

Trial Hearing
Witness: CAR-D04-PPPP-0002

(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, 13 June 2013
9 (The hearing starts in open session at 9.07 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: Thank you, Madam President. Situation in the
16 Central African Republic, in the case of The Prosecutor versus Jean-Pierre
17 Bemba Gombo, ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you very much.
19 Good morning and welcome the Prosecution team, the legal representatives of
20 victims, Defence team, Mr Jean-Pierre Bemba Gombo. Good morning our
21 interpreters, our court reporters.
22 Good morning, Mr Witness.
23 WITNESS: CAR-D04-PPPP-0002 (On former oath)
24 (The witness gives evidence via video link)
25 (The witness speaks French)

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1 THE WITNESS: (Interpretation) Good morning, Madam President.

2 PRESIDING JUDGE STEINER: Good morning, Mr Rojas.

3 THE COURT OFFICER (via video link): (Interpretation) Good morning,
4 Madam President.

5 PRESIDING JUDGE STEINER: Mr Witness, I hope you are feeling well and
6 ready to continue with your testimony. Are you?

7 THE WITNESS: (Interpretation) Yes. Yes, Madam President. I'm fine,
8 thank you.

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

11 THE WITNESS: (Interpretation) Yes, I understand that, Madam President.

12 PRESIDING JUDGE STEINER: I also wanted to remind you that you are
13 under protective measures, that your image and your voice that are broadcast
14 outside the courtroom are being distorted so that the public cannot identify
15 you, and for that reason, Mr Witness, don't forget our recommendations in that
16 you should not reveal any information that could lead to your identification
17 while we are in open session.

18 I also wanted to remind you, Mr Witness, to speak slower than normal and to
19 give the five seconds before starting with your answer in order to allow the
20 interpreters to complete the translation of the question. You've been doing
21 that quite well and we appreciate it, Mr Witness.

22 THE WITNESS: (Interpretation) Thank you, Madam President.

23 PRESIDING JUDGE STEINER: The Prosecution still has some final questions
24 to put to you and for that purpose I'll give back the floor to Maître Badibanga.
25 Maître?

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1 MR BADIBANGA: (Interpretation) Thank you, Madam President. Good
2 morning, and good morning to the Chamber.

3 I will continue in a seated position, as was the case yesterday.

4 QUESTIONED BY MR BADIBANGA: (Interpretation) (Continuing)

5 Q. Good morning, Witness.

6 A. Good morning, Mr Prosecutor.

7 Q. I hope you've had a good rest. I don't have very many more questions,
8 so we will be completing this examination this morning. Especially if you
9 continue to be concentrated and precise, I think this can go rather quickly.
10 Secondly, I'd like to remind you that we both need to speak slowly, and when
11 we respond and react to each other, we must do so slowly and wait five
12 seconds. So, before you answer, please wait five seconds and speak slowly
13 and I myself, when I intervene with the next question, I must wait five seconds
14 and speak slowly. This is in order to enable those who assist the Court to do
15 their jobs.

16 Madam President, with your permission, I'd like to begin in private session.

17 PRESIDING JUDGE STEINER: Court officer, please turn into private session.
18 (Private session at 9.13 a.m.) * Reclassified into open session

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

20 MR BADIBANGA: (Interpretation)

21 Q. Mr Witness, I've asked that we go into private session because I would
22 like to discuss a number of matters related (Redacted)
23 (Redacted).

24 Witness, when someone wants to carry out a coup d'état, do you know what
25 the strategic positions that would need to be attacked and taken over would

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1 be?

2 A. Mr Prosecutor, I never prepared a coup d'état, but the most strategic
3 positions in my opinion, if someone wants to organise a coup d'état, he's going
4 to attack the airport, he's going to attack the radio station, he's going to attack --

5 THE INTERPRETER: The interpreter did not hear the last word. Please ask
6 the witness to repeat the last place.

7 MR BADIBANGA: (Interpretation)

8 Q. Given what you've just said, should these positions be particularly
9 monitored if someone wants to carry out a coup d'état?

10 A. These places must be protected.

11 Q. Witness, the reason I asked you that question and in private session is
12 because when Maître Haynes, the Defence counsel, questioned you about the
13 situation at the Bangui airport during the 2002 events, twice you stated that
14 you had no information about the situation at the airport. So my question is:

15 (Redacted)

16 (Redacted)

17 A. During those events, I have told you that when General François Bozizé
18 and his team entered into the area, they paralysed all of the northern
19 neighbourhoods of Bangui, but the airport -- the airport, Bangui M'Poko, did
20 not fall under their control.

21 Q. Witness, evidence has presented -- has been presented before the
22 Chamber that would lead us to believe that the airport was closed until
23 November 2, 2002. Can you confirm that that was the case or, on the contrary,
24 is that not the case?

25 A. I do not have any information to provide to you about that here today,

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1 Mr Prosecutor.

2 Q. Could we say that (Redacted), if the airport had been closed
3 between October 25th or 26th until November 2, 2002, (Redacted)
4 (Redacted)

5 A. During those events, aeroplanes couldn't take off or fly.

6 Q. I'm not sure I understand you. Are you saying that the airport was
7 closed?

8 A. Yes, I'm saying that the airport was closed. No planes could take off, or
9 land, or fly.

10 Q. When Defence counsel asked you whether you know that the airport was
11 closed during the period when Bozizé's men occupied the zones north of
12 Bangui, do you know what you answered to that question? Do you
13 remember?

14 A. Mr Prosecutor, perhaps you can recall to me what I stated?

15 Q. You stated, Mr Witness, "I had no information regarding the closing of
16 that airport." Does that refresh your memory?

17 A. Yes, Mr Prosecutor.

18 Q. So should we believe the version you gave when you were questioned by
19 the Defence under oath, or should we rather believe the version you've given
20 me today, whereas I am also questioning you today and you are under oath
21 and both answers are contradictory?

22 A. Mr Prosecutor, during an event of that nature, you must understand that
23 the activity going on in an airport must stop because weapons are being used,
24 you can hear gun-shots, and so the personnel, no one would run the risk of
25 working and nor would the various companies that are using that airport.

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1 Would they want to risk the lives of their customers? In response to Maître
2 Haynes saying that I didn't have any information, what I meant there was that
3 (Redacted) it was blocked off by
4 Bozizé and his men and that it was extremely difficult to penetrate that zone.
5 So that's why I gave the response that you just read out to Maître Haynes,
6 Mr Prosecutor.

7 Q. You said that the zone was blocked off by Bozizé's men and that it was
8 difficult to penetrate the area. Do you mean that during a few days Bozizé
9 and his men had taken control of the airport and that they controlled the entire
10 zone around the airport?

11 A. That's not what I meant to say, Mr Prosecutor, but the neighbouring areas
12 which lead to the airport were areas where the Zaghawas and the other men
13 who followed General Bozizé were in control.

14 Q. Did you yourself have a walkie-talkie during the events?

15 A. I did not have a walkie-talkie, Mr Prosecutor.

16 Q. How did you communicate?

17 A. (Redacted)

18 (Redacted).

19 Q. (Redacted)

20 (Redacted)

21 (Redacted)

22 A. (Redacted)

23 (Redacted)

24 Q. Was there someone in charge of security at the Bangui airport during that
25 period, an officer?

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1 A. Yes. Yes, there was, but I don't know his name.

2 Q. Do you know if he had a nickname that had been given to him?

3 A. No, Mr Prosecutor, I don't.

4 Q. If I say Albatross, does that refresh your memory? Albatross?

5 A. Albatross is the name of a person?

6 Q. Well, if we refer to the dictionary, it's a bird, but I'm just giving you the
7 word "Albatross" to ask you if it reminds you of anything, if it brings back any
8 memories to you.

9 A. I remember that there was someone by the name of Albatross;
10 Mr Albatross.

11 Q. Do you remember where he was based during the events?

12 A. No, Mr Prosecutor.

13 Q. Do you know someone by the name of Simplicite Mapouka? Simplicite
14 Mapouka?

15 A. No, Mr Prosecutor.

16 Q. Do you know someone by the name of Jean-Claude Démo? Jean-Claude
17 Démo?

18 A. Could you repeat that name, Mr Prosecutor?

19 Q. I beg your pardon, Démo, D-E-M-O, Jean-Claude. Does that name ring
20 a bell?

21 A. No, Mr Prosecutor.

22 Q. Do you know Narcisse Arido? Mr Narcisse Arido?

23 A. No, Mr Prosecutor.

24 Q. Do you know a gentleman by the name of Thierry Lengbe?

25 A. Are you talking about Colonel Thierry Lengbe?

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1 Q. Well, let's put it this way: I'm giving some names to you and you can
2 tell us whether you know those people, or not. If you know someone who
3 goes by that name, could you tell us what you know about that particular
4 person? So you were just asking me whether I was speaking about a person
5 by the name of Thierry Lengbe. Do you know a colonel by the name of
6 Thierry Lengbe?

7 A. I know Lieutenant-Colonel Thierry Lengbe.

8 Q. Do you know what he was doing during that particular period?

9 A. No, Mr Prosecutor.

10 Q. Do you know a gentleman by the name of Joachim Kokaté?

11 A. No, Mr Prosecutor.

12 Q. Does the name Gambi ring a bell?

13 A. General Gambi was an officer of the CAR forces.

14 Q. And do you knew -- do you know what responsibilities he took on
15 during that period of time in 2002 and 2003?

16 A. General Gambi replaced General Betibangui, who had passed away.

17 Q. Anicet Songoto, does that name ring a bell? Anicet Songoto?

18 A. No, Mr Prosecutor.

19 Q. Do you know Prosper N'Douba? Do you know anyone by that name?

20 A. Mr Prosecutor, Mr Prosper N'Douba was a senior magistrate of the
21 Central African Republic.

22 Q. And do you know what his job was at the time of the events; what
23 responsibilities he had?

24 A. No, Mr Prosecutor.

25 Q. Do you know whether Mr N'Douba experienced any particular events

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1 during that time in 2003?

2 A. I've heard people say that this gentleman had been abducted.

3 Q. Witness, in the Central African Republic -- I beg your pardon, I wouldn't
4 want to -- well, perhaps I'll come back to this issue later. I'd like to pass on to
5 something else, Mr Witness.

6 (Redacted)

7 (Redacted)

8 A. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. Witness, were there many expatriates in the CAR at that time? I'm
15 speaking of European expatriates who had taken on CAR nationality, or
16 citizenship, rather. Were there many people like that?

17 A. Mr Prosecutor, I can't give you an exact number of the number of
18 expatriates who took CAR citizenship. I couldn't give you a specific number
19 here before the Court.

