

Trial Hearing
Witness: CAR-D04-PPPP-0026

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki
6 Trial Hearing
7 Friday, 23 August 2013
8 (The hearing starts in open session at 9.05 a.m.)
9 THE COURT USHER: All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE STEINER: Good morning.
13 Could, please, court officer call the case.
14 THE COURT OFFICER: Good morning.
15 Situation in the Central African Republic, in the case of The Prosecutor versus
16 Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08, and for the record we are
17 in open session.
18 PRESIDING JUDGE STEINER: Thank you.
19 Good morning. Welcome the Prosecution team, legal representatives of victims,
20 Defence team, Mr Jean-Pierre Bemba Gombo. Good morning our interpreters, our
21 court reporters.
22 Good morning, Ms Fatiah.
23 THE COURT OFFICER (via video link): Thank you, Madam President. Good
24 morning.
25 PRESIDING JUDGE STEINER: And good morning, Mr Witness.

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- 1 WITNESS: CAR-D04-PPPP-0026 (On former oath)
- 2 (The witness speaks French)
- 3 (The witness gives evidence via video link)
- 4 THE WITNESS: (Interpretation) Good morning, madam.
- 5 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony, sir?
- 6 THE WITNESS: (Interpretation) Yes, I'm ready. I'm ready.
- 7 PRESIDING JUDGE STEINER: Before I give back the floor to the Prosecution, the
- 8 Chamber has a short oral decision to be issued. It's the oral decision on the
- 9 applications to question Witness D04-26 by legal representatives of victims.
- 10 On 21st August, 2013, the Chamber received an application from Maître
- 11 Douzima Lawson on behalf of the victims that she represents to question Witness
- 12 D04-26. It's filing 2753-Conf. The application contains a list of nine sets of
- 13 questions.
- 14 Similarly, on 22nd August the Chamber received an application from
- 15 Maître Zarambaud on behalf of the victims he represents, filing 2761-Conf. The
- 16 application contains a list of 11 questions.
- 17 Having considered the reasons given by both Maître Douzima and
- 18 Maître Zarambaud as to why the personal interests of the victims they represent are
- 19 affected, the Chamber allows the respective applications to question Witness D04-26.
- 20 Turning to the proposed questions, both legal representatives of victims are allowed
- 21 to put all of their proposed questions to the witness as set out in their aforementioned
- 22 filing. However, the first and second questions of Maître Zarambaud should be
- 23 asked in private session since they contain identifying information.
- 24 Mr Witness, I need to remind you that you are still under oath. Do you understand
- 25 that, sir?

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1 THE WITNESS: (Interpretation) Yes, I do.

2 PRESIDING JUDGE STEINER: I also wanted to remind you that you are under
3 protective measures, that your image and voice that are broadcast outside courtroom
4 are being distorted, and because of that you need to be very careful in not disclosing
5 in public session any information that could lead to your identification. I suppose at
6 this point in time you have already --

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

8 PRESIDING JUDGE STEINER: -- understood the protective measures, don't you?

9 THE WITNESS: (Interpretation) Yes, indeed I have. Thank you very much.

10 PRESIDING JUDGE STEINER: Mr Witness, just to remind you that you are
11 expected to speak slower than normal in order to facilitate the work of the
12 interpreters and court reporters. You are already familiar with our ground rules,
13 aren't you?

14 THE WITNESS: (Interpretation) Yes, I am.

15 PRESIDING JUDGE STEINER: Therefore, I give back the floor to Mr Zeneli from the
16 Prosecution. He will continue with Prosecution's questioning.
17 Mr Zeneli.

18 MR ZENELI: Good morning, your Honours. Thank you, Madam President.

19 QUESTIONED BY MR ZENELI: (Continuing)

20 Q. Good morning, Mr Witness.

21 A. Good morning.

22 MR ZENELI: I would like to continue with you from where we left at yesterday, but
23 for that reason, Madam President, I think it's prudent that we move into private
24 session. Thank you.

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

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1 (Private session at 9.12 a.m.) * Reclassified as Open session

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

3 MR ZENELI: Could the court officer kindly display again item 106 in Prosecution's
4 list, that is (Redacted)

5 THE COURT OFFICER (via video link): Madam President, your Honours,
6 (Redacted) is being presented to the witness. For the record, we're not
7 receiving French translation.

8 Yes, we hear it now. Thank you.

9 MR ZENELI:

10 Q. Mr Witness, can you see the document displaying on the screen in front of you?

11 A. Yes, I see the document.

12 Q. Do you remember that that was the document you were looking at right
13 after -- before we finished yesterday?

14 A. Madam President, it's the document that I was being asked questions about by
15 the Prosecution yesterday, and I think this is an event that took place 20 years ago and
16 I don't really understand the link between this document and this trial. The reason
17 we're here today is regarding a case involving Mr Bemba, and I'm rather surprised
18 that the Prosecution has come up with a document about events that took place 20
19 years ago.

20 You know, in Africa we don't have the same sort of justice that I'm witnessing today.
21 Every president, every government, has its own way of carrying out justice. It's
22 justice under pressure, justice with a foundation. If the Prosecution wants to come
23 back to this case I think we're starting to accept African justice, but this is a fabricated
24 power under Patassé.

25 (Redacted)

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1 (Redacted) How can people go out?

2 And when the army comes out today, we see on the screen that the armies, therefore,
3 public order enforcement, there are always incidents, but all this was after the
4 departure of President Kolingba. Patassé was there and he -- there were people with
5 whom he had problems, so he put them in prison and then he had them sentenced.
6 There wasn't even a verdict.

7 And so I'm really surprised that this has still been brought up today. So I would like
8 to know whether there is any link between this case and what we're currently dealing
9 with. I've got an awful lot of questions in my mind about this and I don't know how
10 I can say it, but this is an event that took place a very long time ago and so I really
11 don't see the link between that case and what we're currently dealing with.

12 If the Prosecution has other questions to ask me about facts, the facts that relate to
13 2002, then he should ask me questions about it, but if he's now going back to
14 something that took place 22/20 years ago, I'm starting to lose my memory of that
15 period. I don't really have much of a clear idea about what happened in that case.
16 And if the Prosecutor has -- has documents about this, then he should just tell me.

17 (Redacted)

18 (Redacted)

19 So I'm really puzzled about this. (Redacted)

20 (Redacted) and so I don't know. I really don't know,
21 so I can't give details. I'm just not in a position to give details about this.

