

Trial Hearing
Witness: CAR-D04-PPPP-0023

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and
6 Judge Kuniko Ozaki
7 Trial Hearing
8 Thursday, 22 August 2013
9 (The hearing starts in open session at 9.03 a.m.)
10 THE COURT USHER: All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE STEINER: Good morning.
14 Could, please, court officer call the case.
15 THE COURT OFFICER: Good morning. Situation in the Central African Republic,
16 in the case of The Prosecutor versus Jean-Pierre Bemba Gombo, case reference
17 ICC-01/05-01/08, and for the record we are in open session.
18 PRESIDING JUDGE STEINER: Thank you very much.
19 Good morning and welcome Prosecution team, legal representatives of victims,
20 Defence team, Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters, our
21 court reporters.
22 Good morning, Ms Fatiah. Ms Fatiah, are you there?
23 THE COURT OFFICER (via video link): Good morning, Madam President.
24 PRESIDING JUDGE STEINER: And good morning, Mr Witness. How are you
25 today?

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1 WITNESS: CAR-D04-PPPP-0023 (On former oath)

2 (The witness speaks French)

3 (The witness gives evidence via video link)

4 THE WITNESS: (Interpretation) Yes, slightly better.

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

6 THE WITNESS: (Interpretation) That's okay.

7 PRESIDING JUDGE STEINER: Just before I give back the floor to the Prosecution, I

8 ask your permission to read a very short oral decision. That is the oral decision on

9 the applications to question Witness 23 by legal representatives of victims.

10 On 20 August 2013, the Chamber received an application from Maître Douzima

11 Lawson on behalf of the victims that she represents to question Witness D04-23, filing

12 2748-Conf. The application contains a list of 14 sets of questions.

13 On the same day, the Chamber received an application from Maître Zarambaud on

14 behalf of the victims that he represents, filing 2749-Conf. The application contains a

15 list of 11 sets of questions.

16 Having considered the reasons given by both Maître Douzima and Maître

17 Zarambaud as to why the personal interests of the victims they represent are affected,

18 the Chamber allows the respective applications to question Witness D04-23.

19 Turning to the questions, both legal representatives are allowed to put all of their

20 proposed questions as set out in their aforementioned filings.

21 Mr Witness, I have to remind you that you are still under oath. Do you understand

22 that, sir?

23 THE WITNESS: (Interpretation) Of course.

24 PRESIDING JUDGE STEINER: I also wanted to remind you, Mr Witness, that you

25 need to speak slower than normal and to give the five seconds after a question is put

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1 to you before you start answering, in order to help our interpreters to do their job.

2 I know we can count on you on that. Am I right, Mr Witness?

3 THE WITNESS: (Interpretation) No.

4 PRESIDING JUDGE STEINER: You remember our ground rules, don't you,
5 Mr Witness?

6 THE WITNESS: (Interpretation) Yes, I remember.

7 PRESIDING JUDGE STEINER: So can I expect that you are going to speak slower
8 than normal and facilitate our interpreters' job?

9 THE WITNESS: (Interpretation) Yes.

10 PRESIDING JUDGE STEINER: Thank you very much.

11 The Prosecution will continue with your questioning and therefore I give the floor to
12 Mr Iverson.

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

14 QUESTIONED BY MR IVERSON: (Continuing)

15 Q. Good morning, sir.

16 A. Good morning.

17 Q. Sir, according to you, François Bozizé was the head of logistics; is that right?

18 A. I did not say that François Bozizé was the head of logistics. François Bozizé
19 was the leader of the rebellion; the boss.

20 Q. All right. Well, that's not what you told this Court two days ago, in transcript
21 332, on page 30, line 24 and 25 of the real-time transcript. You said that he was in
22 charge of logistics. Are you now retracting that, sir?

23 A. You have to make a distinction between Francis Bozizé and François Bozizé. I
24 was talking about Francis Bozizé, who was the person in charge of logistics, and
25 François Bozizé, who was the leader of the rebellion; the boss. He was also the

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1 general, General François Bozizé. I believe that you have made a mistake with the
2 first names. Apparently, well, Francis and François are the two names in question.

3 Q. Okay, well, I apologise for the confusion then. What was François Bozizé's role
4 then, if you could tell the Court that?

5 A. François Bozizé played the supreme role. He was the one who was the very
6 incarnation of the rebellion. He was the boss, the leader, of the rebellion. He was
7 the visionary of the rebellion, if I could put it that way, so it was his rebellion. He
8 was the one who allocated the roles. He was the one who managed the rebellion. I
9 was not the person assigning roles, but if someone is responsible for a family, one no
10 longer asks who is -- what is the role of the person heading up the family. If I could
11 give an example of the rebel movement being like a family.

12 Counsel, you are the head of a family. I suppose what would your role be? That
13 would be one example, even if that doesn't necessarily match. Just for you -- just an
14 example just to get my message across. That is all I have to say, for the time being of
15 course.

16 Q. And what were the interactions between François Bozizé and the ambassador?

17 A. The ambassador wasn't even close, wasn't even very close, to François Bozizé.
18 There was a leader there who was in communication, who was in contact, rather, with
19 Mr Bozizé. Mr Bozizé did not mingle with the rank and file. Earlier it was said that
20 he was not on-site, he was travelling, so where was he?

21 THE INTERPRETER: Correction from the interpreters: "Sometimes he was on-site,
22 sometimes he was travelling, but we were not told when he was travelling or where
23 he was."

24 MR IVERSON:

25 Q. Sir, what can you tell this Court about the movements of the Bozizé rebels

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1 during the 2002/2003 period?

2 A. I beg your pardon? Isn't that a disruption? What kind of travel are you
3 talking about, if I could ask you a question? I don't really understand what you're
4 asking me. If it wasn't -- if it's not allowed, just tell me. I don't want to show
5 contempt towards the Court.

6 Q. Well, would you agree, sir, that military units generally move from point A to
7 point B when they are conducting operations?

8 A. Of course, because the operations, you put an operation. You don't remain
9 immobile. When there are operations, yes, the men are moving about.

10 Q. Okay, and are you familiar with the movements of the Bozizé rebel groups
11 during the 2002/2003 period?

12 A. The movements - the movements - are such that people wanted to gain power.
13 From Point Zero, where the rebellion was based, people progressively moved out by
14 way of various military operations to gain power and, you see, power in the Central
15 African Republic, you have to realise that the Palace of the Renaissance had to fall,
16 obviously, and the radio station in Bangui. And the Palace of the Renaissance and
17 the radio -- national radio station are located in the centre of the town, at Point Zero of
18 the town, so no matter where you might be, you had to do everything possible to
19 reach the objective, and the objective - the target - is what I just told you.

20 Thank you.

21 Q. Okay, let me try this a different way. Sir, can you account for the movements
22 of the ambassador during that same period, October 2002 to March 2003?

23 A. Yes, the ambassador, from -- what I can tell you, if I've understood, is that the
24 movement was divided along a number of axes, the main axes. One axis was
25 supposed to go through Bossembélé, Yaloke, Boali and PK12, so another axis was

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1 supposed to go by Kabo, Bouka, Kaga-Bandoro, and so on and so forth, to reach
2 Damara, Sibut and PK12, but regarding the ambassador, the ambassador took -- you
3 said the last time that he was more in intelligence to know the positions and to find
4 out about leaks and that. The axis for Sido going by way of Bondoro, Sibut, to get to
5 Bangui. I don't know whether that is what the Prosecutor is driving at?

6 Q. Okay, well, it appears to me kind of cryptic, but the ambassador went from
7 Moyenne Sido, through Sibut, Damara to Bangui; is that right?

8 A. Yes, Moyenne Sido -- from Moyenne Sido, there is a road that goes to Sibut and
9 Bangui and also goes by Bossangoa and these are the axes or the roads that the rebel
10 movement used to reach, but there is a higher level. I'm talking about leaks and I'm
11 talking about the contacts with the leader and that sort of thing for -- we are going to
12 reach the objective. As I told you, you can't prohibit a leader from receiving
13 information from independent sources. So there you have it.

14 Q. Okay, well, I thought we were on the right path, but I'm confused by your
15 answer. You say the ambassador went to Sibut and also on the same road and then
16 went to Bossangoa, two localities that are quite separate from each other and not
17 connected on any road that leads to Bangui; is that right?

18 A. I think we have to understand each other properly. I said there were two
19 roads: One road that goes by Bossangoa, Bangui, and a road that goes through Sibut,
20 Bangui, but the ambassador, according to what he told me, he -- for him, he went
21 through Sibut and Bangui. He didn't go through Sibut at the same time and
22 Bossangoa. That's what I'm saying, because the Prosecutor wanted -- you want to
23 know about the various movements and how and that is why the ambassador
24 informed us and told us to tell the Court that these were the roads used officially by
25 the rebellion, but unofficially by the reserve. So in his contacts, that's it.

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1 I didn't say that the ambassador didn't go to Sibut at the same time as going by
2 Bossangoa. There's no road that connects them. Well, there might be one, but
3 I don't know of it, not to my knowledge. The ambassador told me that there is no
4 road that connects those two towns, and you can't go by boat or vehicle either.
5 I don't know if I've made myself clear? I wouldn't want you to be confused about
6 this. Thank you.

7 Q. During what dates or general time frame was the ambassador in Sibut?

8 A. That's a very difficult question to answer, and I wouldn't venture to give
9 specific dates because I wouldn't want to create confusion. I wouldn't want to create
10 even more uncertainty or haziness. You see, these are things -- well, I don't know
11 whether you can understand. I don't know whether you can understand. It's very
12 difficult. One day you might be here, so there you have it, and then to start to say
13 things we details, with -- I think that's very difficult.

14 I can give you an example. Even the lawyers who may have spent many years, 13,
15 14 years, seven years to do a doctorate or a Master's Degree in law, always use codes.
16 They will take a document or a book and -- but a person who is going through in a
17 period -- you're asking too much. You're asking too much. But what's for sure is
18 that we did take that road, but you're asking too much. This is like mental torture.
19 You are asking too much. I don't want to say things and get things wrong, or create
20 confusion, or I don't want things to be unclear.

21 Q. Sir, where was the ambassador when the MLC counter-attacked the Bozizé
22 forces for the first time?

23 A. You know, I told you that it was from the 30th that the ambassador told
24 us -- well, I'm talking about that date, if I'm not mistaken. The ambassador told me
25 that they met very strong resistance and they were told that there were

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1 reinforcements, Banyamulengues, and so on and so forth. The ambassador was
2 within the PK12 perimeter. It was at that time that there was a strong strike force
3 and very solid resistance. This was as from the 30th. We were all informed that
4 there were Libyans present, several other groups, and even Abdoulaye Miskine's
5 rebels. So, based on the information that we had, there was a lot of confusion.
6 Several armed forces. That is what I can tell you.

7 Q. Sir, is there any specific information you can provide to this Chamber about the
8 MLC?

9 A. When you talk about the MLC, what are you really referring to, Mr Prosecutor?

10 Q. Sir, do you know what the MLC is?

11 A. I do in the know what the MLC is, but as far as I know, we were told that the
12 Banyamulengues were the MLC forces. That was the term that was most used. The
13 Banyamulengues were the MLC forces, but I do not have any further details about the
14 MLC. That is not very important to me. That is because what was important was
15 to win the battle, to triumph at the end. Thank you.

16 Q. Okay, what can you tell this Court about the ALC?

17 A. The ALC? The LC, or the ALC? Can you state that slowly so that I should
18 better understand?

19 Q. What can you tell this Court about the ALC, the Armée de Libération du
20 Congo?

21 A. No, I have never heard of that. I do not know. I have nothing to say about
22 that. I have never known that. I have never even heard of it.

23 Q. Sir, you said that the ambassador did work in intelligence, right?

24 A. Yes.

25 Q. What can you tell this Court about the Banyamulengue?

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1 A. What I can tell the Court about the Banyamulengue is that this was a force
2 which came to fight alongside the loyalists. When we met with a strong resistance,
3 we were told that this was the force which was very strong. Yes, the
4 Banyamulengues, I know about them. They were a force from the DRC and which
5 was fighting alongside the loyalist forces. That is what I can tell the Court based on
6 the information that we had.
7 There are things that I can tell you. There are certain things that were not revealed.
8 So, when the hierarchy received information -- what I have about information, I am
9 giving you and this was information about the various towns who were supporting
10 us, who were not supporting us, what was to be done, but if there was information
11 that could affect the morale of the troops in a negative way, the leader would only try
12 to boost the morale of their troops. He wouldn't say, "No, this is going to be
13 difficult," but somewhere along the way we would hear about it. Otherwise, there
14 would have been more desertions, more defections. That is what I can say.

15 Q. Sir, what can you tell this Court about Colonel Moustapha Mukiza?

16 A. I have nothing to say about Colonel Moustapha Mukiza, whether that colonel
17 was in the rebellion or not, but I can tell you something. In the rebellion people did
18 not frequently use their real names, but I don't have anything to tell you because I
19 really am not sure of that.

