

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and
6 Judge Kuniko Ozaki
7 Trial Hearing
8 Tuesday, 18 June 2013
9 (The hearing starts in open session at 9.03 a.m.)
10 THE COURT USHER: All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE STEINER: Good morning.
14 Could, please, court officer call the case.
15 THE COURT OFFICER: Thank you, Madam President. Situation in the Central
16 African Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo,
17 ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you.
19 Good morning and welcome Prosecution team, legal representatives of victims, the
20 Defence team, Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters,
21 to our court reporters. Good morning, Mr Rojas.
22 THE COURT OFFICER (via video link): Good morning, Madam President.
23 PRESIDING JUDGE STEINER: We will start today with the testimony of Witness
24 CAR-D04-PPPP-0003.
25 In accordance with the Chamber's decision of 31 May 2013, decision 2646, the

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1 testimony of Witness D04-03 will be heard by means of video technology.

2 In addition, pursuant to the Chamber's decision of 11 March 2013 on in-court
3 protective measures, number 2532-Conf, the Chamber has authorised the
4 continued use of a pseudonym, image and voice distortion, the use of private or
5 closed session in order to protect the witness's identity, the presence of a VWU
6 support assistant at the location of the video link and the provision of reading
7 assistance as necessary, and I suppose the date of the decision here must be
8 corrected. For sure it's not 11 March 2013. I ask, please, the assistance of the
9 legal officer of the Court to give me the correct date of decision 2532.

10 Before we commence, the Chamber has an oral decision to deliver and the oral
11 decision is on the applications to question Witness D04-03 by legal representatives
12 of victims.

13 On 29 May 2013, the Chamber received an application from Maître Zarambaud on
14 behalf of the victims that he represents to question Witness D04-03 (filing
15 2642-Conf). The application contains a list of 18 sets of questions.

16 On 6 June 2013, the Chamber received an application from Maître Douzima
17 Lawson on behalf of the victims that she represents (filing 2662-Conf). The
18 application contains a list of 19 questions.

19 Having considered the reasons given by both Maître Douzima and Maître
20 Zarambaud as to why the personal interests of the victims they represent are
21 affected, the Chamber allows the respective applications to question
22 Witness D04-03.

23 Turning to the questions, both legal representatives are allowed to put all of their
24 proposed questions as set out in their aforementioned filings.

25 For the record, the decision on in-court protective measures for Witness D04-03 is

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- 1 decision 2694-Conf of 17 June 2013.
- 2 I now ask, please, Mr Rojas to bring the witness into the transmission room.
- 3 THE COURT OFFICER (via video link): Yes, Madam President.
- 4 (The witness enters the video-link room)
- 5 THE COURT OFFICER: We are ready, Madam President.
- 6 PRESIDING JUDGE STEINER: Good morning, Mr Witness.
- 7 WITNESS: CAR-D04-PPPP-0003
- 8 (The witness speaks Sango)
- 9 (The witness gives evidence via video link)
- 10 THE WITNESS: (Interpretation) Good morning.
- 11 PRESIDING JUDGE STEINER: Thank you very much for being with us,
- 12 Mr Witness.
- 13 Mr Witness, I hope that somewhere in front of you --
- 14 THE WITNESS: (No interpretation)
- 15 PRESIDING JUDGE STEINER: Mr Witness, I hope somewhere in front of you
- 16 there is a card on which is printed a solemn undertaking. Could you please read
- 17 out the words on the card for us? If you need any kind of assistance, Mr Rojas,
- 18 please assist the witness in taking the oath.
- 19 THE WITNESS: (Interpretation) "I solemnly declare that I shall speak the truth,
- 20 the whole truth and nothing but the truth."
- 21 PRESIDING JUDGE STEINER: Mr Witness, now that you have taken the oath,
- 22 can you confirm that you understand what the oath means?
- 23 THE WITNESS: (Interpretation) Yes, I know the meaning of the oath.
- 24 PRESIDING JUDGE STEINER: Do you understand it to mean that you must give
- 25 answers to questions asked of you that are true and accurate, to the best of your

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1 knowledge and belief?

2 THE WITNESS: (Interpretation) I understand.

3 PRESIDING JUDGE STEINER: Mr Witness, as must have been explained to you
4 by the Victims and Witnesses Unit during the familiarisation process, you will be
5 questioned first by the Defence, then by the Prosecution, then by legal
6 representatives of victims that were authorised by the Chamber to put some
7 questions to you and, at the end, the Defence has the right to put some follow-up
8 questions for you. The Judges of this Chamber can at any time put questions to
9 you.