20 Q. I must acknowledge, Mr Witness, to be fair to you, indeed my question
21 was making things rather difficult, or complicated.

22 Now, Witness, do you know many European expatriates who had taken on
23 CAR nationality and were within the inner circle of President Patassé?

24 A. Mr Prosecutor, I know just one expatriate who took CAR nationality and
25 who could be considered as the right-hand man of the President of the

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1 Republic, Mr Lionel Gan-Befio.

2 Q. Now, the point of this question, Witness, is that when the Defence
3 counsel asked you what Mr Lionel Gan-Befio did at that time, you said you
4 didn't know because he sort of did a little bit of everything. He was involved
5 in all kinds of activities. Can you confirm that?

6 A. Yes, because you see he -- he did have many responsibilities. He was
7 involved in activities at all levels.

8 Q. Now, Witness, (Redacted)

9 (Redacted) what the only Frenchman in the CAR who had become a CAR
10 citizen and who worked with Patassé -- (Redacted)

11 (Redacted) what he did during that entire period? (Redacted)

12 (Redacted)

13 A. Mr Prosecutor, I do not know about that (Redacted)

14 (Redacted). What I do know is that that gentleman was very influential.

15 Q. Mr Witness, I've put several names to you and you've said that you don't
16 know many of them. Would you like to revisit that testimony? Is there a
17 name that is more familiar now, or do you still stand by what you've said
18 earlier?

19 A. Mr Prosecutor, I did not have any dealings with those people. I'm not in
20 a position to know them.

21 Q. Well, accuracy is required in these proceedings and clear information has
22 to be put before the Chamber, so I will just mention a number of names, names
23 that you said you did not know, people you did not know. So you said that
24 you didn't know the person -- let me look at the transcript, French version,
25 page 8. It was up on the screen a few moments ago. Witness, you said you

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1 did not know Simplicie Mapouka, Jean-Claude Démo, Narcisse Arido, Joachim
2 Kokaté, Anicet Songoto. I believe that's all. So those were the names of
3 various people that you said you did not know. Do you still stand by that
4 statement?

5 A. Mr Prosecutor, I do not know them.

6 PRESIDING JUDGE STEINER: Maître Badibanga, if you allow me? I
7 remember that with a couple of witnesses, I think even Prosecution witnesses
8 in the past, we had problems with the meaning of "connaître." Apparently for
9 some people "connaître" meant something more let's say a level of cognizance a
10 little bit closer. Maybe you could be very precise in -- for the witness as a
11 matter of fairness, what you mean by "connaître."

12 MR BADIBANGA: (Interpretation)

13 Q. Witness, together we shall endeavour to provide the information that the
14 Presiding Judge requires. Could we agree and say that the names that I have
15 just given you, that none of those people are amongst your friends, so none of
16 those people are friends of yours? Is that what you're saying?

17 A. Yes, that is what I'm saying.

18 Q. Are you also saying that, although you are not friends of these people,
19 these are not acquaintances and you have not met these people, not even
20 sporadically?

21 A. Mr Prosecutor, well, even if you were -- if we were to be there, and you
22 were to point them out to me, I've never seen them.

23 Q. Can we deduce from what you've just said that these are people that you
24 have never worked with either?

25 A. Mr Prosecutor, I never worked with those people.

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1 Q. So to conclude, these are people that you have never seen, never met and
2 these names are entirely foreign to you? Is that what you're saying?

3 A. Yes, Mr Prosecutor.

4 Q. One last point, and I want to be fair to you, because I have just brought
5 out one final aspect. So we agree that even these names are unfamiliar to you?
6 These are the names of people that you have not met, that you don't know? Is
7 this what you're saying?

8 A. Mr Prosecutor, during the events, the three mutinies in the Central
9 African Republic, there was one name, Kokaté, that I did hear, but I've never
10 met that person.

11 Q. Now, because of a transmission problem we didn't quite hear that name.
12 Could you repeat that name for us?

13 A. I was saying, Mr Prosecutor, that during the few -- the three mutinies
14 there was a name, Kokaté, that I did hear, but I never met that person. I never
15 met him.

16 Q. Witness, like most people today, do you have a Facebook page? Are
17 you on Facebook?

18 A. Mr Prosecutor, I have a Yahoo page and I use it for email.

19 Q. Well, it is true that there are many social media networks out there, but
20 I'm talking about Facebook. Do you have a Facebook account?

21 A. I haven't opened up a Facebook account.

22 Q. Would it come as a surprise to you to learn that on the computer of my
23 colleague beside me she has found a Facebook name with your name on it,
24 contrary to what you've just said? Do you have an answer for us, Witness?

25 A. I have no answer for you, Mr Prosecutor.

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1 Q. Do you at least have some kind of answer for the Judges, Mr Witness?

2 A. With your leave, Mr Prosecutor, I have no answer.

3 Q. Would it surprise you if I said, Mr Witness, that if I turn my head to the
4 left I see on this Facebook page at least one of the names that I mentioned to
5 you and you said that you did not know the person?

6 PRESIDING JUDGE STEINER: Yes, Mr Haynes?

7 MR HAYNES: I don't really see that this is a legitimate line of
8 cross-examination. The Facebook page is not on the Prosecution's list of
9 documents, it has not been disclosed to us, it is not being shown to the witness
10 himself. He has denied that he has a Facebook page. I myself have done the
11 same exercise and found two (Redacted). It's a common enough
12 name. He denies this is his. This line of questioning is unfair and has no
13 proper basis whatsoever.

14 PRESIDING JUDGE STEINER: Maître Badibanga, I am also having
15 difficulties in following this line of questioning in relation to something that
16 nobody but you and your colleague have seen. Are you sure that this is the
17 best way of questioning the witness on this topic? I understand that you may
18 intend to challenge the credibility of the witness, but it's in relation to
19 something that only you and your colleague are aware of.

20 MR BADIBANGA: (Interpretation) Your Honour, with regard to our
21 understanding of an item of information that is personal to the witness, namely
22 his Facebook page, or at least I thought I could put the question to him, put the
23 question to the witness and he said that he had no idea about that and it had
24 nothing to do with him. I see that Mr Haynes has suggested a possible
25 answer for the witness.

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1 Now, this is information that belongs to the witness. I'm not taking him by
2 surprise. I was even surprised by the answer that he gave and that's why we
3 merely checked his name, we typed in his name and we found the name of the
4 witness. So in practical terms, to ask whether there's a link between him and
5 this page, and whether there's a link between the names on the page and
6 himself, he answered -- correction, we wanted him to answer "Yes" or "No". I
7 don't think this is the first witness that we've asked about social networks.
8 I think we've done this with other witnesses in the past. I can investigate that
9 point further and return or rather come back to it.

10 PRESIDING JUDGE STEINER: Mr Haynes?

11 MR HAYNES: I just wonder if one put into Facebook "Jean-Jacques
12 Badibanga" how many faceless pages would come up? The Prosecution have
13 no basis for suggesting that what they're putting to this witness is his Facebook
14 page at all, rather than just an entry for somebody called (Redacted) of
15 which there are more than one. If this is the basis upon which witnesses can
16 be cross-examined, then we will simply all be fishing items off the internet
17 saying "We've found this. Tell us what you say about it." This is utterly
18 impermissible. It is nonsensical.

19 PRESIDING JUDGE STEINER: Maître Badibanga, I am quite aware of the
20 precedent you are mentioning and, as far as I know, by Chamber's decision, it
21 was quite clear that the reference made to an information in the internet was
22 not made with the intention to provide evidence. It was a comment made in a
23 security assessment of a witness who was related to the security of the
24 witnesses that was at stake and not in order to produce evidence in court.
25 So I think the objection made by Defence is to be sustained.

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1 MR BADIBANGA: (Interpretation) Thank you, your Honour. I shall
2 continue. I take note and we will endeavour to avoid references to open
3 sources.

4 Q. Mr Witness, I'll put the question to you once again. Do you know
5 Mr Narcisse Arido, or not?

6 A. I've already answered, Mr Prosecutor, a few moments ago.

7 PRESIDING JUDGE STEINER: Maître Badibanga, just for the record, in
8 relation to your last comment, that you take note and will endeavour to avoid
9 references to open sources; I don't think this is what the Chamber meant. Of
10 course you can -- the parties can make whatever references to open sources
11 they wish to under the condition that parties, participants and the Chamber are
12 informed in advance in the very same list of documents that the Chamber
13 orders the parties to provide a few days before the hearing. What the
14 Chamber doesn't like is this kind of surprises in the middle of the questioning.
15 You can continue, please.

16 MR BADIBANGA: (Interpretation) Thank you, Madam President. If you
17 allow, I think we can go back into public session.

18 PRESIDING JUDGE STEINER: Court officer, please turn into open session.
19 (Open session at 10.01 a.m.)

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

21 MR BADIBANGA: (Interpretation)

22 Q. Witness, since the beginning of your deposition here, we've been
23 discussing the conflict that took place in the CAR in 2002/2003. Could you tell
24 us, in your opinion, what the date of the beginning of that conflict was?

25 A. The conflict began on October 25th, and continued throughout until the

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1 30th -- the 30th, when General Bozizé entered into Bangui, and yesterday in my
2 deposition I said that it was during that period that looting took place, a lot of
3 looting. I don't think I have to repeat that again today because I've already
4 spoken about that yesterday.

5 Q. Yes, indeed. My question was merely to ask you the date of the
6 beginning of the conflict and so in saying "October 25th," you gave the answer.
7 Before October 25th, was there no conflict in the CAR in the days or weeks that
8 preceded that date?

9 A. Mr Prosecutor, I have just said that the conflict began on October 25th.

10 Q. Where were General Bozizé's troops on October 25th?

11 A. General Bozizé's troops stopped at the level of the 4th arrondissement,
12 the fourth district, and according to the World Food Programme -- in fact, from
13 there they blocked all of the northern neighbourhoods of the city of Bangui.

14 Q. Where did General Bozizé's soldiers come from? In other words, they
15 arrived on October 25th in the 4th district. Where had they come from?

16 A. General Bozizé's soldiers were accompanied by the Zaghawas. They're
17 from Chad. They came from Chad.

18 Q. So did they leave Chad -- I beg your pardon, I didn't wait the five
19 seconds. Did they leave Chad on the morning of October 25th, to arrive in the
20 4th district that same day, October 25th?