20 Q. Sir, can you name the Central African towns and cities in which the
21 Banyamulengue were found during the 2002/2003 period?

22 A. Thank you, Mr Prosecutor. I know that the question you're putting to me
23 makes it impossible for me to respond, because this question could have been put to
24 the loyalist forces who knew where to deploy their people. We could not have
25 arrived somewhere and then seen a signboard that said, "This is the Banyamulengue

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1 camp." If that was the case, then I would know that in such-and-such a town you
2 had the Banyamulengues here or there, but when you know that the fighting was
3 against the Central African Army, which had mercenaries and reinforcements from
4 here and there, it was up to their General Staff. It was up to the General Staff to
5 organise, but for me it would be difficult. If we arrived Sibut, for example, we were
6 not told, "Look, these are the Banyamulengues. This was their camp." If we had
7 been told, "These were the FACA. This is their camp," in that case I would have been
8 able to answer, but frankly, honestly, that question should be put to the General Staff
9 of the Central African Republic forces at the time which knew where they deployed
10 their forces, how they used their mercenaries and how they used their reinforcements.
11 That is what I can tell you. Thank you.

12 Q. Sir, I'd just -- I'd like to clarify something, if I could. Do you know who
13 Colonel Moustapha Mukiza is?

14 A. No. Maybe he has another name or a nickname, but Moustapha Mukiza?
15 There is something else that I want to say. Let me tell you something very precise.
16 As you know, at one point - not only at one point, even up 'til today - the Central
17 African Army was subject to -- and is subjected to influence by the Chadian army.
18 They took advantage of the weakness of our army and the democratic self-interest of
19 our leaders. When someone took power, instead of taking care of the population,
20 they would first take care of their own security. And one morning you might arrive
21 and someone will tell you about a colonel that you have never heard of, and that's
22 how it is. This may sound strange to you when I say that I don't know, but I don't
23 want to say anything further because if this is really a colonel who came from the
24 army, if it is someone who has stripes, he can harm you at any time. This person can
25 say, "Look, you have to respect these stripes." He will just use his two fingers and

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1 show his stripes and tell you you have to respect them. That is all. So after
2 reflecting on the question that you put to me, that's all I can tell you. Thank you.

3 Q. Sir, what can you tell this Court about the types of weapons used by the
4 Banyamulengue other than AK-47s?

5 A. That is very difficult. It is very difficult, because based on the information that
6 we had in our camp, there were several types of mercenaries. I'm sorry for using
7 that term, but those were mercenaries who had come to reinforce the FACA. You
8 had the Libyans, you had the Banyamulengue, based on the information we received.
9 There was another force fighting with Abdoulaye Miskine, as well as other groups,
10 but I did not fight alongside the Banyamulengue and so it would be very difficult to
11 know. You are making me do a very complicated exercise. It is very difficult to
12 know. If they were fighting next to me, if I had been having my meals with the
13 Banyamulengue, if they were my friends -- at that time they were our enemies. So it
14 is very difficult.

15 Q. Sir, could you tell this Court what you heard about crimes committed by the
16 Banyamulengue?

17 A. You know, talking specifically about the Banyamulengue, it's like in the sea.
18 You have several types of fish. In a river you have several species of fish. And
19 when you pass by, you can hear noises. Even a hippopotamus would be making
20 noise. You can hear the noises if you are passing by in a canoe. I'm sure the
21 Prosecutor is following me. Are you with me, Mr Prosecutor? May I continue?
22 I am saying that because I live by the riverside. If you pass by in your canoe and you
23 throw out your net, you can feel the water moving. You can hear the noises and you
24 can say, "Look, there is fish there," but you wouldn't be able to say which type of fish
25 is there, but as a fisherman you can throw out your net. You can cast your net. So

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1 it is very difficult to know which crimes the Banyamulengues committed, which
2 crimes the Libyans committed, which crimes the FACA committed. It is very
3 difficult. That is all I can tell you.

4 Q. Sir, what question did I ask you to answer?

5 A. If I'm not correct, please forgive me for that, but the question that you asked me
6 was, "What types of crimes did the Banyamulengue commit?" Isn't that it?

7 Q. No, I asked you to tell the Court what you heard about crimes committed by the
8 Banyamulengue. You're relatively quick to explain why there may be reasons why
9 someone may not know something, but that's not what I asked you. I asked you
10 what you heard about crimes committed by the Banyamulengue. So could you
11 answer that?

12 A. Yes, I can answer that. Based on our intelligence, we were told that in the
13 other camp -- well, there were no specific allegations against particular groups.
14 There were no specific categories. We were told that in the other camp there was
15 looting and so on and so forth, but we were not told, "The Libyans looted," "This or
16 that group looted." We did not have such details. So today, being under oath, I
17 cannot tell you because I do not have very, very clear and precise information on that.
18 Thank you.

19 Q. Sir, do you know what language was used to communicate in the Bozizé rebel
20 camp?

21 A. Yes, I can answer to that with some certainty, because that concerns me directly.
22 As I told you at the outset, please allow me to go back a little bit to convey that
23 message to you, because I think you need it for the purposes of justice because all of
24 us are looking for justice and we want to ensure that justice is administered honestly
25 so that an end should be put to impunity, particularly in Africa because we are

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1 suffering. We are praying to God so that one day we should be rid of all those
2 problems.

3 I told you that amongst the troops there were volunteers. Amongst the volunteers
4 there were Central African civilians. There were deserters from the FACA and there
5 were even retired people who were still fairly strong. There were Zaireans amongst
6 others, and amongst the Zaireans it was difficult to know because there were also the
7 ex-FAZ, the former soldiers of Mobutu, but we all referred to them as "the
8 shoe-shiners," because they cleaned shoes, they sold ground-nuts. Those who were
9 doing odd jobs in the town, those people spoke Lingala. The Central Africans spoke
10 Sango and other languages, Gbaya and so on. Others spoke French. We even had
11 the Zaghawas amongst us and they were speaking in their Chadian language. So
12 that is what I can tell you. I don't know whether I've answered your question?
13 Now, when you look at the composition of the rebellion, that can give you an idea
14 about the languages that the people could have been speaking. Thank you.

15 Q. Sir, when I ask you a question about languages used to communicate, what
16 I think is an objectively pretty simple question, why is that it you mention that you
17 want to ensure justice is administered honestly? What causes you to give this lofty
18 speech when I ask you a simple question about language?

19 A. Just slow down. Understand my emotion. There's nothing. For a while, you
20 see, I have been involved in the fight to ensure the well-being of men, to ensure the
21 well-being of men -- mankind, and my language is perhaps somewhat different now.
22 I want mankind to live well, no matter who the person maybe, whether the person is
23 poor or not. I think people should eat properly and so this is what I'm telling you.
24 Thank you.

25 Q. Sir, to my knowledge, this is the first time that you mentioned ex-FAZ, former

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1 soldiers of Mobutu. Why did you mention them now?

2 A. I told you initially that amongst the various people -- you see, amongst the
3 Zaireans there were some former combatants, so it was difficult to determine, but
4 these were -- things were told to me, but not very specifically. You see, the person
5 who comes and other people might already be quite ready to handle arms, but you
6 see a civilian who has just come from civilian life may not be ready to take up arms
7 immediately. So that's what I was referring to. From day-to-day, you might take
8 the -- unravel these thing, put them back together again. I don't -- but when it came
9 to the make-up or the composition of these people from Zaire, it's difficult to say. So
10 that's why I said that. Thank you.

11 MR IVERSON: Madam President, I'd like to ask for a private session, please.

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

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

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

15 PRESIDING JUDGE STEINER: Mr Iverson, just to avoid any confusion in the
16 witness's mind, it's not the first time he mentions the presence of ex-FAZ soldiers, so
17 if you check on the transcript of the first day, it was already mentioned.

18 MR IVERSON: Okay, that was my mistake. Sorry about that. I was under the
19 impression that he hadn't mentioned that. Thank you.

20 Q. Sir, we are now in private session. I asked you yesterday towards the end of
21 the questioning when was the last time you spoke with Joachim Kokaté. Are you
22 aware that --

23 A. I did not speak with Joachim Kokaté. I think I gave you that answer yesterday.
24 I told you that yesterday.

25 Q. Sorry, you were a bit too eager to answer. I hadn't posed my question yet.

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1 Were you aware that Joachim Kokaté was arrested in May 2012 in your area of the
2 world, in the Republic of Congo?

3 A. No.

4 Q. You do know Joachim Kokaté though, do you not?

5 A. Know him? I wouldn't really say that I know him. That would be going too
6 far. As far as I know, he's a politician who was -- who was in the last government,
7 which was defeated. He was a minister in the government that was defeated. He
8 was a minister. If I look through my files, I could find the make-up of the
9 government with the various ministries, and the current minister is Nicolas
10 Tiangaye - Tiangaye - before the regime changed. He was a high level person.
11 I know of him. He's a former minister, but no longer. So I can say I know who he is,
12 I know who Joachim Kokaté is, but actually know him, he is a minister; I do know
13 that. You see, in Africa there are various classes, people within -- some people
14 belong to the low class, some people belong to the high class, but I wouldn't really say
15 that I know him. I don't know whether -- that's all I can tell you.

16 Q. Sir, has anyone contacted you from Europe and promised you relocation to
17 Europe if you testify in this case?

18 A. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted) I cannot venture off and leave them and go to Europe. That's not my
25 objective. I'm working and with the little money I make, I can support my family.

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1 Thank you. No one was in touch with me from Europe. No one at all. I cannot.

2 Please, I beg of you. I cannot leave my family and go off on some kind of mysterious
3 adventure. No one has been in touch with me and that -- thank you. Shit.

4 Q. Sir, you are aware that you are under oath; correct?

5 A. Yes.

6 Q. Is there anything about that last answer that you would like to change?

7 A. No.

8 Q. Sir, have you been made any other promises in this case by anyone in exchange
9 for your co-operation and testimony?

10 A. Which promises? I referred to my family so that you would understand that

11 I'm living -- (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted) We're living, we're getting along just fine. In Africa -- we're getting along

15 just fine. In Africa, in the country of residence, I'm living just fine. I have enough

16 to eat and what concerns me is ensuring that my children are educated. I want my

17 children to be schooled, I want them to live properly. I want them to be in perfect

18 health. What -- what promise would lead me to go off on some kind of mysterious

19 adventure? If there was some kind of promise, I wouldn't be visible today. That's

20 all I can tell you.

21 I'm sorry if I talked too much about my wife, but I'm very attached to my family. I'm

22 very attached to my family. I think you'll see -- you can see -- you can see how I'm

23 living with my family, how important my family is to me. Thank you.

24 Q. So can I take that as a no, you didn't receive any promises in exchange for your
25 co-operation and testimony in this case?

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1 A. If I had received any promises, it would have been promises from the Court,
2 and there had been any promises it would have been from the Court before I
3 co-operate with them. You could ask the ICC if they made me any promises. Ask
4 them.

5 Q. Sir, did anyone from the Defence make you any promises in exchange for your
6 co-operation and testimony?

7 A. You see, when you accept a promise in Africa and, you see, since we are in
8 private session, I'll tell you something very specific. We're in private session; is that
9 right? Are we in private session?

10 Q. Sir, we are in private session, but honestly I think it's time to answer questions
11 and not tell stories, so if I could ask for you to actually answer these questions, that
12 would be helpful to the Court. So a "Yes" if it's in the affirmative, a "No" if --

13 A. I've answered that question.

14 Q. Did you receive any promises from Defence in this case? Can you answer that
15 question "Yes" or "No"?

16 A. That's not a closed-ended question. I'm always -- I'm saying something so that
17 you can understand our culture. Our culture is too important. I'm saying "No".
18 My answer is "No". But an African lives in relation to his culture and a person from
19 the Central African Republic also lives in accordance with his culture. That is why I
20 am giving a little bit of a commentary, unless you are saying to me, "No, don't speak."
21 This is so you can understand what you're talking to and I'm saying, no, I did not
22 receive any promise.

23 Q. Sir, have you received any payment or offer of payment in exchange for your
24 testimony in this case from any person?

25 A. No.

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1 Q. Sir, have you spoken with a person by the name of Dieudonné-Sosthène
2 Kalanga?

3 A. Not at all. Not at all.

4 Q. Do you know who this person is?

5 A. Neither.

6 Q. What about a person named Petira Kalonda? Have you spoken to a Petira
7 Kalonda?

8 A. No, I don't know that person.

9 Q. And have you spoken with a Narcisse Arido?

10 A. I beg your pardon, Narcisse who?

11 Q. Narcisse Arido?

12 A. No, not him either. No.

13 Q. And the same question for another person named Anicet Songoto. Have you
14 spoken to this person?

15 A. These are people that you know that I don't know. I don't know. I don't
16 know these people.

17 MR IVERSON: I'd like to ask to stay in private session, Madam President, just for a
18 few more questions and then I'm about finished.