22 PRESIDING JUDGE STEINER: Mr Witness - Mr Witness - it's --

23 THE WITNESS: (Interpretation) Yes.

24 PRESIDING JUDGE STEINER: It's not up to you to decide which questions the
25 Prosecutor or the Defence are supposed to put to you. (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted) you're supposed to answer to the questions put to you. You cannot choose
4 which questions you are going to answer and which questions you deem not relevant.
5 The Prosecutor and the Defence, both, are entitled -- I'm speaking. Please let me
6 finish. Parties and participants and the Chamber are entitled to put to you questions
7 related to the facts or to test your credibility. This is done with all witnesses in all
8 criminal cases.

9 So please, Mr Witness, continue giving your testimony. When you know an answer,
10 please answer to the question. When you don't know the answer, you just say, "I
11 don't know the answer," and let's try to conclude with your testimony today.
12 It's my obligation to remind you that you are under oath and that you have the
13 obligation to answer to the questions that are put to you. If the Chamber decides
14 that one question is not relevant, it's up to the Chamber to decide that. It's not up to
15 you to choose what you want to answer or not.

16 Are we clear on that, Mr Witness?

17 THE WITNESS: (Interpretation) Yes, that's clear. Thank you very much,
18 Madam President.

19 PRESIDING JUDGE STEINER: Thank you, sir.

20 Mr Zeneli, you can proceed.

21 Yes, Maître Kilolo?

22 MR KILOLO: (Interpretation) Madam President, I think there is a problem here in
23 that a document is being presented to the witness in English. To my knowledge, this
24 witness speaks either French or Sango. I think initially Mr Zeneli said that he was
25 talking about a document presented to him, but how fairly can we question him about

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1 a document in a language which is not his mother tongue? He doesn't speak English
2 as far as I know, I may be wrong, so there is this aspect to take into consideration.
3 Further, the witness raised an important question. These are facts that date back 20
4 years, so he no longer has a clear recollection of the facts when he answers Mr Zeneli.
5 So I think that it is important that he be given a document in a language he
6 understands.

7 Also, we're wondering about the relevance of this line of questioning. What does
8 Mr Zeneli wish to illustrate through these questions? We're wondering about this
9 particularly because we're talking about things that happened over 20 years ago.

10 PRESIDING JUDGE STEINER: Maître Kilolo, of course I'll give Mr Zeneli the
11 opportunity to answer to your considerations, but I must say that until now at least
12 the few questions asked from the witness in relation to these documents Mr Zeneli
13 read the head of the document, this reading was of course translated to the witness
14 and the witness was able to read (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Mr Zeneli, in relation to relevance, what would you advance without emptying the
21 purpose of your questioning?

22 MR ZENELI: Thank you, Madam President. In relation to the second part of the
23 objection, I at this stage can simply state that we have been since the first day this
24 witness started his testimony hearing stories on his whereabouts at particular times,
25 including the moment he joined the (Redacted) until the moment he left

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1 Central African Republic to end up (Redacted). So this line of questions is very much
2 related to the credibility of this witness, (Redacted)
3 (Redacted), and consequently to the reliability of his evidence.

4 As you rightly pointed out, Madam President, I cannot be more specific on the
5 relevance of this line of questions, and with your leave I will and I would like to
6 continue in the same manner using the documents, which as you rightly pointed out
7 were never asked to be read by the witness, but I have selected a few portions which
8 again I will read for the witness.

9 Only one minor point for the first part of the objection - and this is to add to your
10 observations, Madam President - is that at no point in time we have heard the witness
11 to ask for assistance in reading any document, not just these documents, which he
12 was quite capable of doing so in regard to the names.

13 PRESIDING JUDGE STEINER: So the objection raised by Maître Kilolo is overruled.
14 You can proceed.

15 MR ZENELI: Thank you, Madam President.

16 Q. Mr Witness, I will read from the third paragraph of the document displayed on
17 the screen in front of you, and it reads as follows:

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 A. (Redacted)

24 MR ZENELI: Court officer, could you kindly display item 104 in the Prosecution's
25 list, ERN number (Redacted)?

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

3 MR ZENELI:

4 Q. This document, Mr Witness, (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted) Is it true?

8 A. Yes. (Redacted) I think that's what Maître

9 Kilolo, the lawyer counsel, said. The names are in French, but the content of the
10 letter is in English. So I can see the document before me, but it is in English. I am
11 receiving interpretation, but this could be prejudicial to me to the extent that I do not
12 understand English. I can see the names, they are written in French, but I am
13 receiving interpretation in French and so I don't see what special guarantees I have in
14 this context.

15 Q. (Redacted), and the first paragraph of it reads as
16 it follows:

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 A. (Redacted)

21 However, I am complaining about the fact that I am looking at a document here in
22 English. You have interpreted it to me in French and I can only answer in relation to
23 that interpretation you have provided.

24 Q. (Redacted)

25 (Redacted)

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1 A. Madam President, I have explained already to you here in this Court that when
2 President Kolingba left power Patassé took over, and at that time I have already
3 explained to you that whenever somebody comes to power they have their own
4 system of justice. So when he took over power, he co-opted a few people into what
5 became a military tribunal made up of his friends, relatives and allies, the idea being
6 (Redacted) So I have explained this already clearly to this Court.

7 Q. The second paragraph of the same document, Mr Witness, reads as follows:

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 A. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. (Redacted)

18 (Redacted)

19 A. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. (Redacted)

24 (Redacted)

25 A. Madam President, well, yes. Officially - officially - it could be said that (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 PRESIDING JUDGE STEINER: Judge Aluoch wants a clarification.

6 JUDGE ALUOCH: Mr Witness, please would you clarify what you mean by

7 "officially", (Redacted)

8 (Redacted)

9 (Redacted) We just want to understand you properly.

10 THE WITNESS: (Interpretation) What I mean is that (Redacted)

11 (Redacted) That's the clarification I

12 can provide.

13 JUDGE ALUOCH: (Redacted) -- would

14 you have openly joined a rebellion, (Redacted)

15 That's why I'm trying to ask you to -- I'm asking you to clarify what you mean. (Redacted)

16 (Redacted) would you openly join a rebellion?

17 THE WITNESS: (Interpretation) Madam President, a rebellion is not set up

18 officially. It is generally an underground, clandestine movement, and it is only

19 subsequently when demonstrations occur that the public becomes aware that there is

20 a group that has demonstrated its discontent. It is not like an official military

21 structure which can recruit openly through radio announcements. So most of those

22 who met on that day were co-opted into the group secretly and clandestinely, so to

23 speak.