21 A. Well, I was not part of the group that was in charge of General Bozizé, so
22 to tell you today with precision exactly when and how they left where they
23 were, I would be lying. When they prepared their coup d'état and as they
24 were marching towards the city of Bangui, I was not with them. Therefore, I
25 have no knowledge of exactly where they were second after second, minute

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1 after minute, day after day, exactly where they were in their advancing
2 towards Bangui. So your question, Mr Prosecutor, would assume that I'm
3 able to tell you where and how they started the operation before they came to
4 Bangui, but that's extremely difficult because I cannot describe that situation
5 here today.

6 Q. Mr Witness, between the northern -- the country of Chad to the north and
7 Bangui, which is to the south, there are a number of other cities. When the
8 soldiers moved down towards Bangui, did Bozizé's men take control of other
9 cities before they took over or before they entered Bangui?

10 PRESIDING JUDGE STEINER: Maître, I think maybe you need to repeat the
11 question. Apparently, the witness couldn't understand or hear.

12 MR BADIBANGA: (Interpretation) I thought that the witness was just
13 thinking over his response. I shall repeat my question.

14 Q. Between Chad, which is to the north, and Bangui which is to the south,
15 there are a number of cities. As those soldiers moved down towards Bangui,
16 did Bozizé's men take over other cities before they arrived in Bangui?

17 A. Yes, Mr Prosecutor. Bozizé's men took control of Kabo, Bandoro and
18 Sibut, Bossangoa, and they even got as far as Bossembélé, and that's how they
19 moved forward advancing towards Bangui.

20 Q. Did Bozizé's men take control of those five cities on October 25, 2002?

21 A. They advanced during that period from city to town until, on the 25th,
22 25 October, they entered into the capital city.

23 Q. Mr Witness, we are in public - open - session and therefore I'm not going
24 to mention anything that might lead to your identification. However, you
25 and I know what we're talking about. Wouldn't it be appropriate to say that

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1 for a citizen of the Central African Republic, the conflict did not begin in 2002?
2 If you really are familiar with the events, one should in fact give the date when
3 Bozizé's troops entered the country and began attacking, so why do you
4 mention the date of October 25, 2002?

5 A. You are aware of all of the events that represented an upheaval in the
6 CAR during those years and created a situation of instability. A question was
7 put to me before this Court. I was asked to describe how things occurred
8 between October 25th and March 2003, and you have limited the framework,
9 the period that I'm being questioned about. I don't see why we should
10 backtrack even further, perhaps leading to confusion in the dates; dates which I
11 in fact ignore.

12 Now, since then, these events have become part of history.

13 Q. Well, I understand where the confusion might come from and I thank
14 you for that explanation. Okay. Given that my question was not limited to
15 that period that you've just mentioned, is there another date or another period
16 that you could mention which would correspond in your opinion to the
17 beginning of the conflict which took place in 2002 and 2003?

18 A. Mr Prosecutor, I cannot suggest any precise date.

19 Q. Most of the questions relating to dates were put to you in private session,
20 Mr Witness, and since we're now in open session I'm not going to go back over
21 those dates, but the value of those questions is to find out why it is that you
22 have very precise memories of the date of October 25, 2002. Amongst all of
23 those events, the only date --

24 THE INTERPRETER: Rather, 29th October, the interpreter corrects.

25 MR BADIBANGA: (Interpretation)

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1 Q. Why is it that the date of 29 October was so very important to you as a
2 citizen of CAR or because of the job that you held?

3 A. Thank you for that question, Mr Prosecutor. My country, the Central
4 African Republic, at this time was going through an extremely difficult period.
5 The power of the president, Ange-Félix Patassé, was threatened at the time.
6 The Central African Army that the President of the Republic could count on at
7 the time was not able to provide the services required and, given that he could
8 not trust the army, the late President Ange-Félix Patassé brought in the MLC
9 soldiers and this foreign presence on our territory was something that any
10 citizens such as myself would notice.

11 Q. What language was spoken by the Zaghawa; that is the men from Chad
12 in General Bozizé's troops?

13 A. Mr Prosecutor, they spoke Arabic and they also had their own mother
14 tongue, which I don't understand. Some of them spoke French, but not very
15 well.

16 Q. Witness, yesterday we spoke about certain individuals who played a role
17 at the time, in particular General Mazi and General Bombayake. Can you tell
18 us, amongst the cities and towns in the country that were attacked and
19 counter-attacked, can you tell us whether or not General Mazi led his troops to
20 counter certain attacks, or not?

21 A. We had information according to which General Mazi was the tactical
22 Chief of Staff in the field and in -- therefore he led attacks.

23 Q. Can you tell us which ones; which attacks he led?

24 A. When the joint operations began, the general himself was in the field to
25 lead the operations.

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1 Q. The field, as you call it, is rather wide in scope. Can you give us a more
2 precise idea of where he was in fact, where he was leading those operations?

3 A. Well, I can give you the example starting with Bangui where he was
4 heading the loyalist forces and they followed General Bozizé to root out in the
5 various neighbourhoods in the north of Bangui that had been paralysed. He
6 himself was in the city at the head of the loyalist forces to counter-attack
7 General Bozizé and his men.

8 Q. And what about General Bombayake? Did he also lead attacks and, if so,
9 which -- which ones?

10 A. I don't have any information regarding where General Bombayake may
11 have led attacks.

12 Q. As regards the 2002/2003 conflict, do you know when the Libyan troops
13 arrived in the CAR?

14 A. No, I don't, Mr Prosecutor.

15 Q. You've stated a few moments ago, Mr Witness, that the date of October
16 29th was important for you because a group of foreign troops came into the
17 country to help the Central African president, and that's why I'm speaking
18 about a different group of foreign soldiers who also came in to help. Why is it
19 that that date is less important, compared to the date of October 29th? Is it
20 less important? Is that the case?

21 A. Mr Prosecutor, I simply said I don't know the date.

22 Q. When I asked you the names of the cities that had been taken over by
23 General Bozizé's troops, you didn't mention Sido. Do you know whether the
24 city of Sido was at all involved in the conflict? Were there -- was there
25 fighting there?

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1 A. Yes, that's the case, Mr Prosecutor.

2 Q. Am I right to assume that you don't know what the date of the first attack
3 on Sido?

4 A. No, indeed I don't.

5 Q. We've discussed the events that took place in 2001 and I insist it's the year
6 2001. Do you know when General Kolingba's attempted coup d'état took
7 place?

8 A. I do not know what the date is, Mr Prosecutor.

9 Q. Is it because you were not in the Central African Republic at that time, or
10 is it because it was not an important date for you?

11 A. In saying that I don't know does not mean that I didn't consider the
12 events as being important.

13 Q. My question is as follows: How can it be that you do not know the date
14 of General Kolingba's attempted coup d'état?

15 A. Well, simply because the trial that is taking place does not deal with
16 Kolingba's coup d'état.

17 Q. Are you saying that you learned only the dates that are related to this
18 trial?

19 A. Mr Prosecutor, here before this Court I would not like to refer to dates
20 that are not related to the case at hand.

21 Q. Well, that's my job, Mr Witness. As a representative of the Office of the
22 Prosecutor, it is up to me to present the arguments before the Chamber and
23 decide what is relevant and what is not. My question is: Do you know the
24 date of General Kolingba's attempted coup d'état in the year 2001 and, since
25 you've said you do not know that date, I'd like to ask you for an explanation as

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1 to why you do not know that date?

2 A. I don't have any explanation to provide to you, Mr Prosecutor.

3 Q. Witness, I'm sure that the Chamber will evaluate the fact that you're not
4 familiar with the date of General Kolingba's attempted coup d'état against your
5 own president, whereas you do know the date of the arrival of the MLC in
6 your country in relationship to the trial under way.

7 You said I believe that you speak Sango; is that correct?

8 A. Yes, Mr President. Sango is a language spoken virtually throughout the
9 country and, yes, I do speak that language fluently.

10 Q. Could you tell us what the word "nyama" means? I'm going to spell it.

11 N-Y-A-M-A. Can you tell us what that word "nyama" means?

12 A. In Sango, "nyama" can mean flesh like meat in fact, beef meat. It can
13 also mean a small animal, or animals in general.

14 MR BADIBANGA: (Interpretation) Madam President, I've completed my
15 questioning, but I have one last question in private session if you will?

16 PRESIDING JUDGE STEINER: Court officer, please turn into private session.
17 (Private session at 10.29 a.m.) *Reclassified into open session

18 THE COURT OFFICER: We're in private session, Madam President.

19 MR BADIBANGA: (Interpretation)

20 Q. (Redacted)

21 (Redacted)

22 Did you hear my question, Mr Witness? Did you hear me?

23 (Pause in proceedings)

24 (Trial Chamber confers)

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

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- 1 THE WITNESS: (Interpretation) Yes, your Honour, I can hear you.
- 2 PRESIDING JUDGE STEINER: So I ask, please, Maître Badibanga to repeat
- 3 the question, or to start again because you have not even concluded.
- 4 MR BADIBANGA: (Interpretation)
- 5 Q. (Redacted)
- 6 (Redacted)
- 7 (Redacted). Can you confirm that?
- 8 A. Yes, Mr Prosecutor.
- 9 Q. (Redacted)
- 10 (Redacted); is that correct?
- 11 A. Yes, Mr Prosecutor.
- 12 Q. (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 A. (Redacted).
- 17 Q. (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 A. Yes, Mr Prosecutor.
- 21 Q. (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 A. (Redacted)

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1 (Redacted)

2 (Redacted).

3 MR BADIBANGA: (Interpretation) I see you're not answering my question.

4 Your Honour, could we go back into open session to finish off with this witness,

5 but since this occurred in private session, please, if -- I apologise for my earlier

6 reaction, but it was really much more the result of the comments from my

7 colleague, Mr Haynes, regarding the internet. So if we could go back into

8 open session.

9 THE INTERPRETER: Message from the interpreters --

10 PRESIDING JUDGE STEINER: Before we go into public session, I just have a

11 follow-up question that needs to be put also in private session so I would take

12 the opportunity, and it relates with this information, Mr Witness, (Redacted)

13 (Redacted), but

14 today - and this is on page 23, line 25, and page 24 - when Maître Badibanga

15 asked you, "What about General Bombayake? Did he also lead attacks and, if

16 so, which -- which ones?" Your answer was, "I don't have any information

17 regarding where General Bombayake may have led attacks." (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 THE WITNESS: (Interpretation) Your Honour, the Prosecutor asked me

23 (Redacted), whether I saw General Bombayake lead

24 an operation. In response, I said I didn't see him. If I didn't see him, I can't

25 give testimony before this Court saying that I was present physically at a

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1 particular point in time when General Bombayake, at the head of the CCOP,

2 led operations and then tell you about it. I can't do that.