19 Q. Sir, what were the circumstances under which you left the CAR?

20 A. The circumstances? Well, they weren't very special circumstances. I can tell
21 you I was looking for --

22 THE INTERPRETER: Inaudible.

23 THE WITNESS: (Interpretation) -- there was nothing good in the army. All there
24 was was a series of abductions and so I defected. I defected. I didn't have promises.
25 I just defected. I made a choice. I made a choice. That's all.

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1 MR IVERSON:

2 Q. (Redacted)

3 A. (Redacted)

4 (Redacted)

5 (Redacted) I really haven't understood the question. Sorry. I really haven't
6 understood the question, so I'm having a hard time answering. I being your pardon,
7 you're talking about -- I'm sorry? You're talking about the place where I am now?
8 Is that it?

9 Q. Yes, sir. I'm not asking about when you, according to you, left the Central
10 African Armed Forces. I'm asking you when you left the territory of the Central
11 African Republic for where you are now.

12 A. (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. And why did you leave your country?

16 A. I beg your pardon? You're really asking me questions that are sparking a lot of
17 emotions within me. Several times I've said that -- now, this was said initially. This
18 was not respected. So there was injustice, a case of injustice. Some people were
19 well-treated, but the stripes recognised, but because of the shame when you leave and
20 you come back to the same situation. That's one of the reasons.

21 (Redacted). If I

22 remained, I ran the risk of taking my revenge.

23 (Redacted)

24 (Redacted)

25 (Redacted) but because of all these disappointments and everything that had

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1 happened within the army, I wouldn't want -- I couldn't -- I just couldn't, so I changed
2 my vision. That was one of the reasons, but you see these are very personal things
3 and I really wouldn't want to give you too much detail, but generally speaking this is
4 what I can tell you. Thank you.

5 MR IVERSON: Madam President, can I ask for open session, please?

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

7 (Open session at 10.27 a.m.)

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

9 MR IVERSON:

10 Q. Sir, would you agree that the purpose of military intelligence is to collect and
11 disseminate information on the enemy?

12 A. That's an official way of putting it. That's the official -- that's a definition of
13 military intelligence from a country where there is the rule of law, but in a rebellion,
14 you see, a person has to determine his area of action. You see, a rebellion is like a
15 private enterprise, a private company. A single person is running the show.
16 Whereas an army, within a nation, it's -- the army is controlled, or the National
17 Assembly controls the actions of the government and the various services are in place.
18 I can agree with your statement, but only if we were talking about a country where
19 there is rule of law, that's for sure, but within a rebellion things don't -- that's not
20 exactly how it works, not going by your definition. That's what I can tell you.

21 Q. Sir, and according to you the ambassador worked in the field of military
22 intelligence, right?

23 A. Agreed.

24 MR IVERSON: Thank you very much, Madam President. I have no further
25 questions for this witness.

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1 PRESIDING JUDGE STEINER: Thank you very much, Mr Iverson.

2 Mr Witness, legal representatives of victims were authorised by the Chamber to put
3 some questions to you. I will then give the floor to Maître Zarambaud who will start
4 with his questioning.

5 Maître, you have the floor.

6 MR ZARAMBAUD: (Interpretation) Thank you, Madam President, your Honours.

7 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

8 Q. Mr Witness, good morning.

9 A. Good morning.

10 Q. Mr Witness, I already introduced myself at the beginning of the hearing. I will
11 do that again. My name is Maître Zarambaud Assingambi, a lawyer with the CAR
12 Bar, and here I am representing the victims. I will put to you questions that have
13 been authorised by the Chamber and maybe two or three other questions in follow-up
14 to what you have said here in the hearing. Some of my questions have already been
15 put to you by the Defence and the Prosecution and, in order to avoid repetition, I will
16 no longer ask you those questions.

17 My first question to you is as follows: Did you personally take part in any fighting
18 against the loyalists and specifically against the Banyamulengue?

19 PRESIDING JUDGE STEINER: Yes, Mr Witness?

20 THE WITNESS: (Interpretation) I would feel very much at ease to speak in Sango
21 this time around, if Maître Zarambaud or the Chamber allows me to do so? That is
22 to speak to the legal representative of the victims in Sango. That is a favour I'm
23 asking.

24 PRESIDING JUDGE STEINER: I'm sure the Sango interpreter is available in the
25 booth.

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1 THE INTERPRETER: From the interpreter: The Sango interpreter is actually
2 available in the booth. Thank you.

3 PRESIDING JUDGE STEINER: Sorry, could you repeat? I was at zero. I could
4 not listen.

5 THE INTERPRETER: From the English booth: We have Sango interpreters in the
6 booth. Thank you.

7 PRESIDING JUDGE STEINER: So, Mr Witness, if you prefer you can continue your
8 testimony in Sango. Just remember that you have to speak really slowly, because the
9 Sango interpreter needs to translate what you say into French and then from French it
10 will be translated into English. So you have to speak even slower than you have
11 been doing, but please, if you feel more comfortable, you can continue your testimony
12 in Sango.

13 THE WITNESS: (Interpretation) Thank you.

14 PRESIDING JUDGE STEINER: Just one moment, Mr Witness, please. Just one
15 moment.

16 (Pause in proceedings)

17 PRESIDING JUDGE STEINER: I'm sorry, Mr Witness, for the delay. Some
18 arrangements had to be made in the transmission room because you decided to
19 change language, but now everything is in place. So, please, would you like Maître
20 Zarambaud to repeat the question, or you are able to give your answer?
21 Mr Witness, can you hear me?

22 THE COURT OFFICER (via video link): Madam President, we are still having
23 English transmission.

24 THE WITNESS: (Interpretation) Yes, I can understand you.

25 PRESIDING JUDGE STEINER: Do you want Maître Zarambaud to repeat the

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1 question, or you are able to give your answer?

2 THE WITNESS: (Interpretation) I can answer you now.

3 PRESIDING JUDGE STEINER: Go ahead then.

4 THE WITNESS: (Interpretation) Maître Zarambaud is one of the leading lawyers
5 in the CAR, defending the interests of Central Africans. I have a lot of respect for
6 this lawyer.

7 The question he asked me is as follows: Did I personally fight against the
8 Banyamulengue? And my answer is as follows: In military strategy, in fact in
9 order to fight effectively, you have to use a lot of resources and there are many
10 services that are put in place. You have the communication services, you have
11 intelligence services, and then you have those who are in the field actually fighting
12 against the enemy. So it is those services put together who carry out the fight. So
13 in this case I can confirm that I took part in the fighting specifically by working in the
14 service in which I was working.

15 I do not know whether counsel can agree with what I have just said.

16 MR ZARAMBAUD: (Interpretation)

17 Q. Thank you, Mr Witness. You will understand that I am compelled to speak
18 using only either one of the official languages of the Court, that is English or French.
19 It is not my business, Mr Witness, to agree or disagree with you. I am limited to
20 putting questions to you because, according to the rules here, I am not here to testify
21 or to show my own personal knowledge. I -- my role is simply to ask you questions
22 so that you can throw some light regarding what we are all seeking here; that is the
23 truth.

24 If I understood you well, you did not actually take part in the fighting on the ground;
25 that is, you did not actually carry a rifle and fight?

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1 A. Counsel, I have just given you an answer. Any soldier who is on the
2 battle-field is armed, or carries a weapon. However, the most important thing is that
3 the duties are split amongst those who are there. Each person has their own task.
4 Some people go to the front, while others stay back, and all these things make up
5 military operations. In fact, I understand what counsel is saying. I know that
6 civilians do not fully understand military operations. They think that soldiers are
7 only those who actually fire weapons, put that is not correct. Even those who are
8 behind and who are in charge of logistics are just as important as those who are on
9 the ground. That is what I can tell you, Counsel.

10 Q. Thank you, Mr Witness. You are quite correct in saying that civilians do not
11 fully understand military operations, but -- and I am happy because of that military
12 lesson that you have given us, but the most important thing here is the facts. We are
13 looking only for the facts. Neither the Defence, nor the Prosecution, nor the Judges
14 were on the ground. They were not in the field, so we are trying to find out what
15 actually happened in the field. So I would like you to give us an answer to us
16 civilians, because the Chamber that is present here that will -- that is trying this case is
17 made up of civilians.

18 So if I understood you well, you were involved in technical services, but you were not
19 actually in the field firing your weapon against the enemy; is that correct?

20 A. Thank you, Counsel. What we refer to as communication or intelligence is
21 defined as follows: You can send scouts out. You could even be in civilian clothing
22 amongst the civilians and you are doing your work. It is a very delicate task and this
23 is a task that cannot be assigned to just anyone. These are tasks that are assigned to
24 people that are fairly well-educated. This is because such missions require a lot of
25 background knowledge.

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1 Counsel, given that you are a very cultured person and you have very high academic
2 credentials, I know that you fully understand what I am telling you. I can confirm to
3 you that I was in the field. When a soldier fell, I was aware of it. Our work was to
4 brief our colleagues on enemy operations.

5 I perfectly understand what counsel is saying. He thinks that I was at the front,
6 carrying a weapon, but that is not correct. (Redacted)
7 (Redacted), but there were other soldiers whose duty it was to fight against the enemy
8 using their weapons. Thank you.

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

10 *(Private session at 10.49 a.m.) Reclassified as Open session

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

12 PRESIDING JUDGE STEINER: (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Thank you.

17 Court officer, can we turn back into open session, please.

18 (Open session at 10.51 a.m.)

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

20 MR ZARAMBAUD: (Interpretation) Thank you, Madam President.

21 Q. Mr Witness, we cannot overemphasise what the Presiding Judge has just said.

22 Mr Witness, I do not want to give you the impression that I am badgering you and I
23 also do not want you to try to imagine what I'm thinking when I ask you a question,
24 because it is possible that that may not be correct. What I have said is that we are
25 trying to ascertain the facts, what happened in the field from October 2002 to

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1 15 March 2003, so based on what you have just said, you said there were other
2 soldiers whose task it was to fight against the enemy using their weapons.
3 So my question to you is this: You were not one of those soldiers whose duty it was
4 to actually carry weapons and fight against the enemy?

5 A. Thank you, Counsel. You and I are saying the same thing, and what does this
6 mean? It means that those who were fighting at the front operated on the basis of
7 the intelligence that we provided to them; that is in accordance to -- in accordance
8 with the result of our missions on the field against the enemy. I am sorry for
9 referring to them as "enemies," because at that time they were indeed our enemies.
10 When one of our soldiers fell, I was aware of it. If two people fell, I could also know
11 about it. I would like to reassure you that I was in the field. I was on the ground
12 also fighting against the enemy, but in my own way. Each person had their mission.
13 Thank you, Counsel.

14 Q. Thank you, Mr Witness. My question was simple, but you answered it in your
15 own way, just like you were fighting in the field in your own way. The Chamber
16 will make its determination.

17 Now, you fought in the field in your own way. Now, can you tell the Chamber in
18 what location and when you actually fought against the enemy in your way?

19 PRESIDING JUDGE STEINER: Could we please turn into private session, please.

20 *(Private session at 10.55 a.m.) Reclassified as Open session

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

22 PRESIDING JUDGE STEINER: Maître Zarambaud, I am sorry to interfere, but it
23 appears that he has already answered this question, unless that I misunderstood, that
24 (Redacted).

25 So I think it's the third time that he -- that you asked the same thing and he will

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1 continue with this speech. So, unless you may be more precise in order to avoid
2 repetition of his answer, Maître.

3 MR ZARAMBAUD: (Interpretation) Thank you, Madam President. The fact of
4 the matter is that when I asked that question the first two times, I did not receive the
5 precise answer that I was expecting. My question now is for him to tell us which
6 locations -- (Redacted)
7 (Redacted).

8 PRESIDING JUDGE STEINER: Okay, Mr Witness, you can answer to this question.

9 THE WITNESS: (Interpretation) Thank you, Counsel. I have already said here
10 that when we left our rear base in Moyenne Sido, we used two roads. Others went
11 to Bossangoa, Bossembélé, Boali, while others went in a different direction. Each
12 person had their own mission. (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted) If the legal representative understood me well, he would
21 not have continued putting such questions to me. For the time being I will stop here,
22 thank you.

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

24 (Open session at 11.00 a.m.)

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

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1 PRESIDING JUDGE STEINER: Mr Witness, it's 11 o'clock. We'll have now our
2 half-an-hour break in order for you to take some rest and to give a well-deserved
3 break to our interpreters and court reporters. We will resume at 11.30. The hearing
4 is suspended.

5 THE COURT USHER: All rise.

6 (Recess taken at 11.01 a.m.)

7 (Upon resuming in open session at 11.38 a.m.)

8 THE COURT USHER: All rise.

9 Please be seated.

10 PRESIDING JUDGE STEINER: Welcome back, Mr Witness.

11 THE WITNESS: (No audible response)

12 PRESIDING JUDGE STEINER: Can you hear me, Mr Witness?

13 THE WITNESS: (Interpretation) Yes, I can hear you, ma'am.

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

15 THE WITNESS: (Interpretation) I'm ready.

16 PRESIDING JUDGE STEINER: Then I'll give back to floor to Maître Zarambaud.

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

18 Q. Witness, now, the questions that the Chamber allowed me to put to you are few
19 in number. One of these questions was this: Do you know anything about the
20 crimes that were committed by Bozizé's rebels, or crimes committed by loyalist forces?
21 And, if I recall page 14 and 15 of the transcript, you said that it was very difficult to
22 reply and it would be difficult for you to know what crimes had been committed on
23 each side. Is that correct? Is that your answer?