10 As you know, Mr Witness, the Chamber has put in place measures to protect your
11 identity from the public and you will therefore be called during the whole of your
12 testimony as "Mr Witness." Your image and your voice that are broadcast outside
13 the courtroom are being distorted so that the public cannot identify you by your
14 image or by your voice.

15 In order, Mr Witness, to keep your identity protected from the public, it is very
16 important that you help us by not revealing in public session any information that
17 could lead to your identification. For instance, your name, name of family
18 members, names of your boss, where you live, the position you occupied during
19 the events, persons with whom you had meetings or conversations, if these persons
20 could identify you, this kind of information, Mr Witness, should not be released in
21 public session. If need be, we go into private session. In private session you can
22 speak freely because nobody outside the courtroom can hear to what you say, only
23 the persons here in the courtroom.

24 The Defence, the Prosecution, the legal representatives and the Chamber will help
25 you in identifying the kind of questions that could lead to answers which identify

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1 you and then we go into private session, but it is very important, Mr Witness, that
2 you also help us and ask us for private session when you anticipate that you are
3 going to reveal any identifying information.

4 Do you understand that, sir?

5 THE WITNESS: (Interpretation) Yes, I do understand.

6 PRESIDING JUDGE STEINER: Mr Witness, it's also important that you have in
7 mind that because we speak different languages we have interpretation so that we
8 can understand each other. Because of the interpretation, and also due to the
9 video link transmission, it is very important, Mr Witness, that you speak slower
10 than normal, as I'm doing now, and that after a question is put to you you wait for
11 five seconds - you count to five - before you start giving your answer. We call
12 that "the five-seconds golden rule." It is necessary, Mr Witness, in order to allow
13 the interpreters and the court reporters to make the translation and to provide us
14 with a translation of the questions, so you need to speak very slowly to give some
15 time between one sentence and the other in order to facilitate our interpreters'
16 work.

17 It is very likely, Mr Witness, that you start speeding up from time to time. In that
18 case, I will have to interrupt you and ask you to slow down. Please don't take
19 offence. This is just for practical reasons and should not discourage you from
20 speaking.

21 Mr Rojas, who is at your side, was also authorised by the Chamber to remind you
22 to slow down when you start speeding up.

23 Do you understand our ground rules, Mr Witness?

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

25 PRESIDING JUDGE STEINER: Court officer, please could we go into private

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1 session.

2 *(Private session at 9.22 a.m.) Reclassified into open session

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

4 PRESIDING JUDGE STEINER: (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 THE WITNESS: (Interpretation) (Redacted)

24 (Redacted)

25 PRESIDING JUDGE STEINER: (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 THE WITNESS: (Interpretation) (Redacted).
- 12 PRESIDING JUDGE STEINER: (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 THE WITNESS: (Interpretation) (Redacted)
- 18 PRESIDING JUDGE STEINER: (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 Court officer, can we go back please into open session.
- 24 (Open session at 9.30 a.m.)
- 25 THE COURT OFFICER: We're in open session, Madam President.

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1 PRESIDING JUDGE STEINER: Mr Witness, for your information, the Chamber
2 decided orally yesterday - it's transcript, English transcript, 324 bis, page 2, lines 7
3 to 19 - that your testimony will be heard during the morning sessions only.
4 Therefore, we will have today with you two sessions of two hours, with a
5 30 minutes' break in between. If for any reason you need a break, just let us
6 know.

7 Mr Witness, do you have any questions before you start with your testimony?

8 THE WITNESS: (Interpretation) No, I don't have any.

9 PRESIDING JUDGE STEINER: So then the Defence will start questioning you,
10 and for that purpose I give the floor to Maître -- to Mr Haynes.

11 Mr Haynes, you have the floor and, as always, you are authorised to remain seated
12 if you so wish.

13 MR HAYNES: Good morning, your Honour. Thank you, and I will, since you
14 invite me to.

15 Good morning to everyone else in the courtroom.

16 QUESTIONED BY MR HAYNES:

17 Q. Good morning to you, sir. How are you this morning?

18 A. Good morning, Counsel. I feel well.

19 Q. I'm very pleased to hear that. We met a few evenings ago through this very
20 medium, didn't we?

21 A. Yes.

22 Q. And was that the first time you and I had met one another?

23 A. Yes, indeed, it was the first time.

24 Q. Okay. Now, I'm going to explain something to you. We have about
25 one-and-a-half hours before our first break and it's my profound hope that I will

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1 have asked all the questions I have of you before that break. Do you understand?