3 I am not supposed to say things about things I didn't see before this Court. I

4 wouldn't want to tell a lie or get things wrong. I came here to tell the truth. I

5 can't make anything up before this Court, your Honour.

6 PRESIDING JUDGE STEINER: I fully agree with you, Mr Witness. You are

7 not expected to lie or to invent anything. I just wanted to understand what

8 kind of (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted).

12 THE WITNESS: (Interpretation) Your Honour, before testifying before this

13 Court, I wanted to let you know (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 PRESIDING JUDGE STEINER: Thank you, Mr Witness.

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1 Court officer, please turn into public session.

2 (Open session at 10.42 a.m.)

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

4 PRESIDING JUDGE STEINER: Maître Badibanga?

5 MR BADIBANGA: (Interpretation)

6 Q. Witness, we have come to the end of my examination, but I do have
7 questions that I always ask witnesses systematically and I'd like to put these
8 questions to you for the record, in reference to the contact that you had with
9 the Defence. Please don't mention any places or locations. Just answer
10 briefly. During the meetings that you had with the Defence team, were you
11 briefed on what you were supposed to say before this Chamber?

12 A. No, Mr Prosecutor.

13 Q. During the meeting, were documents relating to this trial provided to
14 you so that you might possibly read them over and refresh your memory?

15 A. No, Mr Prosecutor.

16 Q. Please don't forget the five-second rule before answering, Mr Witness.

17 Even though your answer may be brief, we do need that time for transcription
18 and interpretation.

19 During these meetings, did you receive any form of compensation for expenses
20 you might have had, for example, travel expenses, meals? Were you
21 compensated? Did you receive any reimbursement of expenses that you may
22 have incurred?

23 A. No, Mr Prosecutor, I did not receive any money.

24 Q. Were you promised any sort of benefit in any kind if you were to take
25 part in this trial, or give testimony?

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1 A. Mr Prosecutor, I made a commitment to give testimony before your
2 Court because indeed I do not think that this trial is just a trial relating to the
3 CAR, it is a trial that -- a trial of shame for Africa and as an African person, as a
4 person from the CAR, it is my duty to come before this Court and provide
5 evidence that will allow you to uphold the law, and consequently, on my own
6 volition, I agreed to come and give testimony. Consequently, nothing was
7 promised to me. Just as I have appeared before this Court -- well, perhaps
8 what I said will be of assistance to you and I will leave this place and go back
9 empty-handed, as I came.

10 Q. Could you briefly explain why you say this trial is a trial of shame?

11 A. As we embark upon the third millennium, while other countries under
12 this sun behave properly no one thinks, but we in Africa, the behaviour that we
13 have as a people, leaves something to be desired and everything that the
14 people of the CAR have endured up until now, well, we see examples in a
15 number of African countries. I'm very sorry, Mr Prosecutor. That is what I
16 was referring to. That is why I was speaking of shame.

17 MR BADIBANGA: (Interpretation) Your Honour, yesterday I had promised
18 a number of references and each time I have to admit I got carried away during
19 my examination and I neglected to do so.

20 Now, I did make reference to Witness 119, English version, transcript 86,
21 confidential version, edited, page 14, as of line 3, and then I also quoted from
22 the -- pardon me. Yes, the statement of Witness 6, English version, transcript
23 229, confidential edited version, page 37, lines 25 to 38 -- I beg your pardon,
24 line 25 up until page 38, line 5. And then once again the same transcript,
25 transcript 229, page 39, lines 15 to 23.

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1 PRESIDING JUDGE STEINER: Mr Haynes?

2 MR HAYNES: Your Honour, I think we can do this by email. I think it
3 would be more profitable to get on and hear the witness's evidence. I don't
4 mind if we receive references later.

5 PRESIDING JUDGE STEINER: It's just I think because Maître Badibanga had
6 promised to bring the references, but maybe it would be better if we check,
7 Maître Badibanga, because for instance in relation to Witness number 6 I have
8 another reference that I wanted to use in a question for the witness and the
9 numbering of the transcript is completely different. So maybe at a later stage
10 you can send the correct references after double-checking. I have, for instance,
11 here a reference to Witness 6 and the transcript is number 95 and not 229 as
12 you mentioned.

13 In any case, can I assume that you conclude with the -- yes, Maître?

14 MR BADIBANGA: (Interpretation) Yes, your Honour, I can see from this
15 document that I did not give the right references. I also had the last one, the
16 third reference, but if you don't mind I would like it to be read out here so that
17 there's no contradiction. The final reference, Witness 57, transcript 256, edited
18 confidential version, page 29, lines 19 to 21, and with that I have concluded my
19 examination and I believe I've provided the last reference.

20 Mr Witness, thank you very much for answering my questions. I have no
21 further questions on behalf of the Prosecutor.

22 THE WITNESS: (Interpretation) Thank you, Mr Prosecutor.

23 PRESIDING JUDGE STEINER: Thank you, Maître Badibanga.

24 Mr Witness, as I informed you before, the legal representatives of victims were
25 authorised to put some questions to you. We still have maybe ten minutes, so

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1 I think we should take the opportunity and start already with the questioning
2 by legal representatives, unless the legal representatives prefer to anticipate the
3 break and start after the break? I leave it up to you. Maître Zarambaud?

4 MR ZARAMBAUD: (Interpretation) Your Honour, it is entirely up to the
5 Chamber. I rely upon your wisdom.

6 PRESIDING JUDGE STEINER: So maybe we could -- we could start then,
7 Maître, at least with the introductory remarks.

8 You have the floor, Maître.

9 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

10 Q. Good morning, Witness.

11 A. Good morning, Counsel.

12 Q. As has been said to you many times now, please wait five seconds before
13 you answer the questions that I will be asking you. Similarly, I have to wait
14 five seconds before I put a new question to you after your reply.

15 Mr Witness, I am Mr Zarambaud Assingambi. I am a lawyer and I practice
16 and appear before the courts of the Central African Republic. Here my task is
17 to serve as legal representative of victims, along with my learned colleague,
18 Marie-Edith Douzima Lawson.

19 As the Presiding Judge told you earlier, the legal representatives of victims
20 must submit their questions to the Chamber and we are allowed to put
21 questions, but only those questions that have been authorised by the Chamber.
22 Furthermore, the legal representatives of victims may also put a number of
23 follow-up questions; questions that stem from the replies that you gave here in
24 the courtroom in response to questions put by either Defence or Prosecution.
25 Many of the questions that I have been authorised to put have already been

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1 asked of you, either by the Defence or by the Office of the Prosecutor, so there's
2 no point in my returning to these questions. This will just bog things down.
3 So I will only put the few questions to you that I believe you have not
4 answered, either questions you have not answered or questions that have not
5 truly been put to you.

6 Do you understand what I have told you?

7 A. Yes, I do understand what you've just said, Counsel.

8 Q. Thank you. I will begin with a follow-up question to better understand
9 the theatre of operations, or the general situation. Now, you were asked a
10 question about the forces that were present on the loyalist side and you said
11 that there were the FACA, namely the CAR Armed Forces, the Karako, and
12 you said that you had been part of that group, there was the USP, the
13 Presidential Security Unit, the Libyans, the RCPS, former drivers of the
14 President of the Republic, Miskine's forces and the forces of Paul Barril.
15 Now, were there any Balawa forces present?

16 A. I did hear talk about the Balawa, but I didn't identify them.

17 THE INTERPRETER: Interpreter correction: In the question, mention was
18 made of the SCRS. SCRS.

19 MR ZARAMBAUD: (Interpretation)

20 Q. Now, you heard about the Balawa. Were they an association of people?
21 Were they another military force? Were they a militia group?

22 A. I heard talk about the Balawa forces and I thought that they were a
23 militia.

24 Q. However, you don't know whether the Balawa forces had taken part in
25 the fighting in October 2002 up until 15 March 2003?

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1 A. That's right, Counsel.

2 MR ZARAMBAUD: (Interpretation) Your Honour, I think this might be the
3 right moment for us to have our coffee break, so I will leave off.

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

5 Mr Witness, it's almost 11 o'clock. It's time for you to take a break, a cup of
6 coffee, a couple of tea, some rest. We'll be back at 11.30.

7 The hearing is suspended.

8 THE COURT USHER: All rise.

9 (Recess taken at 10.59 a.m.)

10 (Upon resuming in open session at 11.34 a.m.)

11 THE COURT USHER: All rise.

12 Please be seated.

13 PRESIDING JUDGE STEINER: Welcome back.

14 Mr Witness, welcome back.

15 THE WITNESS: (Interpretation) Good morning -- good afternoon, Madam
16 President.

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

19 THE WITNESS: (Interpretation) Yes, Madam President, I am.

20 PRESIDING JUDGE STEINER: I will then give back the floor to Maître
21 Zarambaud.

22 Maître?

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

24 Q. Mr Witness, having heard from you the confirmation of the list of forces
25 that were on the ground at the time, can you tell me whether you yourself

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1 participated in the combat and, if so, where, in what place? But before you
2 give your answer, do remember the protective measures and avoid giving any
3 information that could potentially lead to your identification. Thank you.
4 Go ahead, you may answer.

5 A. I did not participate in the fighting.

6 Q. Thank you. Given the functions that you had at the time, did you leave
7 the city of Bangui, or did you do your job solely within the city of Bangui?

8 A. I remained within the city limits.

9 Q. Did you go to PK12?

10 A. I did not cross through PK12.

11 Q. Thank you very much, Witness. As regards your position in the army
12 and the fact that you were a Karako, I am a bit uncertain, or let us say I'm not
13 totally satisfied, or perhaps I didn't fully understand what you stated as
14 regards the characteristics of the Karako. You said at one point that the
15 Karako was set up because the former President Patassé wanted to set up a
16 group composed of solely members of his party and members of his ethnic
17 group in his region of origin. And you told us you were not a member of the
18 militia, you said you were a Central African soldier, but you've stated that
19 during the fighting the Karako -- in fact, you listed the Karako amongst the list
20 of loyalist forces.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 I could give you numerous references, Madam President, transcript 321, page
25 15, lines 23 to 27, as regards the number of Karako militiamen, page 16, lines 3

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1 and 4, et cetera.

2 A. Counsel, I'm afraid I don't understand your question.

3 Q. Yes, indeed, after mentioning all those numbers and references I
4 understand that you might be confused.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 So my question is: Amongst those who were trained at the Karako base, were
11 some of them assigned to the army whereas there was a separate entity called
12 Karako and that participated as such, as Karako, in the fighting? Because you
13 stated that amongst the list of entities that belonged to the loyalist forces you
14 mentioned the Karako separately, just as you mentioned the Balawa separately,
15 and so my question is: Was the Karako a separate entity that participated as
16 such in -- as a loyalist group in the fighting?