24 A. Thank you, Counsel. That is what I said. I remember saying that it would be
25 difficult for me to know about everything going on with the loyalists, and why did I

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1 say that? Well, you see, we were fighting. We were in combat. When fighting is
2 going on, a soldier is supposed to protect himself and should not blindly jump into
3 the arms of the enemy.
4 Regarding my own base, we fought in order to drive Ange-Félix Patassé from power,
5 to drive him out, but I'm sorry -- sorry if I used the "tu" form, which is familiar in
6 French. You see, in our country, our country was really on its knees.
7 Counsel, you must realise that the people of the Central African Republic did not
8 have an opportunity to leave the country to go overseas, to go anywhere, to the west,
9 to the east. The people of the CAR were not in a position to leave, to go to the west
10 or to the east, to the north or to the south. The people of Central African Republic
11 did not have the resources to even put breakfast on the table and far less lunch or
12 dinner. So what I'm saying really saddens me. I'm very sad if I remember
13 everything that occurred at that time.
14 Well, now getting back to your question, that is why today we are here before you.
15 During that time, people made fun of us. Within my base, during those operations,
16 many things occurred, and in French I called that "dérapage". Things were spinning
17 out of control. There were cases of looting and even within our camp the supply
18 services did not work very well and that is why some soldiers -- well, our base did
19 not have a good vision. People had come out of their own self-interest and some of
20 these people began to misbehave.
21 They began to disturb the local population, robbing them of their possessions. I am
22 telling you this. You must realise some people amongst us said, "Oh, I took that
23 woman. I raped her well and good." That is what they said within the camp; our
24 camp. We were supposed to be fighting the enemy, but some of us found ourselves
25 going astray.

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1 You see, Patassé and Bozizé were members of the same family, but I accept - I
2 acknowledge - that there were many incidents, excesses on our side, situations
3 spinning out of control. You see, divine justice is supreme and people who do
4 wrong, people who make trouble, people who behave badly should be punished, and
5 I've told you what happened within my camp, within my group. But as for the
6 enemy camp, it's up to them. It's their job to answer for what happened within their
7 camp on their side. I've come to give testimony about what I know. I did not come
8 here to make up stories and tell them to the Court. I think I've answered the
9 counsel's question. Thank you.

10 PRESIDING JUDGE STEINER: Maître Zarambaud, if you allow me?

11 Mr Witness, if you could please make an effort -- because we are almost concluding
12 with your testimony, if you could please make an effort in order to be more concise
13 and objective in your answers, that would help us in concluding your testimony
14 maybe even today, but we need your help. So pay attention to the question and just
15 answer to what is questioned.

16 Can we count on you for that, Mr Witness?

17 THE WITNESS: (Interpretation) Yes, ma'am.

18 MR ZARAMBAUD: (Interpretation)

19 Q. Thank you, Witness. I think I just have a few short questions to put to you,
20 and it was a good thing when you said that you weren't here to make up stories and
21 so it would be better for you to restrict yourself to answering the questions put to
22 you.

23 My last question - the last question that has been authorised by the Chamber - was
24 this: When did you leave the FACA forces? The Office of the Prosecution
25 expanded upon that question, asking the date on which you left the country, and you

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1 said, unless I am mistaken - and if I am wrong, please correct me - you said that you
2 left the CAR in the year 2005. The year 2005 means that -- well, the events of interest
3 to us went to 15 March 2003, so during that period afterwards up until 2005 you were
4 still in the field in the area.

5 Now, during that time, October 2002 to 15 March 2003, and then after the victory of
6 the rebels, you stayed in the country until the year 2005, and so did you have an
7 opportunity to learn the name of the person who was responsible for the
8 Banyamulengue contingent in the CAR during the time of the conflict?

9 A. I don't know. I wouldn't want to tell a lie, or get something wrong. Why
10 would I -- why do I say that? When we took power, what we called -- well, you see,
11 the enemy camp find itself in chaos. I can't hide anything from the counsel. When
12 we took power, everyone was trying to determine what would become of himself and
13 with everything that has happened in the country -- I won't make a long speech. I'll
14 follow the Presiding Judge's advice. But if the counsel had been in the town of
15 Bangui, he would know about all of those things.

16 Why am I not going to make a long speech? Unless perhaps - perhaps - the legal
17 representative of victims was not in Africa. Perhaps he was in Europe? If he had
18 been in Bangui, he would have been aware of a number of events that had occurred.
19 When we took power, things were unclear because the appointments were done here
20 and there and, myself, if I had prevailed, if my ambitions had been realised, I would
21 not have left the country. I don't know the name of that contingent. I had other
22 things that I was thinking of. I really -- I don't know what that person's name was.
23 Amongst ourselves, you see, we had a number of problems amongst us soldiers. I
24 don't want to get into details, because that would take us a lot of time.

25 So, to answer the question simply, I don't know the name of that commander. I hope

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1 that the legal representative of victims has understood my position.

2 Q. Thank you, Witness. Yes, I have quite understood your position, but I wanted
3 to say something to you and I wanted to say it at the beginning of my remarks.

4 My role here is not to give testimony. My job here is not to give an account of what
5 I know about personally. Even if I know about something, I can't give an account of
6 it here. That is not my role. My role is to put questions so that the Chamber may
7 be enlightened regarding a number of important points so that they can base their
8 own decision on the truth. So I think you'll realise what my position is.

9 So, you made a number of points -- you said something about whether I was in
10 Europe or in Africa or not. In any event, a question about languages that were
11 spoken in Bangui, particularly in Lakouanga, transcript 332, 20 August 2002 (sic),
12 page 27, line 10 onwards, you were asked the following question: "Witness, you
13 mentioned a number of neighbourhoods in Bangui. Could any of these
14 neighbourhoods be described as a neighbourhood where Lingala was spoken in
15 particular?" And your answer was this: "Yes, the most -- the Lakouanga
16 neighbourhood would be such an example, because that is a neighbourhood where
17 there is quite a mixture of people and people feel quite at ease. There are people
18 from Zaire, from the Central African Republic. It is a neighbourhood where all
19 kinds of languages are spoken and it's normal."

20 So my question to you is this: Does this mean that when you get to Lakouanga
21 neighbourhood, the people of the Central African Republic speak to one another not
22 amongst -- amongst themselves? Do you hear Central Africans spontaneously
23 speaking in Lingala when they're talking amongst themselves? Not when they're
24 talking to members of other groups, but when they're amongst themselves.

25 A. The answer to the question that was put to me on 20 August of this month is -- I

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1 shall stand by that decision -- by that answer, rather. I confirm that answer. In
2 Lakouanga, a great many languages are spoken. It is very diverse. There's the
3 Bongo people and the Congolese people who are known as Mono in our country.
4 There's also Congolese people from Brazzaville, and often they are mistaken for
5 Congolese people from the DRC, or the Mono. But if you visit the various families
6 that live in that neighbourhood, you will see for yourself that these people speak
7 Lingala. This is what I'm saying. I'm saying this and I know it for a fact.
8 I told you, not all Central Africans speak Lingala. I told you that a number of them
9 do speak Lingala. And those who have an opportunity -- those who have had an
10 opportunity to go to the Congo, some who had fled came back and for them Lingala
11 is a prestigious language. Why did I specifically mention Lakouanga
12 neighbourhood? Because you and I, we know that in Lakouanga neighbourhood,
13 there is one component. Well, from a geographical point of view, I'm talking about
14 Yapere, where there are several Congolese subjects who sometimes live in a small
15 apartment, several of them. Perhaps even 20 of them will come out of the same
16 studio apartment, and if these people do not speak in the regional language, well, the
17 Monos speak in Lingala. So that would be a summary of the reply that I gave on
18 20 August. I hope that answer is satisfactory to the legal representative. If not, he
19 can tell me.
20 MR ZARAMBAUD: (Interpretation) Thank you, Mr Witness. I asked that
21 question in relation to conversations between Central Africans in Lakouanga. You
22 gave us a much broader answer and I have no doubt that the Chamber would be able
23 to extract the relevant information from that broad answer.
24 That was my last question and thank you for kindly accepting to answer my
25 questions.

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1 Madam President, your Honours, I have no further questions.

2 PRESIDING JUDGE STEINER: Thank you very much, Maître Zarambaud.

3 Mr Witness, Maître Douzima Lawson, legal representative of victims, was authorised
4 by the Chamber as well to put some questions to you. And then I give the floor to
5 Maître Douzima.

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

7 QUESTIONED BY MS DOUZIMA LAWSON: (Interpretation)

8 Q. Good morning, Mr Witness.

9 A. Good morning, Counsel.

10 Q. Mr Witness, I already introduced myself to you on Tuesday. I will do so again.
11 I am Maître Marie-Edith Douzima Lawson. I am a lawyer in the CAR Bar and I'm
12 also a legal representative of the victims in this trial in which you are testifying. I
13 will put to you questions that I submitted to the Chamber, and I was authorised to
14 ask those questions.

15 PRESIDING JUDGE STEINER: Sorry to interrupt you. The witness wanted to say
16 something.

17 Mr Witness, what do you want?

18 THE WITNESS: (Interpretation) I would like to have a break - a short break - your
19 Honour, if you allow.

20 PRESIDING JUDGE STEINER: Of course, Mr Witness. You can have as many
21 breaks as you need.

22 So with your permission, Maître Douzima, I am sorry to interrupt you, we will
23 suspend for -- five minutes is enough, Mr Witness? Ten minutes?

24 THE WITNESS: (Interpretation) Yes, indeed.

25 PRESIDING JUDGE STEINER: We suspend for ten minutes. The hearing is

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1 suspended.

2 THE COURT USHER: All rise.

3 (Recess taken at 12.04 p.m.)

4 (Upon resuming in open session at 12.12 p.m.)

5 THE COURT USHER: All rise.

6 Please be seated.

7 PRESIDING JUDGE STEINER: Mr Witness, ready to continue?

8 THE WITNESS: (No audible response)

9 PRESIDING JUDGE STEINER: Mr Witness, can you hear me?

10 THE WITNESS: (Interpretation) Yes, I can hear you loud and clear.

11 PRESIDING JUDGE STEINER: Maître Douzima, you can continue please.

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

13 Q. Mr Witness, as I was telling you a short while ago, I'm going to ask you the

14 questions that have been authorised by the Chamber and, in addition to that, I will

15 ask you follow-up questions to the answers that you gave to the Defence, to the

16 Prosecution and also to Maître Zarambaud.

17 Let me begin by reiterating what Mr Zarambaud told you a short while ago. You are

18 the witness. We are not here to testify, but to put questions to you. This is why I

19 would like you to simply answer the questions that I ask you. If you know the

20 answer, you can give me the answer and, if you don't know, simply say so. The

21 questions that we are asking you here are not intended for ourselves, but for the

22 Chamber.

23 Have you understood me, Mr Witness?

24 A. Yes, I understand you perfectly well.

25 Q. Thank you, Mr Witness. Furthermore, both of us have to be very careful so as

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1 not to say anything that might identify you.

2 Mr Witness, my first question to you is this: When the MLC troops arrived in
3 Bangui, did -- or, rather, were Bozizé's rebels still there?

4 A. Thank you for that question, Counsel. I believe that in my testimony I stated
5 that regarding the Banyamulengue, when we were in the thick of the action, that is
6 during intense fighting, and that was on 30 October, if I'm not mistaken, and to be
7 precise this was in 2002, if I remember correctly, it was on that day that we heard very
8 loud explosions and when we tried to enquire, we were told that the Banyamulengue
9 soldiers had arrived to reinforce the loyalist forces. This is the information that we
10 received at that time. But to say that we actually saw them, no. I have told you that
11 I was working in the intelligent service and, on the basis of the intelligence that we
12 gathered, we were informed that they arrived on the 30th to reinforce the loyalist
13 forces.

14 That is my answer. I don't know whether it is satisfactory to Maître Douzima. If
15 not, I will provide further information.

16 Q. Mr Witness, if I understood you well, on 30 October there was intense fighting,
17 but you do not know whether the Banyamulengue were involved in that intense
18 combat. Now, who was the leader of the FACA at that time?

19 A. If you allow, I will go back to what you said. I never said that I did not know
20 whether or not the Banyamulengues were with the loyalist forces. What I said was
21 this: According to the intelligence that we received, it was said that the
22 Banyamulengue formed part of the loyalist forces.

23 And now, in answer to your question, I do not know who was the commander of the
24 FACA at that time. Our objective was to know what targets to aim for. The FACA
25 themselves were dispersed. I am not competent in this area, so I cannot provide any

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1 further information to you. I believe this is a question that needs to be put to the
2 leaders of the loyalist forces. Thank you.