24 That's the answer I can provide, your Honour.

25 MR ZENELI:

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1 Q. Mr Witness, you just told us that (Redacted)

2 (Redacted)

3 A. Madam President, I did not quite understand the question.

4 Q. You told us that you (Redacted)

5 (Redacted) am

6 I correct?

7 A. That was not the case. That was not the case. I can -- I can tell you today that,
8 when somebody wants to set up a rebel movement, they do not proceed by making a
9 radio announcement. Mbaye Parfait, for example, was in the Congo before joining
10 the others underground. Was there an official communiqué informing the public
11 that people were gathering to create a rebel movement? No, the information is
12 circulated through secret channels. It is not disclosed to the public. You don't
13 announce to the world that you are about to set up a rebel movement. No, you
14 select your people, you identify them and then you bring them together. This is
15 what our leaders did, this is what they continue to do to this day and this is not the
16 first time that such a movement is organised.

17 And, you see, even you who are there, you have followed and you know what is
18 happening in the Central African Republic today, so if I say that (Redacted)

19 (Redacted)

20 (Redacted) You see, rebel movements are not created

21 without a purpose. Those who participated and who increased the numbers of the
22 rebel movement, were they recruited officially? The answer is no. No. And the
23 evidence of that is in the fact that you do not even know the names of your brothers;
24 the names of those who are with you.

25 You see, some might speak Sango, others might speak Lingala, others might speak

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1 Arabic, but they are all brought together. Where do they come from? Where do
2 they come from? It is through those secret contacts that they are brought together.
3 Madam, that is the answer I can provide to your question.

4 Q. At real-time transcript 334, page 74, line 15, you told us that you were (Redacted)
5 (Redacted); is that correct?

6 A. Yes, that is correct. Yes, it is.

7 Q. (Redacted)

8 A. (Redacted)

9 (Redacted)

10 Q. But yesterday, Mr Witness, you told us that you retreated in (Redacted)
11 (Redacted) Did you tell us the truth?

12 A. Yes. Madam President, I have already told you that I am really very wary
13 about providing you with specific dates. Now the Prosecutor is insisting on dates
14 and days and what have you. I have already told you that these things happened
15 many years ago and I no longer recall the exact dates or days. I hope you can
16 understand me. You see, in my last statement I said that these events took place
17 between (Redacted), and it is within that context that I can deal with the ideas or
18 the questions put to me by the Prosecutor.

19 MR ZENELI: Madam President, with your leave, I'd like to move briefly in public
20 session. I'm aware we have been for most, if not all, of my questioning in private
21 sessions and that has been due to the nature of the testimony of this particular witness.
22 I will do an effort and pose some questions in public for the benefit of the publicity of
23 these proceedings, and if I may kindly ask that the witness is reminded that we are
24 moving into public session and he should be careful with his answers.

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

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1 (Open session at 9.47 a.m.)

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

3 PRESIDING JUDGE STEINER: Mr Witness, now we are back in open session, so be
4 careful in not revealing information that could identify you.

5 Mr Zeneli?

6 MR ZENELI: Thank you, ma'am.

7 Q. Mr Witness, have you met with any of the Defence team members?

8 A. Members of what? Please be specific in your question. Members of the
9 Defence? There might be many of them.

10 Q. Have you met with any of them?

11 A. Yes, yes, yes. Defence team? You are referring to Mr Bemba's Defence
12 counsel, isn't it?

13 Q. That's correct, Mr Witness. Mr Witness, you received a --

14 A. Madam President --

15 Q. You received a familiarisation before you started your testimony, am I correct?

16 A. Familiarisation?

17 Q. That's correct. Were you told/informed how these proceedings take place by
18 the court officers?

19 A. Yes. Yes, that is correct. Yes, yes.

20 Q. And you were told that you have the Honourable Bench composed of the
21 Judges. You were told that you also have the two parties, and that is the Defence
22 team and the Prosecution, as well as the legal representatives of the victims, were you
23 not?

24 A. Yes, that is correct, madam.

25 Q. We are now talking about the Defence team of Mr Jean-Pierre Bemba, and my

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1 question to you is: Have you met any of the members of the Defence team of
2 Mr Jean-Pierre Bemba?

3 A. Yes. Bemba's counsel contacted me by phone for the first time. He called me
4 on the phone. Then he came with a white lady, if I'm not mistaken, whose name is
5 Kate. Kate, a white lady. So I did have contact with them.

6 Q. What is the name of the Defence counsel that called you the first time?

7 A. I've told you it's Mr Bemba's counsel whose name is Kilolo. Kilolo. Yes, he is
8 the one who first called me on the phone and I took contact with him.

9 Q. When did that call take place? What time?

10 A. I have no idea. I don't remember the day. Really, I don't remember the date.
11 I know, however, that he called me, but I do not recall the date.

12 Q. Do you recall the month?

13 A. Sorry, I really cannot provide a month or day. All I remember is that he called
14 me on the phone and that was our first contact.

15 Q. Do you remember the year?

16 A. I believe it was in 2012, 2012, 2012, if I'm in the mistaken. I cannot be certain
17 about these dates, because I don't remember them.

18 Q. How long was the conversation for? How long did it last?

19 A. The first contact must have lasted one to two minutes. One to two minutes.

20 Q. And what did you talk about for that one to two minutes?

21 A. He contacted me in relation to the case before us.

22 Q. What did he say about that?

23 A. He did not provide any details. We barely spoke for two minutes and then he
24 hung up. He didn't provide any details.

25 Q. Did you talk to him again after that?

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1 A. On that day he called, we talked for two minutes and then the line went off.
2 The line died. Well, when he called I did not even see his number. Then the second
3 time he called me to ask if I could meet him with that lady in the (Redacted),
4 and that's it.

5 Q. And that second time was within the same day, or in a different day?

6 A. It was on another day, a few months later. Madam, quite honestly, I do not
7 remember the date, I do not remember the day, I do not remember the month, and I
8 will not venture to providing a date or a month which I'm not certain about. So
9 I know that he called me for the first time and then the second time it was for a
10 meeting with the white lady at the hotel.

11 Q. How long did the conversation on the second time last for?

12 A. We spent some three to four hours together. We were together. The lady was
13 there - the white lady - and the lawyer, so the three of us, and we spent some three or
14 four hours together discussing.

15 Q. We will get to the meeting at the hotel. I'm still asking about the second time
16 he called you. How long did that last for?

17 A. We had discussions over a three to four hour period.

18 Q. I repeat my question again: The second time he called you, the second time he
19 telephoned you, how long did you talk to him on the phone? For how long?

20 A. One minute and a few seconds.

21 Q. And in that one minute and a few seconds, he asked you to meet with him --

22 A. (No interpretation)

23 Q. -- and you said what?

24 A. What I've said is that we spoke for one minute and a few seconds. He told me
25 that he and Ms Kate were at the hotel, that was it, and I was requested to meet them

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1 there. This is what he told me on the phone.