17 A. Yes, that's correct, Counsel.

18 Q. In other words, it should be considered as a militia?

19 A. Well, it's not up to me to classify them as such.

20 Q. Well, I didn't ask you to classify them. Well, what I asked you was,
21 given that the Karako participated fully, can we say that they're part of the
22 FACA, or can we say that it's a separate force, if you will, in the Central African
23 Republic, but I'm not going to dwell on that question.

24 As regards the operations and who was commanding, you were asked whether
25 there was a command centre or a co-ordination centre which was situated at

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1 Camp Béal and you said that, yes, that command centre was operational and
2 that it was at Camp Béal under the command of Emmanuel Ngboya. This is
3 transcript 321, page 31, lines 5 to 8.

4 My question is as follows: Was Ngboya both the commander of the CCOP
5 and at the same time the commander of the intelligence service? Did he have
6 two jobs, basically, two appointments?

7 A. Counsel, Commander Ngboya was in charge of the general intelligence
8 unit, the intelligence service.

9 Q. Well, that's exactly why I asked the question, because you yourself stated,
10 at the reference I gave a moment ago, that it was Commander Emmanuel
11 Ngboya. So if he was the director of the intelligence services, who was the
12 commander of the CCOP?

13 A. It was General André Mazi who was in charge of the CCOP.

14 Q. Thank you very much. As regards the participation in combat, you
15 stated that there was a mixture, and I'm referring here to transcript -- the same
16 transcript, page 96, lines 5 to 9, as well as lines 14 to 15, and also lines 19 to 21.
17 You stated, Witness, that there was a two-thirds/one-third mixture, if you will,
18 between two platoons of FACA and one platoon of loyalist groups or two
19 platoons of loyalists and combined with one platoon of the MLC. My
20 question is: Given that, as you've just told us, you never left the city limits,
21 you never crossed over, you never went as far as PK12, how do you know that?

22 A. (Redacted)

23 Q. (Redacted)

24 (Redacted). It seems a bit strange, but you did state - and this is the same
25 transcript, page 96, lines 19 to 21 - you stated that, "As regards the system

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1 that applied to these mixtures and combinations, I'm not in a good position to
2 explain how it worked. All I can tell you is what I have stated already this
3 morning."

4 You also stated that you didn't know how many soldiers there were, you didn't
5 know, in response to a question you were asked what you could say about the
6 co-ordination of these various units during the events, and you stated that
7 you -- you repeated, "I've already given an example in my deposition, when I
8 mentioned a mixture of FACA and MLC. They would take two platoons of
9 FACA and one of MLC, or vice-versa." Basically that's what you stated, and it
10 was the same combination that applied to all of the other groups that I quoted
11 because they were together and they worked and manoeuvred together on the
12 ground. According to the intel that you received, since you were not in the
13 field yourself, when there were two FACA platoons and one MLC, who
14 actually gave orders in the field?

15 A. Counsel, there were two officers who gave orders. There was General
16 Bombayake and there was General André Mazi, who gave orders to
17 Commander Moustapha. That's what I said.

18 Q. Well, I may come back to that later. What I'd like to know is the actual
19 functioning of this one-third/two-third mixture that you referred to, and I'd
20 like to take the example of a group where there would be two-thirds of MLC
21 and one-third FACA. In the field, when there was fighting, who would
22 command such a group? Who would be giving orders in the field in such a
23 combination?

24 A. In my testimony, Counsel, I stated that once they were grouped together,
25 either there was a Central African officer heading the group or there was

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1 Congolese officer heading the group.

2 Q. And this is something you learned (Redacted), you didn't
3 actually see it yourself? You did not see who was giving orders in these
4 groups composed of two-thirds/one-third, or the other way around?

5 A. Well, to say that I saw it would have meant I was participating, that I was
6 in the field, that I had seen the people and could count how many there were
7 or at least that I had identified the actual chiefs in the field. Is that what
8 you're asking me?

9 Q. Yes, I asked you whether you received that information regarding who
10 was the hierarchical chief in the field, or did you learn this information
11 indirectly?

12 A. I have told you that I received that information (Redacted).

13 Q. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 PRESIDING JUDGE STEINER: Could, please, court officer turn briefly into
23 private session.

24 (Private session at 11.55 a.m.) *Reclassified into open session

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

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1 PRESIDING JUDGE STEINER: Private session, Maître.

2 MR ZARAMBAUD: (Interpretation) Thank you, Madam President. In that
3 case I can put the question in a different manner so that we can remain in open
4 session.

5 Q. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 A. Counsel, you must understand that the MLC had its own intelligence
13 service, the S2, and intelligence units are composed of men who have dealings
14 with each other. Commander Moustapha had his own intelligence unit
15 within his jurisdiction. But in my testimony I stated that he received orders
16 directly from General Bombayake and General Mazi, and he reported to those
17 two generals as well, so the intelligence unit had a diversity of functions and
18 contacts. (Redacted)

19 (Redacted)

20 Q. As regards the militiamen in the MLC, did you have an opportunity to
21 see them?

22 A. The MLC militiamen, Counsel, I've already told you that when they
23 arrived, they were mixed up with the FACA, and their vehicles were noticeable
24 in the city. You yourself, as a citizen of the Central African Republic, you
25 were there, just as I was, and you're familiar with the make of their vehicles,

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1 but in those vehicles there were not just MLC soldiers. Some of those vehicles
2 were driven by Central African Republic soldiers, because the others they
3 didn't -- they weren't familiar with the city and so it was important to combine
4 the two.

5 PRESIDING JUDGE STEINER: Maître Zarambaud, could we go back into
6 public session?

7 MR ZARAMBAUD: (Interpretation) Certainly.

8 PRESIDING JUDGE STEINER: (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Court officer, please turn into open session.

13 (Open session at 12.01 p.m.)

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

15 MR ZARAMBAUD: (Interpretation) Thank you.

16 Q. Witness, I was asking you whether you saw the --

17 THE INTERPRETER: Inaudible.

18 MR ZARAMBAUD: (Interpretation)

19 Q. -- of the MLC. I know you're not here -- well, you are the witness here.

20 You are the one who is to shed light on things for the Chamber.

21 Now, I myself am from the CAR, but I'm not here to give testimony about what

22 I may have seen. Now, if you saw the MLC militiamen, amongst those

23 militiamen were there any women, women with children, were there -- did you

24 see any child soldiers?

25 A. Yes, there were child soldiers.

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1 Q. And women with babies? Did you see any women with babies amongst
2 the group?

3 A. I did not see any, Counsel.

4 Q. I'd now like to ask you about the violence and the abuse for which the
5 accused person is now at trial, Mr Jean-Pierre Bemba Gombo. Now, Witness,
6 you said, transcript --

7 THE INTERPRETER: Inaudible.

8 MR ZARAMBAUD: (Interpretation)

9 Q. -- page 110, line 3 to 10, line 19 to 20, and then moving on to lines 20.

10 THE INTERPRETER: Transcript 321, corrects the interpreter.

11 MR ZARAMBAUD: (Interpretation)

12 Q. Now, you said, "The only time that I saw the actual scene with the MLC
13 troops was when Mazi -- General Bozizé had taken power and the MLC troops
14 were scattering, fleeing towards the shore. I saw that the mattresses that they
15 were carrying, they may have looted them, they may have bought them. I
16 saw that they were having trouble crossing with all of these items and all of
17 these goods had been left." You also said that, "Furious members of the local
18 population recovered these various items."

19 So my first question is this: Why were the local people furious?

20 A. Mr Zarambaud, each time there are disturbances in the CAR, the poverty
21 which has also -- always been a burden carried by the people has led to people
22 looting. That has to be acknowledged here, Counsel. So those people, seeing
23 that a new president was on his way in, had only -- had to resort to looting.
24 The MLC troops were fleeing because the person who had brought them there
25 he had left power, but you can't tell me now that the local people were not to

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1 take action, so they ran after and recovered these various items that the soldiers
2 had.

3 Now, was it established that those items had been stolen? I don't know.

4 PRESIDING JUDGE STEINER: Maître Zarambaud, you allow me a follow-up
5 question just for clarification.

6 Mr Witness, this specific incident you refer to, that the population was furious
7 and prevented the soldiers to cross with goods, where this incident took place?
8 Where exactly? In which village, or neighbourhood?

9 THE WITNESS: (Interpretation) It was in the town, at the crossing point
10 opposite Zongo. You see, the town of Bangui, your Honour, faces the town of
11 Zongo, and these troops who were scattering, fleeing, had to go that way to go
12 back home. So along the edge of the water, those who were not able -- well,
13 you see, some people -- some of them fled, but they were caught in some of the
14 neighbourhoods and it was a bit of a hunt. Some Congolese live in the CAR.
15 You see, the two countries border one another. And, you see, some Congolese
16 people had lived in the CAR for a long time and they find themselves -- they
17 found themselves trapped, and you can't deny that there was some confusion
18 about all of that. So you see, this reaction, your Honour, was common
19 knowledge.

20 PRESIDING JUDGE STEINER: Have you ever learnt about an incident that
21 allegedly occurred in Mongoumba?

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

23 PRESIDING JUDGE STEINER: Judge Aluoch also wants a clarification.

24 JUDGE ALUOCH: Mr Witness, the testimony you are giving just now is a bit
25 confusing, because earlier on you had said that you never left the city of

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1 Bangui - I cannot get the actual transcript, but it's on the current
2 transcript - and now when you say that it was in the town at the crossing point
3 opposite Zongo where you saw all this, whilst in the city of Bangui are you
4 able to see what's going on in -- were you able to see what was going on in
5 Zongo? I just want you to make it very clear exactly, because you have said
6 you never left the city of Bangui.

7 THE WITNESS: (Interpretation) Counsel, it happened on CAR soil in
8 Bangui. I was in Bangui, I lived in Bangui and, you see, you know the spot
9 where you cross over from Bangui to Zongo. You know that place.

10 JUDGE ALUOCH: Mr Witness, the question is coming from me, not
11 Mr Zarambaud, and I have no idea what you're talking about, the cross-road.
12 That's why I want you to clarify. It's not Mr Zarambaud. It's Judge Aluoch.

13 THE WITNESS: (Interpretation) Your Honour, being in Bangui at that
14 particular place I can see the town of Zongo opposite, so according to
15 intelligence and according to the -- well, the way that people were moving
16 about at that time, we realised that as the MLC troops fled when the
17 government fell, at the spot where one crosses over all the various items had
18 been brought together.

