment that you
19 deserted, were you (Redacted)?

20 A. (Redacted). I have confirmed that. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. Let's step back just a few minutes before when you said you left Bozizé rebels'

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Private Session)

ICC-01/05-01/08

1 movement and moved to (Redacted). When did you reach (Redacted)? At what
2 month and year?

3 A. I can't give you the exact date. I'm not absolutely certain, because at the time I
4 was moving around to save my skin. I never really took the time to notice when I
5 arrived in which village, in which country, what the date was. I can't really give you
6 a guess as to the day or the date.

7 Q. Can you give us an estimation of, if not the date, how many weeks it took you
8 from (Redacted)?

9 A. As you know, when you are having a problem and you don't have enough to
10 eat and you are recuperating, you wouldn't have enough time to reflect on days and
11 dates. I have told you here that I cannot guess a date, or year, or month to give you.
12 I really did not do research on that.

13 Q. Can you tell us the month in which you reached (Redacted)?

14 A. I have now understood that you are compelling me to give you a date or a day
15 that is not precise. Somebody who is not able to eat well and who is recuperating, I
16 mean he cannot give you a precise date. I cannot guess a date that I will give to the
17 Court.

18 Q. I'm not talking of dates, Mr Witness. I asked about a month and I've moved on
19 from being too precise to a request of an approximation. So to the best of your
20 knowledge how long did it take you from (Redacted), a date you remember quite
21 well, until you reached your final destination in (Redacted) ? An approximation, please?

22 A. You have asked me this question here. You asked me which was my last day
23 in the CAR and I told you that my last day -- well, (Redacted), and
24 someone who is fleeing looks for ways of moving about, either by bicycle or a vehicle.
25 That person is trying to save his skin, so how is he going to be thinking about whether

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Private Session)

ICC-01/05-01/08

1 today is Monday, Tuesday or Wednesday? At that time I was not calm, I was trying
2 to save my life, so I cannot imagine a day or a month that I am not certain about and
3 give that to the Court.

4 Q. Have you ever been back to Central African Republic since that date and month
5 of that year that you reached (Redacted)?

6 A. I have never set foot again in the CAR 'til today.

7 Q. And why is that, Mr Witness?

8 A. I beg your pardon?

9 Q. Why have you never set foot back in the CAR?

10 A. As you know, we are Africans. When such things take place in your area,
11 there is always a settlement of scores. So I think of myself as someone who has a
12 duty, and regarding what is happening in my country up to this very moment,
13 I cannot take the risk of going back to the Central African Republic. I told you from
14 the outset that we have ethnic problems, problems between clans in my country, and
15 these problems continue 'til today. That is my answer.

16 Q. When you talk about settling of scores, as you put it, what do you mean?

17 A. When I talk about settlement of scores, I pointed out -- I considered myself as
18 someone who, having been involved in the republic -- in the rebellion, this puts my
19 life at risk. So I cannot go back to the CAR. At the current time, everyone is armed
20 and can attack. One never knows, you can never know who is your enemy, so I
21 prefer not to go back to the CAR.

22 Q. Did you hear about who won the battle in 2002/2003 conflict in Central African
23 Republic?

24 A. I have said that when I got separated from the others, I went to -- in a small
25 village called (Redacted), so I did not know

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Private Session)

ICC-01/05-01/08

1 anything about what was happening after I had left.

2 Q. Let me ask it directly: Did you hear whether it was Bozizé or Patassé that won
3 that conflict in which you participated?

4 A. When I arrived in (Redacted), after a lot of time it was only then that I heard that
5 Bozizé was in power. That is all. As you know, when a president is in power, he is
6 recognised by everyone. It was only at that time that I learnt that Bozizé was in
7 power.

8 Q. And when was that time?

9 PRESIDING JUDGE STEINER: Mr Zeneli, I think you should repeat the question.
10 Apparently the witness could not follow you.

11 MR ZENELI: Thank you, Madam President.

12 Q. Mr Witness, I asked you when was that time in (Redacted) that you learned for
13 the very first time that Bozizé had won. When was it?

14 A. It was after my stay in (Redacted). It was after that that I heard that Bozizé was in
15 power. This was just oral information that I received, that's it.

16 Q. And when was that, Mr Witness? What date? Or if you don't remember the
17 date, what month of what year?

18 A. This is something that took place a long time ago and I'm not in a position to
19 give you a day or a date or a month. I cannot simply make up something to tell the
20 Court. If, for example, I give you a month or a year that is not correct, it would seem
21 as if I came to lie to the Court. So I need to have precise information because I'm
22 talking of (Redacted). There was a problem of network, and
23 communication was done by the phonie, and this was in (Redacted)
24 (Redacted), so there are problems there with time. So I cannot
25 simply make up a date. That is why I did not want to give you just any day, date or

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Private Session)

ICC-01/05-01/08

1 year.