2 A. Yes, that's clear, Counsel.

3 Q. Now, the first thing we must do for the Court's record is to establish who you
4 are, and because that is a secret, it's confidential, I'm going to ask the Judge if we
5 can do that in private session, okay?

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

7 THE WITNESS: (Interpretation) I agree.

8 *(Private session at 9.35 a.m.) Reclassified into open session

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

10 MR HAYNES:

11 Q. Sir, we are in private session, which means that only the people in this room
12 can hear what you say. What is your full name?

13 A. My first name is (Redacted)

14 THE INTERPRETER: And the Sango interpreter did not hear the rest of your
15 reply.

16 MR HAYNES:

17 Q. Can you tell us again what your family name is?

18 A. My name is (Redacted).

19 Q. And what were the names of your mother and father?

20 A. My father's name is (Redacted).

21 Q. And your mother?

22 A. My mother's name is (Redacted).

23 Q. And when and where were you born, sir?

24 A. (Redacted).

25 Q. What part of (Redacted) were you born in?

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1 A. I was born (Redacted).

2 Q. Thank you. Now, I think that means that in October 2002 you were (Redacted)
3 years of age; is that correct?

4 A. That's right.

5 Q. And where were you living at that time?

6 A. I was living in (Redacted).

7 Q. Were you living in (Redacted) in October of 2002, when Bozizé's rebels
8 entered Bangui?

9 A. Yes, that's right. I was living in that neighbourhood.

10 Q. Do you mean (Redacted)?

11 A. No, Counsel. (Redacted).

12 Q. I know that may sound stupid, but we have to have that clarified for the
13 record. Otherwise, it might read very strangely. Who were you living with at
14 that time?

15 A. In the (Redacted) neighbourhood, I was living all by myself. No one else
16 was with me.

17 Q. And what were you doing in your life, (Redacted)?

18 A. At that time, when Bozizé entered the town on the 27th, to be specific, many
19 young people followed him and there was no one to support Patassé. A call was
20 launched asking young people to come back and join the army, to support the
21 government. That was on 27 October 2002. That was when I joined the CAR
22 Armed Forces.

23 Q. Where did you go to join the CAR Armed Forces?

24 A. Yes, I joined the CAR Armed Forces.

25 Q. Which unit of the CAR Armed Forces did you join?

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1 A. When I joined the FACA it was for a short period of time, just long enough to
2 learn how to handle weapons. I joined the FACA on the 27th, and on the 28th we
3 were sent into the field.

4 Q. What was the name of the unit you joined?

5 A. It was the FACA.

6 Q. Where did you join?

7 A. At Camp Fidel Obrou.

8 Q. Where is that?

9 A. That camp was located by l'ONAF, very close to the residence of President
10 Patassé.

11 Q. And what was the process for joining up?

12 A. At that time they needed men, they needed soldiers, and we went there and
13 they asked us for our identities, our names. Then they taught us how to handle
14 the weapons and how to protect ourselves. The conditions were not difficult.

15 Q. Sir, I think we can probably deal with quite a lot of this in public session, but
16 please be careful when we are in public session not to say anything which is
17 personal to you. Do you understand?

18 A. That's clear.

19 MR HAYNES: Then, your Honour, can we go into public session, please?

20 PRESIDING JUDGE STEINER: We go into public session, Mr Haynes. Just to
21 inform that I'm having a problem with my transcript, which means that I cannot
22 order redactions. So we need to be really, really careful and we can start, but if
23 you think that a problem may occur you let us know in advance, please.

24 MR HAYNES: Well, I think out of an abundance of caution we'll stay in private
25 session for the time being.

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1 Q. Mr Witness, because of a technical reason we're going to stay in private
2 session. So don't worry. Whatever you say is only heard by the people in this
3 room still. Do you understand?

4 A. Yes, I've understood.

5 Q. How many people approximately joined the army on the day you did at the
6 place you did?

7 A. I couldn't give you an exact number. There were a good number of us and
8 we were assigned various places, so I really couldn't give you an exact number.