19 So that is the clarification. I'm not saying that I was in Zongo, but from the
20 town I can see Zongo opposite and, if we are at the shore of the Ubangi River,
21 we share -- we share a border. We are separated by a river and we can cross
22 the river in less than 30 minutes. So how would I not -- how could I not
23 realise, according to intelligence and accordance -- in accordance with the way
24 that people were moving about, how could I not know that those things had
25 happened?

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1 I was in Bangui, so it didn't -- it didn't happen in Zongo, but it was from going
2 from Bangui to Zongo. That is where those MLC soldiers were stopped and
3 all the various items were taken away from them. That is what I explained to
4 the other Judge.

5 PRESIDING JUDGE STEINER: Maître Zarambaud?

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

7 Q. Once again -- well, you and I are both from the CAR. You and I have
8 both been -- were both present when those events occurred, but I am not here
9 to give testimony. The witnesses are the ones who have to tell the Court what
10 happened in the field, on the ground.

11 Now, I'm not here either to analyse the psychological aspects of the local
12 people. I was asking you a question about looting, looting of goods; goods
13 that had been taken by the Banyamulengue. You say whether -- you say it
14 was unclear whether those goods had been purchased, or looted. I believe
15 that you are mentioning mattresses, freezers, refrigerators. In your opinion,
16 can -- considering the way the war ended, with the Banyamulengue fleeing,
17 scattering, in disarray, now those soldiers had not been paid either, so do you
18 think that those soldiers were in a position to purchase mattresses, refrigerators,
19 freezers and take them over? Don't you think that those goods had actually
20 been looted?

21 A. I'm in a very difficult position, Counsel, to confirm that those goods had
22 been looted because all that time that they went through the country, through
23 the CAR, we saw them going to the markets and buying things. So you can't
24 say that they did not buy some things.

25 Q. I understand. Now, you say that they were prevented from crossing

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1 over and it was all gathered up along the shores of the Ubangi River. Now,
2 when they were prevented from crossing over with all of that, did Bozizé's
3 troops -- well, were Bozizé's troops already in power at that time?

4 A. I can't answer that, Counsel.

5 Q. Now, according to what we heard here, Bozizé's troops took power on
6 15 March 2003. Now, during this period of chaos when the Banyamulengue
7 were scattering, fleeing, now, you say when they were prevented from crossing
8 over with what they had bought, was that before or after 15 March 2003?

9 A. When the coup d'état occurred -- you want to know whether during the
10 coup d'état Bozizé had not yet arrived? And Bozizé's men who came in could
11 not pardon the MLC troops. This question you're putting to me, I really don't
12 know what kind of answer I can give you, Counsel.

13 Q. Now, one point that I have to make here, Witness. I'm asking you this
14 question so you can answer and give the Court information, information upon
15 which they can base their decision. So you say, "You must realise this, you
16 must realise that." I stress, I am not a witness. Now, let us set aside the
17 question of looting. What about rapes? You mentioned two cases: (Redacted)
18 (Redacted)
19 (Redacted)

20 Now, if we assume Bozizé's troops did commit those rapes, do you know
21 whether those same women were raped by Banyamulengue men?

22 A. I have no proof or evidence, Counsel.

23 Q. Two more questions.

24 PRESIDING JUDGE STEINER: Maître Zarambaud, if you allow me? Just
25 clarification. Mr Witness, Maître Zarambaud asked you if you know whether

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1 these women were raped by the Banyamulengue, and your answer is that you
2 have no proof or evidence. This is not what Maître Zarambaud asked,
3 whether you have proof or evidence. It's whether you had any information.
4 Could you please answer to the question?

5 THE WITNESS: (Interpretation) I have no information about that, your
6 Honour. No information.

7 PRESIDING JUDGE STEINER: Thank you very much. Maître, you can
8 continue.

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

10 Q. Now, do you know whether during the events the accused person,
11 Mr Bemba, went to Bangui?

12 A. I have no information to the effect that the accused person, Mr Bemba,
13 went to Bangui.

14 Q. Well, on several occasions, Witness, you said that the CAR army was in
15 chaos, very much divided, and that was the reason for President Patassé to ask
16 for assistance from the MLC. Now, if the CAR army was unable to deal with
17 the attack by the Bozizé rebels, was it because the leaders were incompetent, or
18 was it because there were not enough troops because many soldiers had fled
19 during earlier events?

20 A. Counsel, at that time the army was unable to ensure the country's
21 security.

22 Q. My final question: Now, knowing that this army was unable to ensure
23 the country's safety, did the MLC troops, knowing this, come and put
24 themselves -- or make themselves available to this army and follow the orders
25 of this army which was unable to deal with the situation?

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1 A. I really don't know how to answer that question, Counsel.

2 MR ZARAMBAUD: (Interpretation) Thank you, Mr Witness, for answering
3 my questions.

4 Your Honour, I have concluded.

5 PRESIDING JUDGE STEINER: Thank you, Maître Zarambaud.

6 Before I give the floor to Maître Douzima, I would like just to complete some
7 follow-up questions.

8 Mr Witness, we had a previous witness before this Chamber, and I'm talking
9 about Witness number 6, and the transcript is 95, page 54, lines 23 and
10 following. This witness said that the Karako, the Balawa and Sarawi, were
11 not considered to be the equivalent of but they were part of the SCPS. You
12 said that you never heard about the Balawa, or you didn't know where the
13 Balawa came from?

14 THE WITNESS: (Interpretation) Your Honour, a few moments ago,
15 answering the question from the lawyer, I said that I had heard talk about the
16 Balawa but I did not really monitor how they were operating. That is the
17 answer I gave to the lawyer earlier today.

18 PRESIDING JUDGE STEINER: And you don't have information as well about
19 the Sarawi, even if they were part of the SCPS to which you belonged?

20 THE WITNESS: (Interpretation) Your Honour, Sarawi comes from Sarawa
21 and, well, this is a neighbourhood within Bangui. There's a neighbourhood,
22 you see, where some of the people are from the Sara group, so this comes from
23 the word "Sara." And most of the people who are referred to as Sarawi are
24 from that particular background. Consequently, the Sarawi, and what they
25 did during the events, well, I have no information to give you before this

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1 Court.

2 PRESIDING JUDGE STEINER: Mr Witness, have you heard or received any
3 information about pillaging in Boy-Rabé?

4 THE WITNESS: (Interpretation) Yes, your Honour. I did receive
5 information to the effect that looting occurred in Boy-Rabé.

6 PRESIDING JUDGE STEINER: To the information you received, which
7 troops committed acts of pillaging in Boy-Rabé?

8 THE WITNESS: (Interpretation) In my testimony I explained that Boy-Rabé
9 is one of the northern neighbourhoods within Bangui, and when General
10 Bozizé and his troops entered, those neighbourhoods were under their control.
11 The looting that occurred at that time, according to the intelligence we received,
12 was by the Zaghawa and those soldiers who remained faithful to them, the
13 Zaghawa. So that is the testimony I've given before this Court.

14 PRESIDING JUDGE STEINER: I know this is what you testified, Mr Witness.
15 I'm just trying to understand because we had some testimonies here saying that
16 Boy-Rabé were the bases of Bozizé. Boy-Rabé is the neighbourhood of
17 Mr Bozizé. Witness number 6, for instance, in the same transcript, 95, lines 23,
18 24, 25, says that the Libyan troops bombed Boy-Rabé exactly because Boy-Rabé
19 was the neighbourhood that was loyal to General Bozizé.

20 Witness 178, on transcript 156, page 14, lines 13/14, says as well that Boy-Rabé
21 was the neighbourhood, the stronghold, of Bozizé, "That's where his ethnic
22 group is located in Boy-Rabé," and again on page 21 the same witness says, line
23 13, "Like Boy-Rabé, most of its inhabitants are related to Bozizé because they
24 are Gbayas, as Bozizé."

25 So I'm trying to understand your statement, in the sense that Bozizé's men

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1 pillaged their own neighbourhood, their neighbours, their family members,
2 their relatives. Is that really the information that you received, that there were
3 Bozizé's men that pillaged their own neighbourhood?

4 THE WITNESS: (Interpretation) Madam President, the Boy-Rabé
5 neighbourhood was not the seat of Bozizé, if you will? President Ange-Félix
6 Patassé had in fact his own villa. His own residence was right next to that
7 neighbourhood. So it cannot be said that at the time when General Bozizé
8 was claiming power that the Boy-Rabé neighbourhood belonged to him and
9 that he belonged to it, but the fact that they blocked the neighbourhood there
10 are some things that can be understood.

11 If General Bozizé was indeed from that area, in that case who did the looting?
12 It was very difficult for the loyalist forces to penetrate into that area, because
13 they'd already blocked off the neighbourhood, so who did the looting?

14 PRESIDING JUDGE STEINER: If you are putting me the question it's because
15 you don't know the answer, I suppose?

16 THE WITNESS: (Interpretation) Well, your Honour, I would like to simply
17 say that those who came in and claimed power along with General
18 François Bozizé were at the origin of the looting that took place in that area.
19 That is according to the information that I received and, therefore, I cannot say
20 anything different from what I said.

21 PRESIDING JUDGE STEINER: I understand, Mr Witness. I just thought that
22 you could explain it better to me.

23 I will now give the floor to Maître Douzima Lawson. You have the floor,
24 Maître.

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

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1 QUESTIONED BY MS DOUZIMA LAWSON: (Interpretation)

2 Q. Mr Witness, good morning.

3 A. Good morning, Counsel.

4 Q. Witness, as the case of my colleague, I am Maître Douzima Lawson, I am
5 a member of the Bar in the Central African Republic and here in this courtroom
6 I represent the interests of a number of victims who have been admitted to
7 participate in this case as regards the events that took place in 2002 and 2003 in
8 the CAR.

9 Witness, I'm going to begin by asking you some questions regarding some of
10 the statements you have made during yesterday's hearing in particular. I'm
11 referring to transcript 321, dated June 12, 2003 (sic). This is the real-time
12 version because -- that I'm quoting, because up until this morning we had not
13 received as of yet the edited version.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 PRESIDING JUDGE STEINER: Maître, if you allow me?

19 Court officer, please turn into private session.

20 (Private session at 12.36 p.m.) *Reclassified into open session

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

22 PRESIDING JUDGE STEINER: The whole information in two sentences,
23 Maître Douzima. Please be more attentive.

24 Yes, Mr Haynes?

25 MR HAYNES: I'm sorry, I have to place on the record my disgust at that.

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1 How Ms Douzima Lawson could not know that she was revealing the witness's
2 identity in that question, I simply do not understand.