3 Q. Thank you, Mr Witness. Now, regarding the composition of Bozizé's rebellion,
4 in the hearing of 20 August, transcript number 332, French version, page 19, while
5 talking about the composition of General Bozizé's forces, you stated that the rebellion
6 was made up of, first of all, the FACA, but that there was also those referred to as "the
7 volunteers" which included -- or, rather, who included Chadian fighters. You said
8 there were also civilians and the Zairean shoe-shiners.

9 You also explained that the CAR shares a border with the DRC and you mentioned
10 the border towns, including Bangassou, Mobaye, Mongoumba, and you added that
11 only the Ubangi River separates that country from the DRC; that is separating the
12 DRC from Bangui.

13 On page 23, in the same transcript, you stated that the Zaireans preferred to live in
14 Bangui because it is a big town and that it was those Zaireans that were referred to as
15 "shoe-shiners" and "ground-nut sellers."

16 Now, can you tell us where the Chadians or the Zairean shoe-shiners were recruited
17 to form part of Bozizé's rebellion?

18 A. Thank you for that question. There was no service or unit as such that was
19 responsible for recruitment into the rebel movement. People joined voluntarily, so
20 all the courageous young people who wanted to become soldiers would come
21 spontaneously. These were people who wanted to go and fight. Both of us know
22 what is happening in our country. It is the leaders who know how to recruit people
23 into a rebellion.

24 When you accept to join a rebellion, you can be certain that it is difficult to leave that
25 rebellion, so you have to be cautious and you have to be discreet.

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1 Now, in answer to your question regarding recruitment into the rebellion, there was
2 no specific service or unit responsible for recruitment. People spontaneously joined.
3 Some of them joined in PK12 and those are the people known as "the liberators."
4 What angers me is that we were referred to as "the liberators" or "freedom fighters,"
5 but today it is foreigners who are the leaders of our country. I am sure that the legal
6 representative has fully understood what I just said.

7 Q. Mr Witness, a short while ago before I started asking you questions, I reminded
8 you that the questions that we are putting to you are not for ourselves. They are
9 meant for the Chamber. Even the answers that you are giving are intended for the
10 Bench.

11 Now, Mr Witness, let us talk about crimes and specifically the crimes perpetrated by
12 Bozizé's rebels. While describing the conduct of Bozizé's rebels on 20 August,
13 transcript number 332, French version, page 48, line 22, you said that, "There is an
14 African proverb which states that a goat will feed where it is tied." You said, "There
15 were people who had asked members of the population for something to eat, but in
16 case of resistance, there were uncontrolled elements or rogue soldiers who tried to
17 grab what they wanted by force and, if that didn't work, well, that is what happened."
18 This was your testimony.

19 Subsequently, on page 49, you said the following: "People can only live by looting,
20 and if I say that amongst the soldiers of Bozizé people did not do that, then I would
21 be lying."

22 Does this mean that it was not only Bozizé's people who looted and that, considering
23 what the situation was, other forces also looted and that if you did not speak of the
24 looting carried out by Bozizé's men, then you would be a liar? Is that what you
25 actually meant?

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1 A. That is the truth. I gave you an account of what I saw and what I heard. That
2 is all that I can tell you. And if I mentioned the liberators, that is because I was a
3 witness to that and I also heard, given that through asking questions and through
4 gathering intelligence you can have answers to certain questions. Thank you very
5 much.

6 Q. And what did you see?

7 A. I think I told you that, when men go off to fight, they come back and they give
8 an account of their fighting. You are a lady, but given that we are before the Court
9 today, I feel obliged to tone down my remarks, but just imagine someone who says to
10 you, "This was a long time ago," or says, rather, "I haven't slept with a woman in a
11 long time and today I took her and I gave her a good fuck," that's what they said.
12 That's the kind of remarks that I heard. That's what they said.
13 So, if someone comes back with some tins of food, for example, because we didn't
14 have any food, was it necessary for him to tell us where he got the food from? It was
15 very difficult to find or to have four or five tins of food every day, so just imagine if
16 someone comes back with an entire case of tinned goods. So it was clear that the
17 person had forcibly taken those things from someone else.
18 People from the Central African Republic are very hospitable if you need a favour
19 and, you know, if you're polite, careful, you will make old bones. Nowadays, you
20 see people with white hair who are wise because they protected themselves. So
21 that's the kind of answer I can give you.

22 Q. Mr Witness, I asked you the question because you said -- at page 49, line 24, you
23 said, "This is the truth. I told you what I saw, what I heard," so that is what why I'm
24 asking you the question: What did you see? But, in actual fact, you didn't see
25 anything.

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1 Now, about the rapes. As you've already mentioned, I make reference to yesterday's
2 transcript, August 20, page 5, lines 18 and on, you said that the rapists disguised
3 themselves. So that means you -- did you see them disguise themselves, that they
4 disguised themselves when they raped; is that correct?

5 A. I said that because, you see, amongst the rebels, well, there was a way of
6 dressing and a way of behaving. I'll give you an example, just a very simple
7 example, even my example. I was born in Sibut. I grew up in Sibut. Since I might
8 have been a Ngombele (phon) or a Kano (phon) or a Ngoto (phon), Conjiagoto (phon),
9 in that particular place, I am known. People know who I am.

10 Now, if I were to engage in violence or abuse in a place where I grew up, what would
11 I do? Well, of course I would disguise myself. I would conceal my face so that no
12 one would recognise me. So that is why I gave that particular example.

13 Q. So that's a supposition on your part?

14 A. No, it is not merely an assumption or a supposition. It is an example that I am
15 giving you. You must realise what I am telling you. I gave that example so that
16 you would better understand what I just said. This is not a supposition, not at all.
17 Thank you.

18 Q. Well, that's your answer, Witness. The Court will come to its own conclusions.
19 At the hearing of August 20, transcript 332, when you were talking about the
20 organisation of Bozizé's rebellion, you were asked the following question at page 29,
21 line 24, French version: "Was there a General Staff?" And at page -- correction, line
22 25, you said: "Yes. Yes, like in any organisation, like as is the case in any rebel
23 movement, there has to be some kind of structure, some sort of structure that we
24 would -- that we could refer to as a General Staff. Otherwise, everything will be
25 done in a disorderly way."

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1 Witness, so there was a General Staff that made sure that things were not done in a
2 disorderly way, but the fact that these rebels were looting and raping, is that -- is this
3 not some form of disorder, or chaos?

4 A. Thank you, Counsel. The question you just asked me is relevant and, well, it
5 could lead me to tears. When one sets up a business, one always begins with some
6 speeches. When we were in the field, well, the speeches were different and then
7 they became unable. And you know why? If there had been some sort of
8 opportunity to ask the leaders for explanations about the chaos, that would be better.
9 I know, I recognise, that things were chaotic, disorderly, and that's not at all proper.
10 Thank you.

11 PRESIDING JUDGE STEINER: Maître Douzima, sorry to interrupt you.

12 Mr Witness, try please to speak slower. Thank you.

13 Maître?

14 MS DOUZIMA LAWSON: (Interpretation)

15 Q. Witness, I'd now like to ask you some questions about languages. You
16 stated -- at the hearing of 20 August, transcript 332, French version, you said that the
17 Chadians who had joined the rebel movement spoke Sango well and spoke French in
18 sort of a staccato way and that they spoke their own language, and others,
19 particularly the Kodo, who also spoke Lingala. Do you remember saying that on
20 20 August?

21 A. That's what I said.

22 Q. Thank you, Witness. Then at page 25 you said the following: "A person from
23 Zaire, even if this -- they will tend to favour their own language." Now, within
24 Bozizé's rebel movement, which included people from Chad, people from Zaire who
25 preferred their own language, and then the FACA forces who spoke Sango, within

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1 this rebel movement what language did you use to communicate with one another?

2 A. This is what I said. If two Gbaya people knew one another, they would speak
3 to one another. If two Mono met one another, they would speak in their own
4 language. Zaghawa would do the same. But if a Zaghawa person wanted to speak
5 to a Gbaya person, he would do so in Sango. For those of you who know, if -- if
6 some people spoke -- knew French, they would speak in French. So that's my
7 answer to you, Counsel, so as not to use up too much time.

8 Q. Thank you, Witness. I'd like to ask you one thing. Now, when you say that
9 the people from Zaire preferred their own language, which was Lingala, now when
10 they speak Lingala, did they have an accent?

11 A. Only the professionals could answer that question. Only a linguist could
12 answer that question properly. I know that the person spoke Lingala and I will
13 restrict myself to that. If it was Lingala, I would know that it was Lingala. I'm not
14 in a position to identify or to know whether the person is speaking with an accent or
15 not. If someone begins to speak a Chadian language that I don't know, am I in a
16 position to identify the accent of that person? Not at all. And there are some
17 people from the Central African Republic who speak in that way, so I'm not in a
18 position to tell you whether those people had an accent or not. I can't tell you that
19 with certainty.

20 Q. Indeed. The people from the Central African Republic who speak Lingala, do
21 they speak like the Zaireans?

22 A. Only specialists would be in a position to know that, Counsel. Let me give you
23 an example. If someone is born in Europe and I for example, a person who is born in
24 the CAR, if we speak French to one another, certainly we can make a distinction and
25 we will necessarily understand that I am from a particular country. And even in

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1 Bangui, when you speak Sango, those who live in the Sica Lakouanga neighbourhood
2 speak Sango in a different way in comparison with -- from someone who is from
3 Petevo or other classes. People from the CAR who speak Lingala do so on an
4 occasional basis, so it would be easy for an expert to determine whether the person
5 spoke with an accent or not.

6 Q. Thank you, Witness. In the final analysis, you have answered my question.
7 Now, once again still while we are talking about languages, you said that in the
8 Central African Republic, transcript 332, 20 August, page 56, line 23, you said that in
9 the Central African Republic, that people spoke a single language and this single
10 language, namely Sango, the national language, could be spoken in the north, the
11 south, the west or the east, all the way to the very farthest village by the border, no
12 matter what the distance, no matter how far.

13 So, Witness, when you say that Bozizé's rebels were committing crimes such as
14 looting and rape, what language did they use when they were committing these
15 crimes?

16 A. I really don't know what to say. Someone who goes into the field to rape or
17 loot, can I be beside that person to determine what language he's speaking? It's not
18 that I'm refusing to answer your question. It's just that I want to be very careful. I
19 don't want to give incorrect answers.

20 Q. Thank you, Witness. You have just stated, page 54, that people from the
21 Central African Republic who speak Lingala do so on an occasional basis, from time
22 to time. Do you think that a CAR civilian can identify the perpetrator of the crimes
23 that he or she has been a victim of?

24 A. I don't know. Only the victim is in a position to know that. I can't put myself
25 in the shoes of the victim and find out how things began, or how they ended. The

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1 victim really is the only person who can answer such a question.

2 Q. Well, I put that question to you, Mr Witness, because -- well, I wanted to remind
3 you as well, sir, that you are in a position to tell us what you saw and heard. And
4 did you hear from the victims who raped them, who looted their belongings? And
5 so indeed, now, during or after the events, did any victims complain about the
6 violence and the abuse that they were subject to? Are you aware of any such
7 complaints?

8 A. Well, you see, during the fighting it is advisable not to get too close to civilians.
9 They represent an imminent danger, rather, it is a danger -- it's dangerous for civilians
10 to have military people amongst them. Even your own mother, during fighting you
11 would not even want to go towards your own mother, because you see we were all
12 members of same rebellion. It's not advisable to associate with the population and
13 find out who said what, who did what, and for the soldier, you see, this represents a
14 danger for you, because if you eat just any old thing you might be poisoned. If you
15 walk around here, there and everywhere, well, something bad could happen to you
16 because you never know when the enemy might infiltrate a place. So there are
17 things to do and things to avoid doing during combat. Thank you.

18 Q. Witness, you haven't exactly answered my question, but I'll move on. Now,
19 during the events beyond PK12, you fought with the loyalist forces outside of Bangui.
20 Did you fight in other towns of the CAR?

21 A. The clashes did not occur in many places, except that there was some resistance
22 in a number of particular spots, or choke-points so to speak, within the larger towns,
23 the larger locations. I'm talking about the road that I took to the -- the particular
24 road that I took.

25 Q. Could you mention these major towns or locations?

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1 A. Yes, I can give you the names of those places. I could mention Kabo. I could
2 mention Bouka. I could mention Kaga-Bandoro. I could make mention of Dekoua.
3 I could mention Sibut. I could also make mention of Damara, Gueringou and other
4 places as we moved towards Bangui. So those were the various locations that I went
5 through to get to Bangui.

6 Q. Could you describe to us how Bozizé's rebels were dressed?

7 A. Well, regarding the clothing, when a soldier goes to the front, there is one thing
8 that is very important. A soldier must not -- a soldier puts on his uniform and is
9 careful to have civilian clothing underneath, because if the situation degenerates, the
10 person has to be ready to take off military garb and then later pass oneself off as a
11 civilian. A soldier can't just put on a military uniform and go out and fight. This is
12 what some undisciplined soldiers did. Some behaved like rebels. They had jeans,
13 for example, and if you asked them questions, they would say that they felt more
14 comfortable dressed that way. So that's the answer I would give you about the
15 clothing of the liberators.