9 Q. Were you provided with any equipment?

10 A. Yes.

11 Q. What equipment were you given?

12 A. We were given uniforms, shoes, berets, weapons and clubs.

13 PRESIDING JUDGE STEINER: Mr Haynes, we can go into public now, if you
14 wish?

15 MR HAYNES: Yes, then if you would. Thank you very much.

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

17 (Open session at 9.50 a.m.)

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

19 MR HAYNES:

20 Q. Sir, we are in open session now, so what you say can be heard outside this
21 room. If you want to say anything that is personal to you, then stop and ask if we
22 can go into private session. Do you understand?

23 A. Yes, I understand.

24 THE INTERPRETER: The Sango interpreter asks if the witness could be reminded
25 to respect the five-second rule?

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1 Interpreter correction: In the previous reply, the witness was issued with a flask,
2 not a club.

3 MR HAYNES:

4 Q. Can you describe to us the uniform that you were given?

5 A. It was a military coloured uniform, camouflage, green.

6 Q. And the beret?

7 A. We were given red berets.

8 Q. What sort of weapons were you given?

9 A. We had Kalashnikov-type weapons; A-52s, 12-7s, rocket launchers, shells,
10 mortars.

11 Q. And what sort of shoes were you given?

12 A. We have Ranger boots. They were black.

13 Q. Was there any senior officer at the recruitment centre and, if so, do you
14 remember what his name was?

15 A. Well, if you would like me to give the name of that high-ranking officer,
16 I think it would be good -- it would be a good idea if we were to go into private
17 session.

18 Q. Okay, can we leave that 'til later and we'll move on? How long did the
19 training last?

20 A. The training was less than a month. I think I said that I joined on the 27th
21 and on the 28th we were operational in the field. There was no time really for
22 training. It was -- it took one or two days to learn how to handle the weapons and
23 the various other things in the field.

24 Q. When you say "in the field," where were you sent to?

25 A. I'd like to answer that question in private session.

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1 Q. Okay. Just clear this up for me, though. The training, where did that take
2 place, if you can answer that in open session?

3 A. It wasn't really training. When we got there on the 27th at the camp, we
4 were registered, we had haircuts and it was all done within the course of one day.
5 It wasn't really training as such. The next day, the 28th, we were sent out into the
6 field.

7 MR HAYNES: Okay. Well, it's probably going to advance matters if we do go
8 into private session now to deal with these questions, so if your Honour wouldn't
9 mind?

10 PRESIDING JUDGE STEINER: No, I don't mind even because I lost my transcript
11 again. So, court officer, please turn into private session.

12 *(Private session at 9.58 a.m.) Reclassified into open session

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

14 MR HAYNES:

15 Q. Sir, nobody can now hear what you say outside this courtroom, so let's go
16 back over a few of these points. Do you know the name of the officer - the senior
17 officer - who was present at the recruitment centre?

18 A. Yes.

19 Q. What was his name?

20 A. He was the Chief of Staff, General Betibangui.

21 Q. Okay. And after you had been equipped, where were you deployed the
22 following day?

23 A. When we were given the equipment, we were divided into various groups.
24 The officer who was commanding the group - my group - was Miskine.

25 Q. Do you know -- please carry on.

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1 A. We were sent to --

2 THE INTERPRETER: The witness did not complete his sentence, says the Sango
3 interpreter.

4 MR HAYNES:

5 Q. Sir, please carry on. I'm sorry I interrupted you.

6 A. We were deployed because Bozizé's rebels occupied the 4th arrondissement,
7 the Lycée Barthélemy Boganda. We were positioned near the National Assembly.
8 We were facing the enemy and our objective was to fight against them.

9 Q. And for how long did you fight against them?

10 A. We fought against them from 28th to the 30th. The attackers retreated after
11 the 30th. We pushed them back around the 30th.

12 Q. Where did you push them back to?

13 A. They retreated to Bossangoa.

14 Q. Do you know why you managed to push them back on the 30th?

15 A. From what I know, it was thanks to the reinforcements that Patassé has
16 requested -- had requested from the MLC soldiers.

17 Q. Sir, while you were deployed in the 4th arrondissement between the 28th and
18 the 30th, did you see any reinforcements?

19 A. Yes, I saw them.

20 Q. Do you remember when you first saw them?

21 A. I heard that they had arrived on the 29th, but personally I saw them on the
22 30th.

23 PRESIDING JUDGE STEINER: Mr Haynes, just to let you know that we can go
24 into open session at any time at your convenience.