3 PRESIDING JUDGE STEINER: Maître Douzima, continue your question in
4 private session please.

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

6 Let me simply say that Mr Haynes has also made mistakes, as a human being,
7 and I am not an exception.

8 Q. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted). Witness, who provided the military training to
12 the Karako soldiers?

13 A. Counsel - Counsel - there was a commander in service and there was
14 Colonel Tarkus Tagini (phon).

15 THE INTERPRETER: The name was not perfectly clear.

16 MS DOUZIMA LAWSON: (Interpretation)

17 Q. You also stated that the Karako soldiers received military uniforms
18 provided by the General Staff, as well as weapons. Now -- and that all of
19 those who were trained in the Karako were then assigned to the Central
20 African Army at the time. So in fact is this Karako base a training centre for
21 the FACA, or for militia at the time?

22 A. I cannot answer that question.

23 MS DOUZIMA LAWSON: (Interpretation) I believe we can go back into
24 open session, your Honour.

25 PRESIDING JUDGE STEINER: Although I don't feel very confident, Maître

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1 Douzima, but let's try.

2 I will take notice of the persons that are at the galleries at the time where this
3 information was released in public session; the information that now I am
4 ordering the redaction.

5 Court officer, please turn into public session.

6 (Open session at 12.40 p.m.)

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

8 MS DOUZIMA LAWSON: (Interpretation)

9 Q. Mr Witness, this morning during the hearing, on page 35, line 27, you
10 stated that you had heard of the Balawa as being a militia, and earlier in
11 response to a question from the Presiding Judge you also referred to the Sarawi
12 militia.

13 My question is: What is the relationship between the Karako militia and the
14 Sarawi and Balawa militia?

15 A. I don't know what relationship there may be.

16 Q. Thank you. I'd like to come back to yesterday's transcript, that is T-321,
17 page 19. You stated that in October 2002 the Chief of Staff of the Central
18 African Republic Army was the late General Betibangui. At that time, did he
19 give orders or instructions to the MLC?

20 A. I have no information to give you, Counsel.

21 Q. Thank you. I'm referring to the same transcript on page 21. You stated
22 that, "Between October 25th and 30 October 2002, General Bozizé and the
23 soldiers that remained loyal to him entered into Bangui and that in fact Paoua
24 was in the street because the army was in disarray. The arrival - the imminent
25 arrival - of General Bozizé caused the disarray of the army, which was already

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1 fragile," you said.

2 PRESIDING JUDGE STEINER: Maître Douzima, out of respect towards
3 yourself, I just ask you to wait a little bit. The Chamber needs to deliberate on
4 something. Just one minute, please.

5 (Trial Chamber confers)

6 PRESIDING JUDGE STEINER: Maître, I'm really sorry for the interruption
7 and please continue.

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

9 Q. Witness, let me repeat what I was saying a moment ago. At yesterday's
10 hearing, this is transcript 321 on page 21, you stated that, "Between October 25
11 and 30 October 2002, General Bozizé and the soldiers that remained faithful to
12 him entered into Bangui and that power was in the streets because the army
13 was in disarray, that the imminent entrance of Bozizé caused the disarray of
14 the army, which was already fragile. At the time President Patassé was not
15 able to trust his own army and therefore called on the MLC soldiers who
16 arrived on 29 October." My first question is: What do you mean by "power
17 was in the streets"?

18 A. Counsel, well, after all, power can be defined, if you will, by the strength
19 of the army. If the army is not strong, then it cannot protect the government
20 in power. So it was from that point of view that I explained the behaviour of
21 the Central African Republic Army at the time.

22 Q. Well, when you talk about disarray, that the army was in disarray, at that
23 time did the FACA flee?

24 A. I'm not able to give you any information about that.

25 Q. When you say that the army was fragilised, what exactly do you mean by

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1 that?

2 A. During my testimony I explained how fragile the army had become, and
3 if you followed my testimony, I hope that you already know the answer to that
4 question.

5 Q. Witness, I shall repeat my question. In what way do you mean that the
6 army was fragilised?

7 A. I have no information to give you about that, Counsel.

8 Q. Witness, I'd like to remind you that this is your statement. This is your
9 own statement, and that the Chamber has authorised us to ask you questions
10 for additional clarification. Inasmuch as -- or, rather, because of the fact that
11 the army had been fragilised, President Patassé no longer trusted his own army
12 and therefore called upon the soldiers of the MLC. Given that, what was the
13 mission of the MLC soldiers?

14 A. I have no response to give to that question, Counsel.

15 PRESIDING JUDGE STEINER: Allow me, Maître?

16 Mr Witness, you said, and Maître Douzima read out to you that the army
17 was - what exactly the word - fragilised. What you meant by that?

18 THE WITNESS: (Interpretation) Your Honour, during my testimony I
19 referred to a far away past where a coup d'état had been attempted and
20 prepared. I explained that some of the leaders of the country wanted to take
21 over, take over power. I mentioned the late President Kolingba - Kolingba - I
22 referred to the former Minister of Defence at the time, Mr Démafouth, and I
23 stated that all of those individuals were preparing a coup d'état, to take over.
24 I explained that behind each of these individuals there were loyal officers and
25 soldiers, and that created within the army a division and distrust. Therefore,

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1 the army was not united. If the army had remained united and unified, well,
2 then President Patassé would not have called upon the MLC soldiers. The
3 reason he called on the MLC was to restore peace because during that period
4 peace was impossible. So, when I said that the army had been fragilised,
5 that's what I meant. Those were the reasons I was referring to, that I
6 explained in my deposition. I think that if counsel had followed my
7 deposition, she wouldn't have asked me this question this morning. Thank
8 you, your Honour, Madam President.

9 PRESIDING JUDGE STEINER: Mr Witness, I think we go faster if you just
10 respond to the questions, or answer to the questions put to you, even if they
11 are repetitive. Just answer to the best of your knowledge, in a very objective
12 and concise way, and then we will be able to conclude as soon as possible with
13 your testimony and you will be free to go back to your family, to your normal
14 activities.

15 Maître Douzima, you have the floor.

16 MS DOUZIMA LAWSON: (Interpretation) Thank you, Madam President.
17 Thanks to your intervention, I did indeed get a response to my question.

18 Q. Witness, again in yesterday's transcript, page 31, in response to a
19 question put to you by Mr Haynes, you stated that it was Commander
20 Emmanuel Ngboya who was at the head of the CCOP and that it was the
21 General Mazi André, who was the Chief of General Staff in charge of
22 operations in the field.

23 Now, I hope you're not going to think that this is repetitive, but this time it is
24 Maître Douzima asking the question, and I have my reasons. How did those
25 two men work together?

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1 A. This morning, Counsel, I clarified the fact that Commander Emmanuel
2 Ngboya was the head of the intelligence services and that General Mazi was in
3 charge of the CCOP.

4 Q. Fine. Now, as in your professional capacity, do you know whether
5 there were any incidents that occurred between the FACA soldiers and the
6 MLC soldiers?

7 A. To my knowledge, no.

8 Q. Well, it's been a number of years so perhaps I can refresh your memory.
9 Are you not aware of the incident that occurred at the support battalion after
10 the death of an MLC soldier, the MLC humiliated 30 FACA soldiers by
11 removing their weapons and removing their clothes? I'm referring here to
12 document 5 in the French version and 6 in the English version of my own list.
13 Witness, are you not aware of that incident?

14 PRESIDING JUDGE STEINER: Yes, Mr Haynes?

15 MR HAYNES: (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 PRESIDING JUDGE STEINER: I think the question is just whether he has
20 information. It doesn't matter from where the information came. So I think
21 it can be answered in public session unless Mr Witness prefers to answer in
22 private session.

23 Can you answer to this question in open session, Mr Witness?

24 THE WITNESS: (Interpretation) I have no information on that incident.

25 MS DOUZIMA LAWSON: (Interpretation)

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1 Q. Thank you, Witness. I'd like to refer to another incident. Again, it was
2 the support battalion. According to information received, the MLC looted
3 that battalion and took away musical instruments and weapons. Are you
4 aware of that incident?

5 A. No, I am not aware of that incident, Counsel.

6 Q. Thank you. I will mention a third incident which occurred at the officer
7 camp, the Oubru (phon) camp. Commander Zakatao, after a dispute that he
8 had with MLC soldiers, the soldiers went to his house to try to loot his house.
9 They denounced him, and he never reappeared the next day. And on that day
10 his clothes were found buried, but his body was never retrieved. Are you
11 aware of that incident?

12 A. Counsel, I am not aware of that.

13 Q. Thank you, Witness. I would now like to move on to page 18 of the
14 same transcript. Now, when you were asked a question, namely which
15 languages were spoken by the people trained by the Karako, you said that in
16 the Central African Republic there was a national language, Sango, which is
17 spoken throughout the entire country, or nearly the entire country, and you too
18 speak Sango fluently. Do you mean that this language was spoken within the
19 Karako group?

20 A. Well, you see, people are taught in French and in Sango.

21 Q. (No interpretation)

22 A. Within the FACA, there are some people who are educated and other
23 people do not speak French.

24 Q. So that is why there are two languages I suppose, French and Sango,
25 spoken within the FACA?

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1 A. I don't have any answer for you, Counsel, on that point.

2 Q. Witness, I believe I've been clear. You said that, "Sango, the national
3 language spoken throughout nearly the entire country, is spoken by the Karako
4 men and these men after their training were incorporated within the FACA."
5 So what languages were spoken within FACA? And you answered saying
6 that, "Some people were educated, and thus they speak French, and others do
7 not speak French." I would like to know have I understood you correctly, so
8 French and Sango are the languages spoken within the FACA?

9 A. I have no answer.

10 Q. Well, going by the explanations that you gave me, those seem to be the
11 two languages that were spoken by the FACA soldiers. Do you know which
12 languages the Banyamulengue used, which language they speak, these MLC
13 troops who were in the CAR during the events of 2002/2003?

14 A. They spoke Lingala.

15 Q. Thank you, Witness. If you continue in this manner, answering my
16 questions directly, I believe that we'll be finished in a few minutes. So now in
17 light of your answers, by way of language can we make a distinction between
18 the FACA and the MLC?

19 A. Amongst the FACA troops, Counsel, there were some people who spoke
20 Lingala fluently. Our country is very close to the Congo, we are close to the
21 Congolese people, and consequently some people from the CAR speak Lingala
22 fluently and within the army - within the CAR Army - there are people who
23 speak Lingala fluently as well.