2 Q. So the second time that he called you was the same day that you met with him;
3 is that correct?

4 A. Yes, that is correct. It was at (Redacted). There were two of them.

5 MR ZENELI: Madam President, may we move back into private session? Thank
6 you.

7 PRESIDING JUDGE STEINER: Court officer, please.

8 (Private session at 10.00 a.m.) * Reclassified as Open session

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

10 MR ZENELI:

11 Q. Mr Witness, we were in open session and it is very important that you avoid
12 providing information such as the name of the hotel where you met with Maître
13 Kilolo, because that may identify you as an individual. Do you understand that?

14 A. Yes. Thank you very much, Madam President.

15 Q. So, with that understanding, do you think you can proceed if we go back in
16 open session?

17 A. It's better in private session, madam, because I tend to get carried away.
18 I think it's better to remain in private session.

19 PRESIDING JUDGE STEINER: Mr Witness, you are doing quite well. It was just
20 when you mentioned that you are in (Redacted) that you should not mention that in
21 open session and the name of the hotel, but I think we can try to continue in open
22 session. Just don't mention that you are in (Redacted). Let's try, Mr Witness.

23 THE WITNESS: (Interpretation) Okay, madam. Okay.

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

25 (Open session at 10.02 a.m.)

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

2 MR ZENELI:

3 Q. You told us, Mr Witness, that the second time you spoke with Maître Kilolo he
4 was already at the place where you were supposed to meet; is that correct?

5 A. Yes, indeed, madam.

6 Q. You also told us that, other than that phone call, you had only spoken with him
7 once for a very short time - two to three minutes, if I'm not mistaken - and that the
8 line cut off. My question to you, Mr Witness, is: Were you at the same place when
9 you received the phone call, the second phone call, from Maître Kilolo?

10 A. I didn't understand the question, Madam President.

11 PRESIDING JUDGE STEINER: Mr Zeneli, I haven't understood as well. Could you
12 make it clear.

13 MR ZENELI:

14 Q. Mr Witness, Maître Kilolo only asked you to meet with him the second time, am
15 I correct?

16 A. I said the first time he called me, we spoke for two minutes/one minute. The
17 second time was around one minute/two minutes to give their location and that was
18 it.

19 Q. Are you correcting your testimony, Mr Witness, the one you have just provided
20 to this Court, which is that Maître Kilolo only asked you to meet with him at the
21 second time he called you?

22 A. The second time was for the discussion. That's when he called me. He called
23 me for the interview that we spent three or four hours on.

24 Q. Okay, Mr Witness. Let's talk about the discussion that took place for those
25 three to four hours that you met. What did you talk about?

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1 A. He was asking us questions. He was asking me questions about the facts we're
2 talking about.

3 Q. Other than that meeting, did you meet with him or spoke to him ever since?

4 A. After we left, he put away his computer and the lady showed me out.

5 Q. Have you met or spoken with Maître Kilolo or members of the Defence team of
6 Mr Jean-Pierre Bemba after that meeting?

7 A. No, Madam President.

8 Q. Mr Witness, have you been promised anything from anyone with regard to
9 your testimony to this Court?

10 A. By whom? Nobody has offered me anything. Nobody. Who would that be?

11 Q. It could be anyone, Mr Witness. Have you received any type of promises in
12 exchange of your testimony to this Court?

13 A. No idea. No idea, Madam President. No idea.

14 Q. Mr Witness, why did you tell the Defence that you were (Redacted)
15 (Redacted)

16 A. (Redacted) You asked me the
17 question where was the building and the accommodation for this establishment.

18 MR ZENELI: Court officer, please kindly display document CAR-D04-0003-0170,
19 and that is item 101 in Prosecution's list, and because, Madam President, that is a
20 confidential document, I think it's prudent that we move back to private session.

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

22 (Private session at 10.11 a.m.) * Reclassified as Open session

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

24 THE COURT OFFICER (via video link): Madam President, your Honours,
25 document CAR-D04-0003-0170 is being presented to the witness.

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Witness: CAR-D04-PPPP-0026

(Private Session)

ICC-01/05-01/08

1 MR ZENELI:

2 Q. Mr Witness, do you see the document displaying at the screen in front of you?

3 A. Yes, I can see the document, but it's in English.

4 Q. At the title, at the heading of it, do you see your name?

5 A. Yes, I do. That is my name.

6 Q. This document, Mr Witness, is a summary presented to us from the Defence
7 team, that is the team where Maître Kilolo and the white lady, as you called her, Kate,
8 are members of, and they prepared this document after having spoken to you
9 allegedly. And this document states:

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 I repeat my question to you, Mr Witness. (Redacted)

15 (Redacted)

16 A. Madam President, because they had come, I was not really trusting and I didn't
17 want to really subject myself or, rather, I didn't want to go into details in discussion,
18 and when they asked me questions, I gave military answers. I didn't really want to
19 go into any depth. The proof is there. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted). That's my answer, Madam President.

23 MR ZENELI: Madam President, with your leave, may we move back to open
24 session?

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

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(Open Session)

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1 (Open session at 10.16 a.m.)

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

3 MR ZENELI:

4 Q. Yesterday, Mr Witness, you told us this Court that you had no idea of what
5 MLC is, and that is page 69, lines 4 to 5, of the real-time English version of yesterday's
6 transcript. You also told this Court, Mr Witness, that you had no idea that MLC
7 fought pro-Patassé - that is at page 63 of yesterday's transcript, lines 4 to 8 - and that
8 you, Mr Witness, have no information about crimes committed by the MLC. That is
9 page 63 of the same transcript, lines 9 to 12. Why then, Mr Witness, why did you tell
10 the Defence that you will testify about the entry and conduct of MLC troops and that
11 you will testify on whether the MLC troops committed crimes?

12 A. Madam President, could the question be broken down, please? I haven't
13 understood the question.

14 Q. Mr Witness, yesterday you told us that you had no idea of what MLC is;
15 correct?

16 A. Indeed, madam. Indeed.

17 Q. You, Mr Witness, also told us that you had no idea that MLC fought pro-Patassé;
18 is that correct?

19 A. (No interpretation)

20 Q. And you, Mr Witness, told us that you have no information about crimes
21 committed by MLC; is that correct?

22 A. Yes, indeed, that's correct.

23 Q. Now, Mr Witness, why then did you tell the Defence that you will testify about
24 the entry and conduct of the MLC troops?

25 A. Sorry, I didn't quite follow that.

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1 Q. Why did you tell the Defence of Mr Jean-Pierre Bemba that you will come here
2 and testify about the entry and conduct of the MLC troops?

3 A. I accepted to come and appear before you to explain to the Court what I
4 personally experienced and saw in relation to our team, but not the MLC. That's my
5 answer, Madam President.

6 MR ZENELI: Could the court officer kindly display again item 101 in Prosecution's
7 list, and that is CAR-D04-0003-0170, and if I may ask that that only be displayed for
8 the witness due to its classification as confidential, but we may with your leave,
9 Madam President, continue in open session with my questions.