16 Q. Did all the groups, that is the FACA, the Chadians and the Zairean shoe-shiners,
17 were all those groups dressed in the same way?

18 A. I cannot tell you what was happening in the loyalist camp. I do not want to
19 venture into an area that I am not sure about.
20 Now, coming back to my own camp, the situation is the way I described it. We had
21 a problem with supplies. Some people were fortunate enough to have uniforms and
22 they wore them. Those who were not that fortunate dressed the way they could.
23 They could obtain clothes from where they were. That is the answer that I can give
24 you.

25 Q. Mr Witness, when I mentioned the FACA, it was because when you talked

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1 about the composition of Bozizé's rebellion, you said that there were FACA soldiers
2 who were part of that rebellion in addition to the Chadians and the Zaireans. That is
3 why I asked you that question. I was not referring to the loyalist forces.

4 A. Thank you.

5 MS DOUZIMA LAWSON: (Interpretation) Madam President, for my last question
6 I would like us to go into private session.

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

8 *(Private session at 1.02 p.m.) Reclassified as Open session

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

10 MS DOUZIMA LAWSON: (Interpretation)

11 Q. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 A. (Redacted)

16 (Redacted)

17 (Redacted) He thought he

18 was a god. He thought that he was not going to die, but now he's dead. He spilled

19 a lot of blood and he also is now dead, so his own blood is not different from the

20 blood of the other people that he spilled. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. According to the observation that you just made, Mr Witness, is it your point of

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1 view that he deserves it?

2 PRESIDING JUDGE STEINER: Mr Haynes? Wait, Mr Witness.

3 MR HAYNES: How on earth is that question born of the personal interests of
4 Ms Douzima Lawson's clients?

5 PRESIDING JUDGE STEINER: Maître Douzima?

6 MS DOUZIMA LAWSON: (Interpretation) In answer to that question, well, I
7 would want that, if it is possible, the sound to the witness should be cut so that he
8 should not follow my statement.

9 PRESIDING JUDGE STEINER: Court officer, is it possible, please?

10 Mr Haynes, you made a challenge?

11 MR HAYNES: Your Honour, that is not a procedure we have adopted at any stage
12 throughout the case, to cut the sound to the witness.

13 PRESIDING JUDGE STEINER: We had it once, we had a precedent, and in order or
14 the witness not to be aware of the intention behind the question, I think this is
15 necessary.

16 MR HAYNES: Well, thank you. At least that's on record.

17 THE COURT OFFICER: Can I please ask the court officer in the transmission room
18 to lower the volume and mute so that nobody is able to hear what is being said in the
19 courtroom. Please confirm when it is done, thank you.

20 THE COURT OFFICER (via video link): Madam President, your Honour, we cannot
21 hear the transmission, but the microphone is still on. It will be turned off at the
22 moment.

23 PRESIDING JUDGE STEINER: Maître Douzima, can you explain please the
24 relevance of the question?

25 MS DOUZIMA LAWSON: (Interpretation) Madam President, if I asked that

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1 question, it is to enable me to understand the testimony of the witness ever since
2 Tuesday 'til today. You will agree with me, Madam President, that a witness who
3 says that he is talking about what he saw and heard and then it turns out that, in fact,
4 he didn't see anything and he did not hear anything and the only thing that he heard
5 or saw concerns only (Redacted)
6 so we need to understand whether today he indirectly wants to say that the crimes
7 perpetrated against the victims that I represent were not perpetrated by the
8 Banyamulengue, but by Bozizé's rebels, and he was part of them, but he was not able
9 to demonstrate that even ever since Tuesday. So I am wondering whether it is not
10 only because of this situation concerning (Redacted)
11 (Redacted) and I was wondering whether it is not because of that that he is testifying
12 because he indeed did not see or hear anything else.

13 MR HAYNES: Well, firstly, I'm not sure that the witness has given evidence in the
14 terms that Ms Douzima Lawson alleges. I don't believe he has attributed crimes
15 committed against her clients who are victims outside Bangui to Bozizé's rebels rather
16 than Banyamulengue.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE STEINER: Yes, Maître?

22 MS DOUZIMA LAWSON: (Interpretation) Madam President, I received that
23 answer, but this is a process. I have not completed my question on this matter to the
24 witness.

25 PRESIDING JUDGE STEINER: According to what was the justification given by

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1 Ms Douzima Lawson, it appears that the question intends to prove the motivation of
2 the witness to come and testify, which is a valid question. Therefore, the Chamber
3 will allow the question.

4 Court officer, please ask the court officer in the transmission room to re-establish the
5 communication.

6 THE COURT OFFICER (via video link): Madam President, your Honour, the
7 volume is reconnected and the witness can currently listen to the courtroom.

8 PRESIDING JUDGE STEINER: Mr Witness, did you understand the question put by
9 Maître Douzima, or you want her to repeat?

10 THE WITNESS: (Interpretation) I would like her to repeat the question.

11 MS DOUZIMA LAWSON: (Interpretation)

12 Q. Mr Witness, you told me that you were aware of the death of (Redacted) and that
13 (Redacted). You also made some comments,
14 including the fact that this man thought he was a god and that now he is dead. You
15 even said that this was divine justice, so this is a summary of your comments
16 regarding the news about (Redacted). So my question to you is, considering
17 your comments, would I be correct to say that, in your opinion, (Redacted) deserves
18 this?

19 A. Thank you. With all due respect to you, the innocent victims, the victims who
20 were raped, did they deserve it? If you look at it that way, one can have the
21 impression that they deserved it. I do not know whether (Redacted) is really dead, or not,
22 but this is the information that we received. And if he is dead, then that is his
23 destiny. Tomorrow I will also die. People die every day, either through illness or
24 accidents or they could be killed by weapons. I do not know whether he is really
25 dead. I do not have any comment to make, because all that really makes me

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1 uncomfortable.

2 Q. I do understand you, Mr Witness. Still during the hearing of the 20th,
3 transcript 332, page 57, you stated that (Redacted) the population until he came
4 upon (Redacted), and let me repeat what
5 you said: (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Mr Witness, do you bear a grudge against the Bozizé's regime which supported
10 (Redacted)?

11 A. I do not have a personal problem with (Redacted) his action, the act that he
12 perpetrated, raises a problem for me, and if you had to ask me the question in relation
13 to the General Staff, which even though it was there was not able to control the troops,
14 well, that is an example. It is a question of might is right and the weaker person is
15 compelled to keep a lower profile or to withdraw. That is what I can say. Thank
16 you.

17 MS DOUZIMA LAWSON: (Interpretation) I'm the one to thank you, Mr Witness,
18 for having accepted to answer my questions.

19 I have now come to the end of those questions, Madam President.

20 PRESIDING JUDGE STEINER: Court officer, please turn back into open session.
21 (Open session at 1.20 p.m.)

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

23 PRESIDING JUDGE STEINER: Thank you very much, Maître Douzima. I ask,
24 Maître Kilolo, do you intend to redirect?

25 MR KILOLO: (Interpretation) The Defence does not have any re-examination,

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1 your Honour.

2 PRESIDING JUDGE STEINER: Mr Witness, thank you very much. This now
3 concludes your evidence and before you leave I want, as with all other witnesses in
4 the case, to express the thanks of the Court for the time that you have taken to give
5 evidence in this trial.

6 In order for us to find the truth in this case, it's critical that witnesses such as yourself
7 are prepared and willing to give evidence in order to assist us on the relevant issues
8 of the case. We are aware that this may have been inconvenient for you and you
9 therefore leave us now with our thanks.

10 Before you leave, Mr Witness, and as with all other witnesses in the case, I would like
11 to ask whether there is anything that you would like to address to the Chamber. If
12 you so wish, this is the opportunity now. Now you have the floor.

13 THE WITNESS: (Interpretation) I really do not have much to say. The only thing
14 that I would like to say to the Judges of the ICC is to assist the Central African
15 Republic in the area of justice. For many years now, the country has been in turmoil.
16 The authorities, the individuals should not consider themselves as being above the
17 law.

18 I would like to thank the Judges of the ICC very, very much. Once again, thank you.

19 PRESIDING JUDGE STEINER: We thank you very much, Mr Witness.

20 We will suspend this hearing for our lunch-break and resume at 3 o'clock for the
21 continuation of the testimony of Witness 26.

22 Mr Witness, thank you. Have a nice journey back home.

23 This hearing is suspended.

24 THE COURT USHER: All rise.

25 (Recess taken at 1.25 p.m.)

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- 1 (Upon resuming in open session at 3.04 p.m.)
- 2 THE COURT USHER: All rise.
- 3 Please be seated.
- 4 PRESIDING JUDGE STEINER: I welcome back everyone.
- 5 Welcome back, Mr Witness.
- 6 THE WITNESS: (No audible response)
- 7 PRESIDING JUDGE STEINER: Good afternoon, Mr Witness.
- 8 THE COURT OFFICER (via video link): Madam President, we are waiting for the
- 9 French.
- 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) Yes, we can hear you.
- 14 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony, sir?
- 15 THE WITNESS: (Interpretation) Yes, yes, I'm ready.
- 16 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that you are still
- 17 under oath. You understand that, sir?
- 18 THE WITNESS: (Interpretation) Yes, indeed. I've understood that.
- 19 PRESIDING JUDGE STEINER: And again, Mr Witness, I need to remind you that
- 20 you are expected to speak slower than normal, very slowly, in order to facilitate the
- 21 work of our interpreters.
- 22 Is that fine with you, sir?
- 23 THE WITNESS: (Interpretation) Yes, indeed. I've understood.
- 24 PRESIDING JUDGE STEINER: And, Mr Witness, also I want to remind you that you
- 25 are under protective measures and therefore, when we are in open session, take care

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1 in order not to give any information that could lead to your identification. If need be,
2 just let us know and we go into private session.

3 Is that fine with you, sir?

4 THE WITNESS: (Interpretation) Thank you very much. Yes, I've understood.

5 PRESIDING JUDGE STEINER: So the Prosecution will continue questioning you
6 and I give the floor to Mr Zeneli.

7 MR ZENELI: Thank you, Madam President. May we move into private session?

8 PRESIDING JUDGE STEINER: Court officer, please.

9 *(Private session at 3.09 p.m.) Reclassified as Open session

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

11 QUESTIONED BY MR ZENELI: (Continuing)

12 Q. Good afternoon, Mr Witness.

13 A. Good afternoon.

14 Q. I'd like to continue with a few questions from where we left at yesterday. You
15 were telling us that you travelled in a passenger vehicle (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted). That is at the English version of edited transcript 333, page 87, lines 2
19 through 13. Do you remember that, Mr Witness?

20 A. Yes.

21 Q. (Redacted)

22 A. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. I repeat the question: Did you know (Redacted)?

4 A. (Redacted) It was a public

5 transport vehicle. (Redacted) I took this vehicle for this journey.

6 Q. You also told us yesterday that after you arrived (Redacted)

7 (Redacted)

8 (Redacted); is that correct?

9 A. Yes, indeed. That's correct.

10 Q. So it is correct to conclude that you were with the ML -- with the Bozizé rebels

11 only until the day that you were at PK12; am I correct?

12 A. Yesterday I said that after the withdrawal we all made our own way, so the

13 direction and the journey I made is the one I have outlined you. I went that way, as I

14 told you. I don't know what the other people did. I followed the route that I gave

15 to you.

16 Q. And it is correct to state that, from the moment you reached (Redacted), you were

17 no longer in contact with Bozizé rebels; am I correct?

18 A. When I arrived in (Redacted), there were no means of communication. I was

19 isolated from the others and so I tried to find a way to join them by vehicle, but that

20 didn't work and because of that I continued on my way to (Redacted).

21 Q. Therefore, because of your testimony, it would be correct to state that you could

22 only talk about what you saw the day that you were at PK12, meaning that is only

23 one day in which you saw the pushcarts with the looted items; is that correct?

24 A. Yes, when I was at PK12 there were people coming with pushcarts. They had

25 freezers. There were wheelbarrows. There were vehicles fully loaded that were

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1 passing, but I don't know what was inside these vehicles. That's what I said and
2 therefore I told you what I saw.

3 Q. And those were the only events that you witnessed; is that correct?

4 A. Yes, there were several. There were several of them. There were a number of
5 vehicles that passed us leaving and, when they arrived, they passed us. They were
6 in vehicles and they passed us. I can't tell you exactly how many there were, but
7 there were several of them who -- which passed.

8 Q. But that is what you saw when you were at PK12; correct?

9 A. Yes, indeed.

10 Q. (Redacted)

11 A. (Redacted)

12 Q. Could you tell us, for that limited time that you were with Bozizé rebels who
13 were you fighting against?

14 A. During the difficult times there was no reliable means of communication, so
15 I don't know who had contact with him. It was the General Staff that managed the
16 information. The person, Mr Parfait Mbaye, he was involved with intelligence and
17 communication.