25 MR HAYNES: Your Honour, I think we probably should. I was staying in

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1 private session really in case anything slipped out that you couldn't redact, but
2 I think this is proper public evidence.

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

4 (Open session at 10.05 a.m.)

5 THE COURT OFFICER: We're in open session, Madam President.

6 MR HAYNES:

7 Q. Sir, Miskine, did he have another name? Did he have a first name?

8 A. I do not know.

9 Q. Do you know what rank he held?

10 A. Yes, I know.

11 Q. What was it?

12 A. He was a colonel.

13 Q. And was his unit known by any particular name?

14 A. I have told you that his unit was the FACA.

15 Q. Do you know who he reported to, or who gave orders to him?

16 A. He reported to the Chief of Staff.

17 Q. How do you know that?

18 A. I know that because, when we arrived, he informed us that he would be the
19 one giving -- that he was the one giving all the necessary instructions. That is
20 how I got to know this.

21 Q. Sorry, I need to clarify that. When you say, "... when we arrived, he
22 informed us he would be giving all the necessary instructions," who are you
23 referring to as "he"?

24 A. The Chief of Staff.

25 Q. Sir, how long did you remain under Miskine's command?

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1 A. I stayed in that group up until 2003; January 2003.

2 Q. What was the size of the unit?

3 A. There were 100 of us.

4 Q. What was the total number of soldiers under Miskine's command?

5 A. Miskine had about 200 soldiers under his command.

6 Q. How were they dressed?

7 A. We were wearing military uniforms.

8 Q. Were you all wearing the same military uniforms?

9 A. Yes, everyone, even those who had come from the DRC. Those who had
10 come from the DRC were all dressed in the same way so as to facilitate
11 identification.

12 Q. And what languages were spoken within Miskine's unit?

13 A. They spoke Lingala, Sango, French and Arabic.

14 THE INTERPRETER: From the Sango interpreter: Could the witness be
15 reminded to observe the five seconds, please?

16 MR HAYNES:

17 Q. What languages do you yourself speak?

18 A. I would like to answer that question in private session.

19 Q. Okay. Well, we'll leave that for a little while.

20 PRESIDING JUDGE STEINER: Mr Haynes, if you give me one second.

21 Mr Witness, the interpreters are asking me to remind you to give the five seconds
22 after a question is put to you before you start answering. Can we count on you,
23 Mr Witness?

24 THE WITNESS: (Interpretation) Yes.

25 PRESIDING JUDGE STEINER: Thank you very much.

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1 Mr Haynes, sorry to interrupt.

2 MR HAYNES: Not at all, your Honour.

3 Q. After you had pushed the rebels back from the 4th arrondissement, where
4 did your unit go next?

5 A. After the 4th arrondissement, we went to Miskine, Gobongo, Combattant and
6 PK12.

7 Q. As you moved through those areas of northern Bangui, were you able to
8 observe the civilian population and the situation in those communities?

9 A. During the five days of occupation by Bozizé's rebels, they had caused a lot of
10 damage.

11 Q. What sort of damage?

12 A. The rebels raped, looted and they committed murders; in particular, Patassé's
13 supporters and his family, all those who supported President Patassé.

14 Q. What evidence did you see with your own eyes of rape, pillage or murder in
15 those areas?

16 A. With regard to rape the victims themselves complained, and regarding
17 killings, I saw many bodies with my own eyes. I also observed cases of looting.

18 Q. When you say you observed cases of looting, what do you mean exactly?

19 A. By that, I meant that those who were on our side wanted to avenge
20 themselves. On our side also there were cases of pillaging, rapes and murders;
21 that is perpetrated by men or by people who were on our side. They committed
22 those acts as reprisal measures.

23 Q. Which men?

24 A. I was talking about both FACA and rebels.

25 Q. Which FACA and which rebels?

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1 A. I was referring to Bozizé's rebels, as well as the Central African Armed
2 Forces.

3 Q. Sir, did men in your unit commit any offences?

4 A. Yes, that is correct.

5 Q. Did you see that?

6 A. Yes, I saw them with my own eyes. I myself, I also looted.

7 Q. Where?

8 A. I looted Bozizé's residence.

9 Q. Were you alone?

10 A. No, there were many of us.

11 Q. And what did you take?

12 A. For my part, I took shoes and clothes.

13 Q. And the others with you, what did they take?

14 A. Those who arrived first took vehicles, money and even weapons. They took
15 many other things from the house, many other items.