24 Q. You said that Sango is the language spoken throughout the entire CAR?

25 A. Yes.

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1 Q. Now, the training by the Karako, or for the regular FACA forces, is the
2 training in French, in Sango or in Lingala?

3 A. Counsel, you just asked me if we can make a distinction on the basis of
4 language between FACA and MLC, and when you put this question to me as
5 to whether Karako trained people in Lingala I don't think so, but I am telling
6 you amongst the FACA troops there are Central African Republic soldiers who
7 speak Lingala fluently, which I know.

8 Q. Witness, I have understood you perfectly and that is why -- this is why I
9 asked this question. It's very clear to me. I have understood. Now, I grant
10 you -- what is the language used for communication purposes within the
11 FACA?

12 A. I have no answer to provide you with, Counsel.

13 Q. Well, perhaps I'll put my question differently. You were incorporated
14 within the FACA. Amongst yourselves, usually generally speaking on a
15 regular basis, which language on a regular basis -- which language would you
16 speak?

17 A. Well, when you listen to me speak French you must realise that amongst
18 educated people I speak just as I'm speaking with you right now, and as for
19 people who don't understand French I speak Sango.

20 Q. Thank you very much. Page 21, lines 6 to 8, once again regarding the
21 people loyal to Bozizé you mentioned the Zaghawa. Now, other than the
22 Zaghawa, were there other people who were amongst Bozizé's rebels?

23 A. I have no information to provide you with, Counsel.

24 Q. That means Bozizé's rebels were only made up of Zaghawa, who spoke
25 Arabic first? Oh, I beg your pardon. Well, who spoke Arabic going by your

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1 testimony this morning, page 22, lines 18 to 21?

2 A. Counsel, allow me to inform you that General Bozizé had CAR soldiers
3 backing him and he called upon these people, the Zaghawa.

4 Q. Thank you, Witness. You see, when you try, you are able to answer my
5 questions.

6 I would now like to move on to a different issue. Now, for the benefit of
7 parties and participants and the Chamber, I would like to specify that once
8 again this comes from yesterday's transcript, pages 99, 103, you said that you
9 did not read the newspapers during the time of the events, even though you
10 are familiar with Le Citoyen, the CAR newspaper, and you say you were never
11 informed by the written press at that time about the Banyamulengue, nor did
12 you hear anything through -- about these crimes through conversations with
13 other CAR citizens. You never took part in the fighting and I -- you
14 already -- you also made that point today at page 37, line 10, and all the same
15 you know -- you say that you saw corpses, you learned that there had been a
16 great deal of looting, that rapes had occurred and you say Bozizé's rebels were
17 responsible for all of this.

18 Now, you never took part in the fighting. You never even went beyond PK12.
19 In that case, Witness, what are you bringing to this Court? What
20 testimony - what evidence - are you bringing before this Court?

21 A. Well, I don't think it's really for you to judge whether I've brought
22 anything before this Court or not.

23 MS DOUZIMA LAWSON: Thank you. It's the Chamber who will come to
24 its own conclusions.

25 Your Honour, could we go into private session for my last question?

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

2 *(Private session at 1.13 p.m.) Reclassified into open session

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

4 MS DOUZIMA LAWSON: (Interpretation)

5 Q. Witness, yesterday you stated, page 61, line 14, (Redacted)

6 (Redacted)

7 (Redacted)

8 A. (Redacted).

9 MS DOUZIMA LAWSON: (Interpretation) Could we go into open session,
10 your Honour?

11 PRESIDING JUDGE STEINER: Mr Witness, I'm not really satisfied with your
12 question. I think you didn't answer truthfully to the question put by Maître
13 Douzima. Are you having problems in answering to the questions put by
14 Maître Douzima?

15 THE WITNESS: (Interpretation) (Redacted)

16 (Redacted)

17 (Redacted). That is

18 my answer.

19 PRESIDING JUDGE STEINER: Thanks for the clarification.

20 Court officer, please turn into open session.

21 (Open session at 1.15 p.m.)

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

23 MS DOUZIMA LAWSON: (Interpretation) I appreciate that you are trying
24 hard to answer some of my questions, and I thank you.

25 Madam President, I have concluded.

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1 PRESIDING JUDGE STEINER: Thank you, Maître Douzima.

2 Mr Haynes, do you intend to re-direct?

3 MR HAYNES: I propose to ask the witness two questions, but before I do, I
4 wonder if I could draw your Honour's attention to page 69, lines 5 to 6? And I
5 just wondered whether your Honour misspoke in making that observation to
6 the witness.

7 PRESIDING JUDGE STEINER: Maybe I used, Mr Haynes, the wrong word.
8 I think the witness was not willing to answer and was maybe a little bit
9 aggressive. That's why I wanted him to repeat his answer.

10 MR HAYNES: Your Honour, I thought that's what you meant and I just
11 thought it was right to have the opportunity to correct the transcript.

12 PRESIDING JUDGE STEINER: It's not correct the transcript, you are
13 correcting the Presiding Judge, but you can proceed with your questions,
14 Mr Haynes.

15 MR HAYNES: Thank you.

16 QUESTIONED BY MR HAYNES:

17 Q. The Zaghawa - I know you've told us this before - where do they come
18 from?

19 A. Your Honour, with your permission, could I please be excused
20 momentarily?

21 PRESIDING JUDGE STEINER: Of course, Mr Witness.

22 Mr Rojas, accompany the witness outside the transmission room.

23 (The witness exits the video link room)

24 PRESIDING JUDGE STEINER: Mr Haynes, if you allow me, while the
25 witness is still out. We have 14 minutes in the tape. My question is

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1 whether -- or can you estimate how long you will take with your

2 answers -- with your questions, sorry?

3 MR HAYNES: Three or four minutes.

4 PRESIDING JUDGE STEINER: Because otherwise we'll have complicating
5 factor. Okay, the witness is back.

6 (The witness enters the video link room)

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

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

9 PRESIDING JUDGE STEINER: Mr Haynes.

10 MR HAYNES:

11 Q. Just a few very short questions. The Zaghawa, where did they come
12 from?

13 A. They came from Chad, Counsel.

14 Q. And you told the Presiding Judge this morning, at page 54, lines 4 to 6,
15 that the looting that occurred in the Boy-Rabé area was carried out by the
16 Zaghawa. Do you confirm that?

17 A. I can confirm that, Counsel, because everything that they took, they took
18 back home with them.

19 Q. Very well. Now, do you have any information as to where General
20 Bozizé himself was during the period 25 to 30 October 2002?

21 A. No, Counsel.

22 Q. Do you have any information -- I'm sorry, carry on. I talked over you.

23 A. I don't know exactly where they were, but -- correction, where he was,
24 but he was not in the CAR at the time.

25 Q. Thank you. That's how I understood the position. Do you have any

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1 information as to whether General Bozizé communicated to the Zaghawa the
2 location of his home address or stronghold?

3 A. I don't have that information, Counsel.

4 Q. Thank you. Do you know who Firmin Findiro is?

5 A. I've heard that name, Counsel.

6 Q. Okay. But do you know anything else about him?

7 A. Nothing in particular, Counsel.

8 Q. Okay. Now I just want to ask you about the last series of questions you
9 were asked. Did you know who Ms Douzima Lawson was before you came
10 to give your evidence?

11 A. Counsel Douzima Lawson is a distinguished lawyer and a member of the
12 CAR Bar. Furthermore, the name "Douzima" is well known in the Central
13 African Republic.

14 Q. Yes, and you did appear a little agitated when she was asking you
15 questions. How did it make you feel when she revealed your personal
16 identity in the first question she asked you?

17 A. Could you repeat your question, Counsel?

18 PRESIDING JUDGE STEINER: Court officer, please turn into private session.
19 (Private session at 1.24 p.m.) *Reclassified into open session

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

21 PRESIDING JUDGE STEINER: Mr Haynes, if there was anyone at the public
22 gallery that had not paid attention to what Ms Douzima said, now they are
23 aware.

24 You can answer the question, Mr Witness.

25 MR HAYNES:

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1 Q. Was there any reason you were nervous while you were being examined
2 by Ms Douzima?

3 A. Counsel, I am not nervous or all worked up. I did not get angry at her.

4 MR HAYNES: Then perhaps we all had a false impression. Thank you very
5 much.

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

7 (Open session at 1.26 p.m.)

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

9 MR HAYNES: Your Honour, that concludes my cross -- my re-direct of this
10 witness.

11 PRESIDING JUDGE STEINER: Thank you very much, Mr Haynes.

12 Mr Witness, this now concludes your evidence.

13 Yes, Maître. Maître Badibanga, later. We have four minutes in the tape.

14 Mr Witness, you concluded with your evidence, and as with all other witnesses
15 in this case, I would like on behalf of the Court, on behalf of the Chamber, to
16 thank you very much for the time you have taken to give evidence in this trial.

17 In order for the Judges to find the truth, Mr Witness, it is very important - it's
18 crucial - that witnesses such as yourself are willing to come and testify and
19 help us in some difficult, critical aspects of the case.

20 We are aware that this may have been inconvenient for you. You left a family,
21 your daily activities. You stayed at the disposal of the Court for many days,
22 and we want to thank you very much for that.

23 Before you leave, Mr Witness, we have still two minutes, three minutes, and I
24 would like to ask whether there is anything that you would like to tell the
25 Chamber? We would like you to speak out if you so wish. The floor is yours,

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1 Mr Witness.

2 THE WITNESS: (Interpretation) Your Honour, I would like to take this
3 opportunity that you have afforded me to thank the defence of Mr Jean-Pierre
4 Bemba, who have asked me to come before this Court and provide information.
5 I wish to thank Ms Douzima and Mr Zarambaud, who have also put questions
6 to me to help you here at this Court. I wish to thank the Prosecutor and his
7 assistant. I also wish to thank the Judges who are alongside you. I thank
8 you individually, as Presiding Judge, Judge of this Court, Presiding Judge of
9 this Chamber. I wish to thank the interpreters, the transcribers, the
10 administrative people, the entire team of the International Criminal Court who
11 work with you both in The Hague and those who have welcomed me here and
12 who have made it possible for me to give testimony before this Court. I thank
13 you.

14 PRESIDING JUDGE STEINER: We thank you very much, Mr Witness, and
15 we hope you have a safe trip back to your home.
16 I would like just to inform the parties that we will resume at 3 o'clock, to start
17 with the testimony of Witness 09. The hearing is suspended.

18 THE COURT USHER: All rise.
19 (Recess taken at 1.31 p.m.)

20 (Transcription of the hearing continues in Transcript:

21 ICC-01/05-01/08-T- 322bis-CONF-ENG)

22 RECLASSIFICATION REPORT

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