10 PRESIDING JUDGE STEINER: Court officer, please.

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

13 PRESIDING JUDGE STEINER: Court officer, please turn into open session.
14 We are in open session, sorry.

15 MR ZENELI:

16 Q. The document displaying in front of you, Mr Witness, tells us that the issues
17 upon which you will come and testify to this Court include the entry and conduct of
18 the MLC troops, but you told us you know nothing about that. Is it true?

19 A. You've just asked me this question. I said that when Mr Bemba's defence
20 contacted me, I didn't have complete trust in them, so I was very cautious and wary
21 of saying certain things. Now today I'm in front of professionals and I have been
22 told that I must say a certain truth and that's how it is now. Thank you.

23 Q. The same document, Mr Witness, tells us that you were going to testify in front
24 of this Court about the crimes committed by the MLC troops, but you know nothing
25 about that, Mr Witness; am I correct?

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1 A. If it's in the document, it's in English. It's in -- how can I say anything? The
2 title is my name, but the rest of the document is in English and so I'm not in a position
3 to know myself. Somebody will have to explain to me what is in this document.
4 Somebody will have to translate it so that I can understand some of the things.

5 Q. You told us, Mr Witness, the route from which you retreated after the battle for
6 Bangui. You told the Defence that you will come and testify about how you reached
7 Kaga-Bandoro, but you never went there, Mr Witness, did you?

8 A. I --

9 THE INTERPRETER: Sorry, the interpreter did not get the beginning of that
10 statement by the witness. Perhaps he could be asked to repeat it?

11 MR ZENELI:

12 Q. Please, Mr Witness, repeat the answer to my question.

13 A. What I said was you talked about Kaga-Bandoro. Kaga-Bandoro is part of the
14 villages where we went on our way to Bangui.

15 Q. The document displaying in front of you, Mr Witness, tells us that you were
16 going to testify about your retreat from PK12 to Damara, to Kaga-Bandoro, but you
17 told us that you never went to Kaga-Bandoro, did you not?

18 A. In -- when we were going in, I went through Kaga-Bandoro, but on the way
19 back I separated from the others and I went through Wawa, Grimari and Bambari,
20 because when we left Moyenne Sido, we went to Kabo and then Batangafo, and at
21 Batangafo we went to Bouka, and from Bouka we made a halt at Kaga-Bandoro.
22 That's on the way in, but on the way back I went to Damara-Sibut, so Damara, Sibut,
23 Wawa.

24 Q. You, Mr Witness, also told the Defence that you were going to testify about the
25 second progression in March 2003 down to Bangui, but you told us, Mr Witness, that

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1 you left Central African Republic way before that and that you never set foot back
2 there again; isn't that correct?

3 A. I didn't understand the date and what you said, the second part I didn't quite
4 follow.

5 Q. Did you ever go back to Bangui in March 2003, Mr Witness?

6 A. In March 2003, I've already told you, when the defence of Mr Bemba contacted
7 me, I was not fully trusting of them and so I didn't want to give them -- well, that's
8 what happened. I didn't trust them. So, the content of this dossier, I didn't trust
9 them, but now I am in front of the Court and I have to tell the truth. I have sworn an
10 oath to do so and I have been doing so for three days.

11 MR ZENELI: Madam President, with your leave, for the next question I would like
12 to move into private session.

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

14 (Private session at 10.31 a.m.) * Reclassified as Open session

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

16 MR ZENELI: I apologise, Madam President.

17 Q. At transcript 334, page 61, lines 11 through 13, Mr Witness, why did you tell the
18 Defence that you're living in (Redacted) when you told this Court that you have never
19 been in (Redacted)?

20 A. Madam, I think that they are present in court. What I said was (Redacted). I did
21 not mention (Redacted).

22 (Redacted)

23 Q. The real version of real-time transcript 334, in English, page 61, lines 11 through
24 13, this is your testimony, Mr Witness. I asked you, (Redacted)

25 (Redacted)", and you answered, (Redacted)

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1 (Redacted)

2 A. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 MR ZENELI: Court officer, with leave of Madam President, may you kindly display
7 item 103 in Prosecution's list, which is annex A to the submission of Defence evidence.
8 Item 103.

9 THE COURT OFFICER (via video link): Madam President, your Honours,
10 document ICC-01/05-01/08-2222-Conf-Anx A is being presented to the witness.

11 MR ZENELI:

12 Q. Mr Witness, the document that was submitted by the Defence team containing
13 information they received from you states, (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Madam President, I am just informed that the French translation was not received
18 from the start, so I'd like to repeat this very last portion of my questioning.

19 The document displaying in front of you, Mr Witness, has been submitted by the
20 Defence team of Mr Jean-Pierre Bemba on 19/09/2012 and, based on the information
21 that you have told them, it states the following: (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Did you tell them that, Mr Witness?

4 A. The problem here is with the name of the country. It was not (Redacted)

5 (Redacted)

6 Q. (Redacted)

7 A. (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 Q. (Redacted)

20 A. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. (Redacted)

25 A. (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 MR ZENELI: Madam President, your Honours, I have no further questions for this

20 witness, but before I take my seat, I am fully aware of the procedure that you have

21 approved, but for the sake of these proceedings I want to put it on the record that I

22 request that documents (Redacted)

23 (Redacted) be tendered and subsequently submitted into evidence by you.

24 Thank you, your Honours.

25 PRESIDING JUDGE STEINER: Thank you, Mr Zeneli.

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- 1 Mr Witness, the Prosecutor concluded with your questioning and legal
2 representatives of victims were authorised to also put some questions to you.
3 Therefore I will now give the floor to Maître Zarambaud, who will question you on
4 the questions authorised by the Chamber and any follow-up questions.
5 Maître Zarambaud, you have the floor.
6 MR ZARAMBAUD: (Interpretation) Thank you, Madam President.
7 QUESTIONED BY MR ZARAMBAUD: (Interpretation)
8 Q. Good morning, Witness.
9 A. Good morning, Counsel.
10 Q. You have already been told that I am Zarambaud Assingambi of the Central
11 African Bar, representing victims here before the Court. I don't have many questions
12 for you following the questions that have already been raised with you both by
13 Defence that brought you here and by the Prosecution. Allow me, however, to insist
14 on the fact that I am not here to testify and, although I am a Central African, I am not
15 here to testify about facts that I may be aware of personally. My task is simply to
16 put questions to you so that in your answers you might provide clarifications to the
17 Court to enable it to base its findings and judgments on the truth.
18 Mr Witness, on several occasions you said in your testimony that you did not have
19 any information relating to the MLC, that you had no information regarding the
20 fighting carried out by the Banyamulengue on behalf of the Patassé regime. You
21 also said that you did not have any information relating to the crimes allegedly
22 committed by the Banyamulengue. This has been your consistent position since
23 yesterday, transcript of yesterday, page 63 -- pages 63 to 75, and again you reiterated
24 that point at page 21 today, lines 10 and following lines.
25 Can you confirm, Mr Witness, that you have no knowledge whatsoever of those facts?