18 Q. Mr Witness, did you know the opposing parties of Bozizé rebels?

19 A. I haven't fully understood the question. Could you break it down a bit for me,
20 please?

21 Q. Who was Bozizé fighting against?

22 A. Against the president, Patassé, when he was in power. Former President
23 Patassé.

24 Q. And what troops or armies or groups were fighting for Patassé, or were loyal to
25 Patassé?

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- 1 A. What, sorry? Excuse me?
- 2 Q. Have you ever heard of MLC, Mr Witness?
- 3 A. No idea. No idea.
- 4 Q. Have you ever heard of Mr Jean-Pierre Bemba?
- 5 A. Indeed, I have heard his name mentioned on the radio.
- 6 Q. And what have you heard about him?
- 7 A. Could you make the question clear, please, exactly what you're asking me?
- 8 Q. What have you heard about Jean-Pierre Bemba? Mr Jean-Pierre Bemba, when
- 9 you heard about him on the radio, what did you hear? What do you know about
- 10 him?
- 11 A. That's what I answer. You asked me to talk about Mr Bemba, but what subject?
- 12 Because I'm here to give a testimony of what happened, so what are you asking me to
- 13 talk about? Which subject? That's what's not clear to me. Which point of the
- 14 subject that you've just asked me about?
- 15 Q. A very simple and direct question, Mr Witness, which is: What do you know
- 16 about Mr Jean-Pierre Bemba?
- 17 A. What I know myself is that Mr Bemba has been arrested and that's why we're
- 18 here for a trial.
- 19 Q. Do you know if Mr Jean-Pierre Bemba had an army at the time you were
- 20 fighting for Bozizé rebels?
- 21 A. Pardon?
- 22 Q. Do you know if Mr Jean-Pierre Bemba had or led an army at the time you were
- 23 fighting for Bozizé's rebels?
- 24 A. No information about that. I had already left, so no information.
- 25 Q. And do you know whether Mouvement pour la Libération du Congo (MLC)

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1 ever fought for Patassé in Central African Republic?

2 A. You asked me this question before and I said I have no idea. I don't have any
3 information about this question you've just asked me. I don't have any information
4 about that.

5 Q. Have you ever heard about crimes committed by MLC troops in Central African
6 Republic?

7 A. My answer is very clear, madam. I have no information - no
8 information - about what happened behind me?

9 Q. Have you ever heard about MLC troops being present in Central African
10 Republic in the year 2001?

11 A. I think you're asking me the same question. I said that as soon as I left (Redacted)
12 (Redacted), so I don't know what happened behind me.
13 I left with no information.

14 Q. I asked you a question of what happened before you, as you put it, and I repeat
15 that question again: Do you know whether MLC troops were present in Central
16 African Republic in the year 2001?

17 A. In 2001?

18 Q. Correct, Mr Witness. 2001.

19 A. 2001 that was the Patassé period, I think. In 2001 that was Patassé's time, but
20 I -- I don't know. I'm not sure.

21 Q. You were (Redacted) in 2001, weren't you?

22 A. Before I think I said that as soon as Patassé took power he didn't want to work
23 with certain ethnic groups, so there were a lot of deserters. So we all went into our
24 own safe corners, so we didn't know what was going on in the country. The events
25 that took place in the country, well, I'm not really in a position to give you

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1 information about what was going on, not in cases where I wasn't there, where I
2 wasn't present. I can only tell you about what I actually saw.

3 Q. Are you telling us that you deserted (Redacted)?

4 A. My answer is clear. I said that after President Patassé took power, many
5 military people, not only me, we were under Patassé's control of the army, but we
6 were in our own areas, in our own villages, and we tried to do what we could to
7 survive.

8 Q. Where were you?

9 A. I was in a small province in our country.

10 Q. Please tell us what province?

11 A. (Redacted)

12 Q. And what were you doing there?

13 A. Madam, let me tell you again that, when President Patassé took power, there
14 were many problems in the army. He had dismissed many people, and each one of
15 us had to fend for him or herself. There were many threats, many crimes, excessive
16 pressure, people were arrested here and there without any order, and so I decided to
17 withdraw to that small village to (Redacted).

18 Q. When exactly did you (Redacted)?

19 A. (Redacted)

20 (Redacted)

21 Q. And just so that we are sure we're getting your testimony in a correct manner,
22 are you telling us that as of (Redacted)
23 (Redacted)?

24 A. That is correct.

25 PRESIDING JUDGE STEINER: Mr Zeneli, if you don't mind that I just put a

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1 clarification question, because now I confess I'm a little bit lost.

2 Mr Witness, you say -- let's see if it is correct. You say that you (Redacted)

3 (Redacted); is that correct?

4 THE WITNESS: (Interpretation) Yes, that is correct, madam.

5 PRESIDING JUDGE STEINER: Yesterday you said that you received (Redacted)

6 (Redacted), so how could you receive your ID

7 card in (Redacted)? Is there a problem with the dates here?

8 THE WITNESS: (Interpretation) Yesterday you asked me this question and I made
9 the effort to bring the card with me. I have the card here and you can cross-check.

10 It is not impossible for one to have a card in the morning and change his or her mind
11 in the evening at 5 p.m. In any event, I have the ID card here.

12 PRESIDING JUDGE STEINER: So what you say is that probably you received your
13 ID card in the morning and left (Redacted) in the afternoon, or this is just a
14 metaphor?

15 THE WITNESS: (Interpretation) Well, that's just an example because the question
16 you put to me was: How is it that I obtained the card (Redacted)
17 (Redacted)? That is why I provided you with the answer, whereby I

18 meant that it was not impossible for a card to be issued to me in the morning and for
19 me to change my mind in the evening. In fact, I do have the card here with me.

20 PRESIDING JUDGE STEINER: Mr Witness, we need to understand each other here.
21 I have here with me the transcript of yesterday's hearing, in which two times the
22 Prosecution asked you if you were in the (Redacted) 'til the moment you
23 joined the rebels and you answered, "Yes," so could you please then correct this
24 information?

25 THE WITNESS: (Interpretation) The question was asked of me yesterday, "Where

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1 is (Redacted) located?", and I told you that (Redacted)

2 (Redacted)

3 (Redacted).

4 PRESIDING JUDGE STEINER: So as a matter of fact, if I understand, you were a

5 (Redacted) only for a few hours, or a few weeks, or the best case scenario for a few

6 months, because in (Redacted)? Am I correct?

7 THE WITNESS: (Interpretation) That is not correct. You had asked me the

8 question on my (Redacted), which is the date on

9 which (Redacted)

10 (Redacted)

11 (Redacted) So that is what I can say, madam.

12 PRESIDING JUDGE STEINER: (Redacted)

13 THE WITNESS: (Interpretation) Yes, that is correct, madam.

14 PRESIDING JUDGE STEINER: (Redacted)

15 (Redacted)

16 THE WITNESS: (Interpretation) This is what I have presented to you.

17 THE INTERPRETER: And the interpreter provides the number correction: (Redacted)

18 Thank you.

19 PRESIDING JUDGE STEINER: This number is different than the number that was

20 provided yesterday. It's better if we ask the -- Mr Witness, can you repeat the

21 number of your ID card?

22 THE WITNESS: (Interpretation) I wasn't -- that was not the number of (Redacted)

23 (Redacted). That was my (Redacted). That is the number

24 (Redacted). That was the number I provided, madam.

25 PRESIDING JUDGE STEINER: Yes, I understood that, Mr Witness. There is a

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1 problem here with the translation and that's why I'm asking you to say again the
2 number of this document that was issued (Redacted).

3 THE WITNESS: (Interpretation) (Redacted)

4 PRESIDING JUDGE STEINER: Thank you, Mr Witness.

5 Judge Aluoch wants a clarification as well.

6 JUDGE ALUOCH: I think the question I wanted him to clarify is exactly what you
7 are asking him, so I will not put any question right now.

8 PRESIDING JUDGE STEINER: Sorry, Mr Zeneli, but it was important for me to
9 clarify this point on dates. You can continue, please.

10 MR ZENELI: Thank you, Madam President. You have in fact anticipated the next
11 line of questions I was intending to clarify with the witness, because as of yesterday's
12 testimony we were also under the impression that he was (Redacted) until the
13 moment he joined Bozizé's rebels.

14 PRESIDING JUDGE STEINER: I'm sorry if I anticipated. I'm so sorry. You can
15 proceed.

16 MR ZENELI:

17 Q. Mr Witness, at transcript 333, page 80, I asked you the following and I read from
18 line 13, "Yesterday you told us that you joined the movement in (Redacted) 2002 and that
19 was through the phone calls that you received. Now, just help me understand.
20 Until August 2002, when you received the phone call or joined Bozizé's rebel
21 movement, where were you working?" You asked me to repeat the question and I
22 asked again, "Prior to joining Bozizé's rebels movement, where were you working?
23 What was your profession?" And your answer, Mr Witness, was, (Redacted)
24 (Redacted)
25 (Redacted)

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1 Today you are coming with a different story. You are telling us that you deserted
2 (Redacted). My question is again, as yesterday, whether you have had
3 any contacts with anyone from the moment you left the courtroom to the moment
4 you came back to it today and, if yes, with whom?

5 A. Are you talking about contacts?

6 Q. Yes.

7 A. I told you yesterday that, from the beginning of this trial, I did not have any
8 contact with anyone. I have been at the hotel and the only person I have contact
9 with, or persons I have contact with, are the staff of the Court who often call me. I
10 do not have any contacts with anyone else, apart from your staff who are here and
11 who are the ones who call us often.

12 Q. Have you been coached, informed, advised, by anyone at any time on what
13 you're supposed to tell this Court about any subject?

14 A. No one, no one, no one contacted me. No one informed me. The person with
15 whom I have been in contact recently is Mr Cronje and the other assistants, and that is
16 it. I don't have any other contacts with anyone else.

17 PRESIDING JUDGE STEINER: Mr Zeneli, are you continuing with any kind of
18 identifying questions because we are still in private session?

19 MR ZENELI: As a matter of fact I will, Madam President, so I kindly ask we
20 continue in private session.

21 Q. Mr Witness, I would like to ask whether you know a person called (Redacted)
22 (Redacted)?

23 A. Could you kindly repeat that name please, madam?

24 Q. (Redacted)

25 A. In the army we had somebody bearing that name. That name does exist in our

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1 army.

2 Q. What army are you referring to?

3 A. The Central African Army. The Central African Army. The Central African
4 Army.

5 Q. And do you know this person yourself?

6 A. Not in person, I mean physically, but I have heard his name being mentioned in
7 relation to the army and so it does ring a bell in relation to the Central African Army.

8 Q. Have you had any contacts with him at any time?

9 A. You had already put that question to me and I have told you that I do not know
10 that person in person, but I know that there was a name, the name that you have just
11 mentioned, was part of the Central African Army. That is what I told you.

12 Q. Other than him being part of the Central African Army, do you know anything
13 else about him?

14 A. I think that my answer is clear enough. That name does ring a bell in relation
15 to the Central African Army, but I do not know that person physically, or in person.
16 I know, however, that his name is related to our army.

17 Q. In what fashion, or manner, is it related to your army?

18 A. What link are you talking about, madam?

19 Q. What did you hear about (Redacted)? What do you know about him?

20 A. I do not know that person and I do not have any information or anything about
21 him. When we were in the army, you see, it did happen that from now and then, or
22 during roll call, you would hear mention of a name; of the name of an officer. That
23 is why I told you that this name does ring a bell in relation to the Central African
24 Army. (Redacted)

25 Q. And when was that? At what time did you hear that information?

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1 A. What information are you talking about that I may have heard?

2 Q. The one about (Redacted) being in the Central African Army. When did
3 you hear about it?

4 A. You know, the army is a big family, so most of the high-ranking officer's names
5 can be heard over the radio, or during patrols, or during missions and even in the
6 training schools. Sometimes you may hear mention of those names, but you do not
7 know the people physically.

8 Now, I am more familiar with the officers (Redacted) and that is why I also said
9 that this name does ring a bell in relation to the Central African Army.

10 Q. When did you hear mention of his name? When you were in (Redacted)?
11 After? When?

12 A. (Redacted)

13 Q. And have you heard of him ever since?

14 A. No information about him. I have already told you that I do not know him in
15 person, but that his name does ring a bell at least to me in relation to the Central
16 African Army.

17 Q. Do you know a person called (Redacted)?

18 A. No, I do not know him.

19 Q. Do you know a person named (Redacted)?

20 A. No.

21 Q. Do you know a person called (Redacted)?

22 A. No.

23 Q. Do you know a person called (Redacted)?

24 A. No.

25 Q. Do you know a person called (Redacted)?

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1 A. Please can you pronounce that name properly?

2 Q. (Redacted).

3 A. No.

4 Q. Do you know someone called (Redacted)?

5 A. No.

6 Q. And do you know someone called (Redacted)?

7 A. Come again?

8 Q. Do you know someone called (Redacted)?

9 A. No.

10 Q. (Redacted)

11 (Redacted) Can you tell us who they

12 were?