2 Q. Your answer is duly noted in the record, Mr Witness. It is apparent that, as
3 you are very precise with your answers on the telephone calls, on the moment you
4 joined Bozizé rebels' movement, to be precise, (Redacted), the dates where
5 you were in whereabouts of Bangui, you are unable to answer, even with an
6 approximation, about the times when you arrived in a different country, having left
7 your homeland, and with that noted, I would like to move on to a different set of
8 questions for you.

9 PRESIDING JUDGE STEINER: Mr Zeneli, if you allow me, as a matter of follow-up
10 here.

11 Mr Witness, I read somewhere - I don't have the reference here - that you said that
12 (Redacted)

13 THE WITNESS: (Interpretation) (Redacted)
14 (Redacted)

15 PRESIDING JUDGE STEINER: Another clarification: (Redacted)
16 (Redacted)

17 THE WITNESS: (Interpretation) (Redacted)
18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 PRESIDING JUDGE STEINER: Thank you very much. Now I understand.

25 Mr Zeneli?

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Private Session)

ICC-01/05-01/08

1 MR ZENELI:

2 Q. Mr Witness, you talked about the crimes committed by Bozizé rebels. You
3 were one of them, (Redacted). Did you
4 commit any crimes yourself?

5 A. I think that counsel asked me that question yesterday, and today he asked me
6 that question again. I told you that I was part of the (Redacted)
7 and after the route, each one of us returned or went to wherever they could go.
8 I retreated to PK12 because (Redacted). It is
9 when we arrived at PK12 that I saw people bringing back items of property in
10 pushcarts, wheelbarrows and vehicles. There were vehicles overtaking us. And in
11 the evening, as you know, when the soldiers gather together in the evening, that is
12 when they start conversing and explaining what they did. So when counsel asked
13 me that question, I said, yes, I heard the information that when these other people
14 returned, they said they had done this or done that. But to say that I myself was
15 involved, well, I told you that I was part (Redacted)

16 Q. You spent one night at PK12 before moving upward north of the country, and
17 you provided us with the locations. I would like you to tell us how much time you
18 spent in each of those locations that you went to.

19 A. I can confirm that my last day was (Redacted). That is when I left (Redacted)
20 and went on my way. It was on (Redacted). I was afraid and I was apprehensive.
21 That is when I continued my trip to eventually (Redacted).

22 Q. Before we move on to the time dealing with you moving (Redacted), at
23 page 73 of today's transcript, you said, and I read from line 18, (Redacted)
24 (Redacted)
25 (Redacted)

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 A. (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. (Redacted)

6 (Redacted)

7 A. That is correct.

8 Q. How were you travelling?

9 A. I was on board a vehicle.

10 Q. A vehicle of what army or group of rebels or forces?

11 A. It was a passenger vehicle.

12 Q. And who were you travelling with?

13 A. (Redacted)

14 MR ZENELI: Madam President, mindful of the time, I think it's probably best for me
15 to stop now and continue tomorrow. Thank you.

16 PRESIDING JUDGE STEINER: Thank you, Mr Zeneli.

17 Court officer, please turn into open session.

18 (Open session at 4.57 p.m.)

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

20 PRESIDING JUDGE STEINER: Mr Witness, we will suspend from now your
21 testimony. We hope you have a very restful evening. You will be back with us to
22 continue with your testimony tomorrow at 3 o'clock in the afternoon.

23 The Chamber will resume tomorrow morning at 9 o'clock.

24 THE WITNESS: (Interpretation) Thank you very much.

25 PRESIDING JUDGE STEINER: The Chamber will resume tomorrow morning with

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Open Session)

ICC-01/05-01/08

- 1 the continuation of the testimony of Witness 23 at 9 o'clock.
- 2 I thank very much the Prosecution team, legal representatives of victims,
- 3 Defence team, Mr Jean-Pierre Bemba Gombo. I thank very much to our interpreters,
- 4 our court reporters. Thank you, Ms Fatiah.
- 5 THE COURT OFFICER (via video link): Thank you, Madam President.
- 6 PRESIDING JUDGE STEINER: Thank you again, Mr Witness, and this hearing is
- 7 adjourned.
- 8 (The hearing ends in open session at 4.58 p.m.)
- 9 RECLASSIFICATION REPORT
- 10 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 11 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public.