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1 A. I have no knowledge.

2 PRESIDING JUDGE STEINER: Sorry, Mr Witness.

3 Maître Kilolo?

4 MR KILOLO: (Interpretation) An observation. We appear to still be in private
5 session, your Honour, rather than in open session.

6 PRESIDING JUDGE STEINER: Are we?

7 THE COURT OFFICER: Yes, Madam President.

8 PRESIDING JUDGE STEINER: Thank you very much, Maître Kilolo.

9 Could you please, court officer, turn back into public session.

10 (Open session at 10.52 a.m.)

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

12 PRESIDING JUDGE STEINER: Maître Zarambaud, could you please repeat the
13 question.

14 MR ZARAMBAUD: (Interpretation)

15 Q. Mr Witness, my question was the following: I recalled what you said
16 yesterday in your testimony and also in today's transcript at page 28, lines 10 and
17 following, namely, that you have no information relating to the MLC, no information
18 on the fighting by the Banyamulengue on behalf of Patassi (sic) - Patassé, rather - and
19 that you have no information about the crimes allegedly committed by the
20 Banyamulengue. And my question was the following: Could you confirm that
21 such is the case?

22 A. I have fully understood your question, Counsel. This question has been put to
23 me several times. It is not mandatory for those who are in the Central African
24 Republic to know everything. You know what happens in our country. People are
25 not receiving their pay, they do not have television sets, they do not have radio sets,

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1 and so they cannot follow these things. We are a poor country, and it is only rich
2 people like you who are in a position to follow every detail of everything that
3 happens. The ordinary Central African citizen, even today, does not necessarily
4 have a TV set in his or her house. I think that is the case.
5 So if we go back to the time of Patassé, if I'm not mistaken, it was in certain
6 neighbourhoods that people lived comfortably, so it was not therefore mandatory that
7 all Central Africans would know whatever was going on in the country. If you did
8 not have a TV set or a radio set, you probably would not. Those of you who lived in
9 the Central African Republic were not bound at all the times to know everything that
10 was going on in the country, and that still continues to be the case. So I think it is for
11 you to explain what actually happened on the ground.
12 You see, the events in the country are events that you are familiar with. You
13 monitored them, you followed them, closely. We did not. So when Patassé was in
14 power, you know what happened. People could not take any chances. You, as
15 lawyers, you were even successful in one of your cases during Patassé's time, and
16 I think that this is a clear picture of how things were at that time.
17 Q. Thank you, Mr Witness. Please, Witness, do remember that you are not
18 appearing before the Court as an accused person. You are a witness. I did not
19 accuse you of not being in possession of any such information. I am simply saying
20 that you may have been in possession of such information and, in order to avoid
21 going over and over the same issue, I simply, without accusing you at all, want to
22 find out from you for clarification whether this is true.
23 Once again, let me reiterate that my role here is not to testify. It is not for me to tell
24 the Court what happened under Patassé's regime, what happened to the judges and
25 magistrates, what happened to lawyers and what have you.

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1 In your very first answer, you provided the right information, namely, when you said
2 that you were not aware of all these things. That is all I am seeking to confirm with
3 you, Mr Witness.

4 So let me now move on to my second question, along the same lines. You talked
5 about persons whom you had seen carting away items that had been pillaged at PK12.
6 You said also that you heard mention of rapes having been committed. Can you
7 confirm that, Mr Witness?

8 A. Yes.

9 Q. Did you yourself take part in the pillaging and in the rapes?

10 A. Well, you see, I cannot provide an answer in open session. Can we go into
11 private session, please?

12 PRESIDING JUDGE STEINER: Maître Zarambaud, it is almost 11 o'clock and,
13 instead of going to private session and coming back, so I suggest that you repeat the
14 question after the break and we can go into private session for the witness to give the
15 answer, if you are fine with that.

16 MR ZARAMBAUD: (Interpretation) That's fine by me, Madam President.

17 PRESIDING JUDGE STEINER: Mr Witness, it's almost 11 o'clock. It's time for our
18 break. You can take some rest, a cup of coffee, a cup of tea, calm you down. At the
19 same time, some rest for our interpreters. We will resume at 11.30. The hearing is
20 suspended.

21 THE COURT USHER: All rise.

22 (Recess taken at 10.58 a.m.)

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

24 THE COURT USHER: All rise.

25 Please be seated.

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- 1 PRESIDING JUDGE STEINER: Mr Witness, welcome back.
- 2 THE WITNESS: (Interpretation) Good morning again, madam.
- 3 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony, sir?
- 4 THE WITNESS: (Interpretation) Yes, madam.
- 5 PRESIDING JUDGE STEINER: I will give back the floor then to Maître Zarambaud.
- 6 MR ZARAMBAUD: (Interpretation) Thank you, Madam President.
- 7 Before the break, the witness asked that we pass into private session in order to allow
- 8 him to reply to my question, which was the following: Had he personally taken part
- 9 in the looting and raping.
- 10 PRESIDING JUDGE STEINER: Court officer, turn briefly into private session.
- 11 (Private session at 11.36 a.m.) * Reclassified as Open session
- 12 THE COURT OFFICER: We are in private session, Madam President.
- 13 PRESIDING JUDGE STEINER: You can answer to the question, Mr Witness.
- 14 THE WITNESS: (Interpretation) My answer is that I personally, the day after the
- 15 withdrawal, I explained that I was in a (Redacted)
- 16 (Redacted) and when we regrouped at PK12,
- 17 the evening when the others came, they started explaining, telling what had
- 18 happened. That is my answer, Counsel.
- 19 MR ZARAMBAUD: (Interpretation) Thank you, Mr Witness.
- 20 We can now move back into open session.
- 21 PRESIDING JUDGE STEINER: Court officer, please turn into open session.
- 22 (Open session at 11.38 a.m.)
- 23 THE COURT OFFICER: We are in open session, Madam President.
- 24 MR ZARAMBAUD: (Interpretation)
- 25 Q. With regard to the rapes that were committed, according to your previous

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1 statement you heard certain people discussing their pleasure at having committed
2 rapes. About how many people did you hear saying that they had committed rape?

3 A. When people get together, there are a lot of people and everyone explained
4 what they'd been up to that day. They were several. There were a lot of people.

5 MR ZARAMBAUD: (Interpretation) Mr Witness, thank you for answering my
6 questions. I have no further questions to put to you.