16 Q. What did you do with the items that you took?

17 A. I sold them.

18 Q. To whom?

19 A. To those who needed them. The inhabitants of the area who needed those
20 items, I sold them to them.

21 Q. What did Colonel Miskine say or do about the looting of Bozizé's residence?

22 A. He did not say anything.

23 Q. Was any unit loyal to President Patassé in the 4th arrondissement before your
24 unit?

25 A. Yes, there were GPs there.

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1 Q. What are GPs?

2 A. GPs refer to the Presidential Guards.

3 Q. Okay. Now, during the period that you were with Miskine's unit, can you
4 tell us the towns in which you saw combat action?

5 A. I witnessed combat in the 4th arrondissement, Bossembélé, Bossangoa and
6 Bouka.

7 Q. Did you take part in any action at PK12 or PK13?

8 A. Yes.

9 Q. What happened there?

10 A. I would prefer to answer that question in private session, please.

11 Q. Okay. Well, we'll leave that to one side as well. Were you always under
12 the command of Miskine directly?

13 A. Yes, that is correct.

14 Q. Did you at any stage encounter any Congolese troops?

15 A. Yes, I did encounter them.

16 Q. Where was that?

17 A. We came across them in the 4th arrondissement, then in Bossembélé and in
18 Bossangoa.

19 Q. Did you communicate with them?

20 A. Yes.

21 Q. How did you communicate with them?

22 A. I would like to answer that question in private session.

23 PRESIDING JUDGE STEINER: Mr Haynes, for some reason it's the second time
24 you asked about languages and the witness says that he would prefer to go into
25 private session. Should we?

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1 MR HAYNES: I'm storing up a list of things for private session to try and do it in
2 one go at the end.

3 PRESIDING JUDGE STEINER: Okay.

4 MR HAYNES:

5 Q. You've told us about looting in the 4th arrondissement. Other than looting,
6 did you see or hear about any members of Miskine's unit committing other
7 offences during these events?

8 A. Yes, I did hear talk about such things.

9 Q. Let's take it step-by-step. What other offences did you hear talk about?

10 A. Well, another thing that happened -- well, I'll tell you about what happened
11 at the cattle market.

12 Q. Where is the cattle market?

13 A. The cattle market is at PK13. That's after PK12.

14 Q. According to what you heard, what happened there?

15 A. I heard people say that amongst Bozizé's rebels there were Chadians, and at
16 the cattle market most of the people selling cattle were Chadians. Miskine's men
17 shot at all the people that they thought were Chadians.

18 Q. Did you see this, or only hear about it?

19 A. I just heard about it. I wasn't one of the people in that particular group. At
20 that time, we had stayed at the assembly.

21 Q. What do you mean by "the assembly"?

22 A. There was a base at the National Assembly, after the 4th arrondissement.
23 Going by way of the Boganda lycée, you get to the National Assembly at the -- well,
24 the 200 Villas neighbourhood, in that neighbourhood.

25 Q. According to what you heard, what group had been responsible for this?

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1 A. Once again, the FACA forces.

2 Q. Were there any other crimes that you heard about being committed by
3 Miskine's unit?

4 A. I'm talking about the violence and abuse that happened at PK13 and in
5 Bossangoa.

6 Q. Well, you've told us about the cattle market at PK13. Was there anything
7 else at PK13 you heard about?

8 A. No. No.

9 Q. Then what did you hear about at Bossangoa?

10 A. Regarding Bossangoa, we were there. There were the MLC forces, the
11 FACA and the Presidential Guard. Our goal was to liberate Bossangoa.

12 Q. Okay, but we were talking about you hearing that members of your unit had
13 committed crimes in Bossangoa. What did you hear?

14 A. Well, acts of vengeance occurred, because you see this is the place where
15 Bozizé was born. No pity was shown. These acts were committed out of desire
16 for vengeance. They mistreated the local people.

17 Q. When you say "they," who are you referring to? Who mistreated the local
18 people?

19 A. The soldiers, my brothers-in-arms.

20 Q. And did you see this, or only hear about it?

21 A. I saw it for myself. I was there.

22 Q. What did you see?

23 A. I saw looting, murder and rape.

24 Q. And who was committing these crimes?

25 A. I just told you, the FACA forces. They wanted to take vengeance for the

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1 violence and abuse that their relatives in Fouh and Combattant had suffered.