13 A. (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. Can you tell us what were their functions and the period of time you are talking
17 about?

18 A. You asked me for the names of a few officers, which I provided, but I'm not in a
19 position to give you their ranks or their functions. I'm really not able to do so.

20 Otherwise, I may be misleading the Court. The information I have provided is what
21 I know and the names I have provided are the names of officers I was familiar with,
22 and not all the officers because I know that there were still several other officers
23 (Redacted).

24 Q. And those names that you were familiar with were in (Redacted) at what
25 period of time?

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1 A. (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. (Redacted)

5 A. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. (Redacted)

11 A. (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. (Redacted)

15 A. (Redacted)

16 Q. (Redacted)

17 A. (Redacted)

18 Q. (Redacted)

19 A. (Redacted)

20 Q. (Redacted)

21 A. (Redacted)

22 Q. (Redacted)

23 PRESIDING JUDGE STEINER: Sorry, Mr Zeneli.

24 (Redacted)

25 THE WITNESS: (Interpretation) Could you ask me the question, please?

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1 MR ZENELI:

2 Q. You told us (Redacted)

3 (Redacted)

4 A. (Redacted)

5 Q. (Redacted)

6 A. (Redacted) I said to you that,

7 when Patassé took power, he didn't like the different ethnic groups. There was a

8 problem with those in the north and those in the south. It was quite clear. I was

9 telling you that yesterday.

10 Q. (Redacted)

11 A. (Redacted)

12 Q. (Redacted)

13 (Redacted)

14 A. (Redacted)

15 Q. (Redacted)

16 A. (Redacted)

17 Q. (Redacted)

18 (Redacted)

19 A. (Redacted)

20 (Redacted)

21 Q. Mr Witness, you were working for the (Redacted)

22 (Redacted)

23 A. (Redacted)

24 (Redacted)

25 THE INTERPRETER: I'm sorry, the witness is getting rather excited and fast. I'm

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1 sorry, the interpreter has missed a bit.

2 PRESIDING JUDGE STEINER: Mr Witness - Mr Witness - this is the Presiding
3 Judge.

4 THE WITNESS: (Interpretation) I hear what you say.

5 PRESIDING JUDGE STEINER: Mr Witness, in this last answer of yours you started
6 getting too let's say excited and spoke too fast and the interpreter could not follow
7 you. That means that you have to repeat your answer and speak very slowly, please.
8 Otherwise, we cannot follow you. Please repeat your answer.

9 THE WITNESS: (Interpretation) I was saying (Redacted)
10 (Redacted)

11 (Redacted)

12 PRESIDING JUDGE STEINER: Mr Zeneli, if you allow me? Mr Witness, I think
13 you understood quite well the question put by the Prosecution, but in any case I will
14 try to put it in other words. You are saying that you were (Redacted)
15 (Redacted)

16 (Redacted) This is what we want to know.

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

19 MR ZENELI:

20 Q. (Redacted)

21 A. (Redacted)

22 Q. (Redacted)

23 A. (Redacted)

24 Q. (Redacted)

25 A. (Redacted)

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1 (Redacted)

2 Q. Of what date and year?

3 A. I don't know the date, but (Redacted).

4 Q. Can you in your own words, very simply in a straightforward manner, tell this
5 Chamber (Redacted)? What happened?

6 A. At that time there was a problem in the country, the Central African Republic,
7 and it took -- it was a long time ago. I don't have the actual ideas, but the main
8 thrust is what I've just told you, but I don't remember the details. A lot of time has
9 passed. I can't talk about reasons, or just give you just any old answer. I don't want
10 to give the Court any old answer.

11 Q. (Redacted)

12 (Redacted)

13 A. (Redacted)

14 (Redacted)

15 Q. What was the name (Redacted)?

16 A. I don't know the name (Redacted)

17 (Redacted)

18 Q. Do you know the name of (Redacted)?

19 A. Well, really I can't give you that. (Redacted)

20 (Redacted) I can't remember the names.

21 Q. (Redacted)

22 (Redacted)

23 A. (Redacted)

24 Q. (Redacted)

25 (Redacted)

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1 A. I'm afraid I don't understand the question. Could you put it in detail and, if I
2 can understand what you're saying, then I will be happy to give you an answer?

3 Q. (Redacted)

4 A. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. (Redacted)

10 A. That was some time ago, I've forgotten the name, (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. (Redacted)

14 A. (Redacted)

15 (Redacted)

16 (Redacted) That's what

17 I'm explaining to you, (Redacted).

18 Q. (Redacted)

19 A. (Redacted)

20 Q. Let me finish, Mr Witness, and as the Presiding Judge has repeatedly informed
21 you we need a five-second rule to give time to the interpreters for our interaction.

22 You told us that (Redacted)

23 (Redacted) Would you like to

24 correct your statement on (Redacted)?

25 A. When you asked me the question, I said that I was not in a position to (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. You told us you don't remember the name (Redacted)

5 (Redacted) mean anything to you?

6 A. Yes, I remember now. That was the name, indeed.

7 Q. You told us you don't remember the names of (Redacted); is that correct?

8 A. Madam, I said it was a long time ago. It happened (Redacted). That is a long
9 time ago and I don't have their names, so if you -- (Redacted)

10 (Redacted).

11 PRESIDING JUDGE STEINER: Mr Zeneli, sorry. Judge Aluoch wants a
12 clarification.

13 JUDGE ALUOCH: I just wanted the witness to complete the sentence, if he can?

14 Do you know where (Redacted)

15 (Redacted)

16 THE WITNESS: (Interpretation) When the Prosecutor gave the name, I agreed that
17 I remembered the name. He reminded me and I agreed that that was the name.

18 JUDGE ALUOCH: Do you, or don't you, know what happened (Redacted)?

19 (Redacted)

20 (Redacted)

21 THE WITNESS: (Interpretation) I already gave you the answer, madam.

22 JUDGE ALUOCH: Unfortunately I do not find the answer in the transcript, unless it
23 was missed. Do you mind repeating what the answer was?

24 THE WITNESS: (Interpretation) I was asked the question and I said that (Redacted)

25 (Redacted).

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1 That was my answer.

2 JUDGE ALUOCH: Thank you. At least that I understand now (Redacted)

3 (Redacted). Thank you very much.

4 MR ZENELI:

5 Q. Do you know how many (Redacted)

6 (Redacted)?

7 A. I said to you that I no longer know (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. (Redacted)

12 A. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. (Redacted)

24 A. (No audible response)

25 Q. It is noted for the record, Mr Witness, that you hesitate to answer, and I am

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1 asking my question again after such a long pause from your side. (Redacted)

2 (Redacted)

3 A. (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. (Redacted)

7 (Redacted)

8 A. (Redacted)

9 (Redacted) Now, when Kolingba handed over power to

10 Patassé, he --

11 THE INTERPRETER: The interpreter did not hear the last part of the witness's
12 answer.

13 MR ZENELI:

14 Q. Mr Witness, because the interpreter did not hear your full answer, can you
15 kindly repeat that for us?

16 A. This is what I said: At the time of late-President Kolingba, (Redacted)

17 (Redacted). Now, when President Patassé took over power,

18 because of hatred and for those reasons he began to arrest the relatives of those

19 people, (Redacted). That is the answer.

20 Q. (Redacted)

21 (Redacted)

22 A. (Redacted) That is correct.

23 Q. Give us the names of (Redacted)?

24 A. I told you, madam, that these things happened a long time ago in our country.

25 (Redacted)

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1 (Redacted). So right now I am not able to talk

2 about these things that happened such a long time ago, (Redacted)

3 (Redacted) and I no longer remember clearly these issues.

4 Q. Is it true that (Redacted)

5 (Redacted)?

6 A. Yes, that is correct. That is correct, madam, (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. (Redacted)

11 A. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 That's how it unfolded, madam.

17 Q. (Redacted)

18 A. Yes, that's what I've been saying. You know, the issue of dates, these things

19 happened a long time ago. (Redacted), I cannot be really very specific

20 when it comes to dates. If I attempt to be that specific, I might make a mistake in my

21 testimony. You see, once I wanted to talk of 25 October and I said "25 November,"

22 and when you repeated the question to me the next day I was able to correct the dates.

23 In short, what I'm saying is that I'm not able to confirm these dates in a very specific

24 manner.

25 Q. (Redacted)

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- 1 A. I have just confirmed to you that (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 Q. (Redacted)
- 7 A. I have just told you that (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 Q. Is it your testimony that (Redacted)?
- 12 A. (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 Q. Is it your testimony that (Redacted)
- 18 (Redacted)
- 19 A. You put that question to me already and I have told you that (Redacted)
- 20 (Redacted) Isn't it so? That is what I have just told you.
- 21 Q. (Redacted)
- 22 A. (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 Q. (Redacted)

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- 1 A. (Redacted)
- 2 (Redacted)
- 3 Q. (Redacted)
- 4 A. I don't understand your question.
- 5 Q. (Redacted)
- 6 A. (Redacted)
- 7 (Redacted)
- 8 Q. (Redacted)
- 9 A. (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted) But
- 14 officially I am not sure about how things would go for me, (Redacted)
- 15 (Redacted).
- 16 Q. You told us yesterday, Mr Witness, that ever since you left Central African
- 17 Republic you never set foot there; is that correct?
- 18 A. Can you please rephrase or put the question again?
- 19 Q. You told us that since the moment you left Central African Republic you have
- 20 never set foot there; is that correct?
- 21 A. Relating to the rebellion, when I freed myself up from the others I never
- 22 returned to the Central African Republic again.
- 23 Q. You also told us that you are afraid of going back there; is that correct?
- 24 A. I am afraid to officially do so. When you ask me whether it was possible to
- 25 return to the country after I left it, and my answer was that I am afraid of returning to

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1 that country because there is a problem with my name, or something of the sort, and
2 since then I have never returned to the country.

3 Q. It is a fact, Mr Witness, that (Redacted)
4 (Redacted); is that correct?

5 A. Please can you explain to me what that word means; that word you're using?
6 Can you use simpler terms so that I understand what you're talking about?

7 Q. It means that you (Redacted)
8 (Redacted)?

9 A. Well, I'm dealing with two things right now. Now, the first one was in relation
10 to the rebellion. That is a different issue. Now, the question you have just raised is
11 in relation (Redacted)

12 (Redacted). So, really, for reasons of my personal
13 security and safety, I did not want to return. I have been asked to return. I have
14 been called upon to return, but I said no, for reasons pertaining to my security. So I
15 think we're dealing here with two separate and different issues.

16 MR ZENELI: Would the court officer kindly display item 105 in Prosecution's list,
17 (Redacted)?

18 THE COURT OFFICER (via video link): Could Counsel please confirm if the
19 document is (Redacted)?

20 MR ZENELI: Yes, it is.

21 THE COURT OFFICER (via video link): Madam President, your Honours, the
22 document is being presented to the witness.

23 MR ZENELI:

24 Q. Mr Witness, this is a (Redacted)
25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 A. (Redacted)

4 (Redacted)

5 MR ZENELI: Could the court officer kindly display item 106 in Prosecution's list,

6 ERN number (Redacted)?

7 THE COURT OFFICER (via video link): Madam President, your Honours,

8 document (Redacted) is being presented to the witness.

9 MR ZENELI:

10 Q. Mr witness, this is (Redacted)

11 (Redacted)

12 (Redacted)

13 A. (Redacted)

14 Q. (Redacted)

15 (Redacted)

16 A. (Redacted)

17 Q. (Redacted)

18 A. (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. (Redacted)

22 A. (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. (Redacted)

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1 A. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. (Redacted)

7 (Redacted)

8 (Redacted)

9 A. (Redacted)

10 (Redacted), no, I don't.

11 MR ZENELI: Madam President, I'm mindful of the time and I think it's perhaps best
12 that I stop now and continue tomorrow. And if it helps for purposes of planning, I
13 really do not want and intend to take more than perhaps one hour tomorrow. Thank
14 you.

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

16 (Open session at 4.57 p.m.)

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

18 PRESIDING JUDGE STEINER: Thank you, Mr Zeneli.

19 Mr Witness, it is almost 5 o'clock. It's time for us to adjourn. Tomorrow you are
20 coming back in the morning, and we hope you can conclude your testimony in the
21 morning session. We wish you have a very --

22 THE WITNESS: (Interpretation) Yes, thank you, madam.

23 PRESIDING JUDGE STEINER: -- restful evening.

24 I thank very much the Prosecution team, legal representatives of victims, the
25 Defence team, Mr Jean-Pierre Bemba Gombo. Thank you very much to our

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- 1 interpreters, court reporters. We will resume tomorrow at 9 o'clock with the
- 2 continuation of questioning of Witness 26.
- 3 The hearing is adjourned.
- 4 THE COURT USHER: All rise.
- 5 (The hearing ends in open session at 4.58 p.m)
- 6 RECLASSIFICATION REPORT
- 7 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 8 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public.