7 I have completed, Madam President.

8 THE WITNESS: (Interpretation) I would like to thank you too, Counsel.

9 PRESIDING JUDGE STEINER: Thank you, Maître Zarambaud.

10 Mr Witness, Maître Douzima Lawson, also legal representatives -- legal
11 representative of victims was authorised to put some questions to you. Then I give
12 the floor to Maître Douzima.

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

14 QUESTIONED BY MS DOUZIMA LAWSON: (Interpretation)

15 Q. Mr Witness, good morning.

16 A. Good morning, madam.

17 Q. I would like to introduce myself again. I am Counsel Marie-Edith Douzima
18 Lawson, I am called to the Bar of the Central African Republic and I am also here as
19 legal representative of the victims in this trial.

20 I would like to make the same comments as Counsel Zarambaud with regarding to
21 your role here and our role here. So your role is to reply to the questions we will put
22 to you, and I would like to say that the questions are not for us. They are for the
23 Court. If you know the answer, please give the answer. If you don't know the
24 answer, please just say that you don't know.

25 We, as Maître Zarambaud said, are not here to -- as witnesses, so if you co-operate

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1 with us in this way, we will finish your testimony this morning. Have you
2 understood?

3 A. Yes, I have understood, Counsel.

4 Q. Thank you, Mr Witness. I would like first of all to ask who were part of
5 Bozizé's rebellion? How was it made up?

6 A. I explained previously that Bozizé's staff was made up of a number of people:
7 Monsieur Mbaye Parfait, Mr Sangbaté, Mr Francis Bozizé, Mr Ndoutingai and one
8 more, Nibo. That was the General Staff of Bozizé.

9 Q. In fact, Mr Witness, I did not ask the composition of the Staff, but of the
10 elements, the troops, that made up the rebellion. You talked about local people, you
11 talked about Zaireans from Kinshasa, refugees. So I'd just like to know who made
12 up the rebel troops? Where did they come from?

13 A. I think that the organisational diagram of the rebellion is not like one you would
14 have from an army. An army would be well-organised, the clear structure, but the
15 rebellion is not like that. I said there was a recruitment here and there and we
16 identified people by their language, because we are Central Africans. We spoke
17 Sango. But when the others spoke Arabic rapidly, we said, "No, those are
18 Chadians." And others spoke Lingala and we said, "Those are Zaireans." That's
19 how we identified them, because there was -- there were a number of platoons.
20 When I say "platoon," I use gendarmerie terminology. There were a lot of sections,
21 also platoons. There wasn't really a team that followed the actual numbers of all
22 these people. That's my answer to you, Counsel.

23 Q. Thank you, Mr Witness. So to sum up your reply, there were Central Africans
24 who were recognised as such by the fact that they spoke Sango, Zaireans who spoke
25 Lingala, there were Chadians who spoke Arabic; is that correct?

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1 A. I said to you when they spoke, well, most Central Africans speak Sango and
2 some also speak Lingala, those who have -- who are on the border with the DRC.
3 There was also Arabs - Arabs - Arabic speakers, those who are on the border with
4 Chad, so there were volunteers. So we were all mixed up.

5 Q. So, to distinguish between those who made up the rebel forces, it was basically
6 on the basis of language that you distinguished the groups?

7 A. I didn't say that. I said that we identified or distinguished people via the
8 language. We were all mixed up. Some spoke Sango, some speak Lingala, some
9 spoke Arabic, and there had been Chadians recruited and also Zaireans who -- some
10 of whom lived in the Central African Republic for some time, and there were some
11 local people who also spoke Lingala. When there was a mutiny, President Patassé
12 said that the Yakoma could go. There were Zaireans there.

13 Q. Mr Witness, all I'm doing is going back over your statements. You spoke of
14 volunteers who were local sons of the soil, and it's in the transcription.
15 I'd like to move on to another subject now and that is the crimes. You said in
16 transcription 333 of 21 August 2013, on page 94, in answer to a question wanting to
17 know what crimes had been committed by Bozizé's rebels up to 28 December 2002,
18 and your reply on page 95, which you have just repeated, was that you were in a team
19 and at PK12 at the time of the withdrawal, where you saw people bringing goods in
20 the pushcarts, in wheelbarrows and in vehicles. And in the evening the soldiers
21 were together and they started chatting. They started explaining what they'd been
22 doing. So this withdrawal to PK12 was when?

23 A. We arrived in the northern part of Bangui. It was 25 October. We'd been
24 through five days and our team was based near the Hôpital de l'Amitié, and the
25 withdrawal was after the five days. After five days we withdrew to PK12, where we

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1 spent a single day. So first the five days and then we withdrew to PK12, where we
2 spent one day to relax.

3 Q. And it was on that day that you saw people bringing the goods through in the
4 pushcarts and so on?

5 A. The same day where the vehicles came through with goods, the wheelbarrows,
6 the pushcarts. There were some people on foot and people started chatting that
7 night.

8 Q. "The people," who do you mean by "the people"?

9 A. Those who had occupied the northern part of the country.

10 Q. What exactly were they explaining while they were chatting?

11 A. It's what I've just explained to you.

12 Q. Could you clarify that, please?

13 A. When I said to you that everyone was doing -- was explaining what they had
14 done, and that's the reply I gave to you.

15 Q. Could you give me an example, everyone -- answered in your own terms, an
16 example of what everybody was saying that they had done? Could you give an
17 example of a story that was told by one of your comrades?

18 A. I don't have any example to give you. I didn't know that today we would be
19 turning to events and talking about what people had done. I told you that there
20 were several people. There were lots of people. I think you're familiar with what
21 soldiers do.

22 Q. May I remind you once again that you are the one testifying here. My role is to
23 ask you questions.

24 Regarding the rape, can you recall what your comrades said about the rapes, how
25 these happened?

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1 PRESIDING JUDGE STEINER: Wait, Mr Witness.

2 Yes, Mr Haynes?

3 MR HAYNES: I simply do observe that these are not authorised questions and, as
4 far as I understand it, they concern rapes in PK12 which fall under the jurisdiction of
5 Mr Zarambaud as far as the victims are concerned and not Ms Douzima Lawson.

6 PRESIDING JUDGE STEINER: Ms Douzima - Maître Douzima - you can proceed.

7 MS DOUZIMA LAWSON: (Interpretation) Thank you very much, Madam
8 President.

9 Q. Mr Witness, I'm asking these questions because one of your comrades who was
10 part of Bozizé's rebellion, who was here as a witness, explained to us what took place.
11 Do you have an idea, because you were listening to your comrades chatting about
12 these crimes? Could you explain to us what had been happening?

13 A. Counsel, I think that each one of us has his statement to make on what a person
14 has seen and heard. I said to you that, when these people were chatting, there were
15 a lot of people there. I couldn't know what people were saying exactly. But if I
16 were to say that this is what they said, that they were raping women, that's true, but I
17 wasn't really paying attention sufficiently to quote these today. Some were saying,
18 "Yes, there was a woman" and he did this, but they accepted. They said, 'No.'" And
19 some said, "I went into the forest. I found a woman. I let off steam in my way," and
20 then they came back, but there were a lot of people there.

21 Q. Thank you, Mr Witness. Are you aware of any complaints made by the victims
22 after the events; complaints against their attackers?

23 A. I have no idea about that, no idea. The day that Maître Kilolo took -- made
24 contact with me was when I started hearing that there had been problems.

25 Q. To come back to this question of languages, because I was talking to you earlier

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1 about the composition of Bozizé's rebellion and you raised the subject of language,
2 you testified in 332 of 20 August 2013 that in this rebellion there were also refugees
3 from Kinshasa, page 76 in the French version, and you said that -- you said on 76, line
4 20, you said, "The language they spoke, they spoke quite fluently Lingala, but they
5 spoke Sango hesitantly," and you felt that these people didn't speak Sango fluently.
6 They did speak Lingala fluently. Do you remember having made this statement on
7 the 20th?

8 A. Yes, I do.

9 Q. On the basis of this statement, would you say that the Central Africans who
10 were part of the Bozizé' rebellion, they spoke fluently which language?

11 A. They spoke Sango fluently. Others spoke Lingala. They were also -- there
12 were also Arabic speakers there. It was all mixed up. The languages were mixed
13 up.

14 Q. So these Central Africans who were fluent Sango speakers, and the Lingala and
15 Arabic and -- do these speakers of other languages hesitate when they speak Sango?

16 A. There are Central Africans who speak Lingala fluently. They speak it
17 reasonably well. That's one thing. When it comes to the Zaireans, there are
18 Zaireans who speak fluent Sango and fluent Lingala, but they hesitate when they
19 speak Sango. The Arab speakers do that even more so.

20 Q. On the same description, on page 17 you said, "The volunteers were local boys,
21 sons of the soil, and they spoke Sango fluently, our national language." Do you
22 remember that?

23 A. Yes, I do.

24 Q. Which language did the Central Africans within the rebel movement speak?

25 A. I think it's the same question you're putting to me three times over and I've

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1 already answered you, Counsel. It is the same question you are putting to me again,
2 to which I have already provided an answer. We spoke Sango. There were other
3 Central Africans who spoke Sango fluently as well as Lingala. That is what I'm
4 telling you.

5 Q. Witness, it is not exactly the same question. Previously I put a question to you
6 couched in general terms. Now, right now, I want to find out from you what
7 happened, in general terms, between you. That is accepting all the other languages
8 spoken by the members of the rebel movement, what was the most frequently used
9 language within the rebel movement?

10 A. When you talk about the frequently-used language, I have told you already that
11 some of us spoke Arabic, while others spoke Lingala and others still spoke Lingala.
12 Then you asked me again whether other Central Africans were able to speak Lingala
13 fluently and I told you that there were some Central Africans who could speak
14 Lingala fluently. That is my answer, Counsel.

15 MS DOUZIMA LAWSON: (Interpretation) Very well, Witness. I leave it to the
16 Judges and I have no further questions for you. Thank you.

17 THE WITNESS: (Interpretation) Thank you, Counsel.

18 MS DOUZIMA LAWSON: (Interpretation) Madam President, that will be all.

19 PRESIDING JUDGE STEINER: Mr Witness, I have a question to put to you. In
20 relation to the rebels, how were they dressing, or dressed? Did the rebels have
21 uniforms? How they could identify each other?

22 THE WITNESS: (Interpretation) You know, a rebel movement truly does not have
23 the resources to take care of all its members, so you will see somebody with a jeans
24 trouser, you would see someone else with an ordinary pair of trousers, one would
25 wear something that is akin to military uniform. It's a mix-up of all types of attires,

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1 so you cannot say that there was uniformity in the rebel movement with people
2 wearing similar uniforms. No, that was not the case.

3 PRESIDING JUDGE STEINER: And what about the loyalists?

4 THE WITNESS: (Interpretation) What I know is that I did not see the loyalist
5 forces at that time, but our army, our soldiers, they wear fatigues. The police wear
6 light-coloured uniforms, but again I think that in our army some of these uniforms
7 can also be shared.

8 Q. Do you know about the other groups that were fighting together with the
9 loyalists, how they were dressed, other than the FACA soldiers?

10 A. The others, who are you referring to, your Honour? I did not quite understand
11 your question.

12 Q. From the side of the loyalists, apart from the FACA soldiers, do you know about
13 other groups that were helping the loyalists? Do you know anything about them?

14 A. No idea. No idea. No idea.

15 PRESIDING JUDGE STEINER: Thank you.

16 I ask Maître Kilolo whether Defence intends to redirect?

17 MR KILOLO: (Interpretation) We have no further questions for this witness, your
18 Honour.

19 PRESIDING JUDGE STEINER: Mr Witness, thank you very much. That concludes
20 your testimony before this Chamber.

21 Before you leave the Court I want, as with all other witnesses in this case, to express
22 the thanks of the Court for the time that you have taken to give evidence in this trial.
23 In order for the Judges to find the truth, it is critical that witnesses such as yourself are
24 willing and prepared to give evidence and to assist the Judges on the relevant issues
25 at stake. We are aware, Mr Witness, that this may have been inconvenient for you

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1 and you therefore leave us now with our thanks.

2 Before you leave the transmission room, Mr Witness, and as with all other witnesses
3 in this case, I would like to ask you whether there is anything that you would like to
4 tell the Chamber? If you want to address the Chamber, Mr Witness, now you have
5 such opportunity and you have the floor.

6 THE WITNESS: (Interpretation) I do not have much to say. I simply want to
7 thank the Court for -- and to greet everyone and to wish that justice will be done.
8 Thank you.

9 PRESIDING JUDGE STEINER: Thank you again, Mr Witness, and we wish you a
10 safe journey back to your home.

11 I thank very much the Prosecution team, the legal representatives of victims, the
12 Defence team, Mr Jean-Pierre Bemba Gombo. I thank very much our interpreters,
13 our court reporters.

14 Ms Fatiah, thank you very much.

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

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

17 We will adjourn and resume on Monday morning at 9 o'clock, when we will start
18 with the testimony of Witness -- Defence Witness 25.

19 We wish you all a nice weekend.

20 The hearing is adjourned.

21 THE COURT USHER: All rise.

22 (The hearing ends in open session at 12.10 p.m.)

23 RECLASSIFICATION REPORT

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

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