2 Simply put, it was a matter of vengeance for what had happened to their relatives
3 in Fouh, Gobongo and Combattant.

4 Q. What had happened to their relatives in Fouh, Gobongo and Combattant?

5 A. Bozizé's men raped, looted and mistreated the relatives of these -- of the
6 others, so they wanted to get back at them and get their revenge -- get their revenge
7 on the people living in these other towns.

8 Q. In terms of what you saw in Bossangoa, how many acts of murder did you in
9 fact see?

10 A. I saw ten people murdered, civilians.

11 Q. And did you see any acts of rape and, if so, how many?

12 A. Yes, I was present and it made me angry. I said to them that that was not
13 the reason for us being there. Our goal was to free the Central African Republic,
14 not to rape sisters; women of the Central African Republic.

15 Q. Did you know the men who were committing these rapes?

16 A. I just told you, they were FACA forces. They were soldiers whose relatives
17 had been the victims of abuse or violence by Bozizé's men.

18 Q. Did you know them by name?

19 THE INTERPRETER: "No," replies the witness in French.

20 MR HAYNES:

21 Q. And did you actually see in Bossangoa acts of looting?

22 A. Yes, I saw looted goods being taken to Bangui.

23 Q. By whom?

24 A. By my brothers-in-arms.

25 Q. Sir, just so that we're clear, the people who you saw murdering, raping or

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1 looting, were they men from your own unit, or from other FACA units?

2 A. Well, we were mixed up together. Within my group, there were some
3 people from the Presidential Security Unit, some soldiers who had come from
4 other groups and then the members of my own group.

5 MR HAYNES: I see.

6 Your Honour, can we therefore go into private session?

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

8 *(Private session at 10.48 a.m.) Reclassified into open session

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

10 MR HAYNES:

11 Q. Sir, we're in private session, so nobody outside this room can hear what you
12 say. Do you understand?

13 A. Yes, I understand.

14 Q. Can you tell us what languages you speak?

15 A. I speak Lingala, Sango and a little bit of French and Yakoma.

16 Q. What languages were spoken within the unit you were part of during the
17 events?

18 A. Some people spoke Sango. Other soldiers did not understand Sango. They
19 spoke Sara and yet others could speak Lingala.

20 Q. You told us that you came into contact with MLC soldiers. How did you
21 communicate with them?

22 A. Some of them did not speak French, they only spoke Lingala, but others
23 could speak French. As for myself, I was able to communicate with them in
24 Lingala or in Yakoma.

25 Q. Thank you. I want to move on now to what happened to you at the end of

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1 the events. I don't want you to tell us where you are, or where you have lived
2 since the events, but when did you last live in the Central African Republic?

3 A. (Redacted)

4 (Redacted)

5 (Redacted)

6 MR HAYNES: Thank you.

7 Can we go back into open session, please?

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

9 (Open session at 10.53 a.m.)

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

11 MR HAYNES:

12 Q. Sir, you've described certain crimes which you saw in Bossangoa being
13 committed as revenge by FACA troops. Did you see any MLC troops involved in
14 the commission of crimes in Bossangoa?

15 A. No, I never saw that. I wouldn't want to tell a lie, or get something wrong.

16 Q. Or in any other location?

17 A. No, I did not see anything at all.

18 Q. Well, I've been true to my word. We're just coming up to our break and,
19 subject to any instructions I receive, I don't think I've got any further questions for
20 you.

21 It was good to pause. I just want to check one thing with you -- yes.

22 MR HAYNES: Perhaps in private session, please?

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

24 *(Private session at 10.56 a.m.) Reclassified into open session

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

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1 MR HAYNES:

2 Q. Sir, I was reminded that I asked you a question about the combat situation in
3 PK12 and PK13 and you said you wanted to ask -- answer that question in private
4 session. Is there anything you want to tell us about the combat situation in PK12
5 and PK13 that you haven't already told us?

6 A. I've already told you everything.

7 MR HAYNES: Okay, then can we pass back into open session, please, your
8 Honour?

9 PRESIDING JUDGE STEINER: Court officer, please.

10 (Open session at 10.57 a.m.)

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

12 MR HAYNES:

13 Q. One last thing: On the record at the moment it says that Miskine's unit was
14 200 men; is that correct?

15 A. Yes, I can confirm that.

16 MR HAYNES: Very well. Then I have no further questions.

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

18 Mr Witness, it's almost 11 o'clock. We'll have now our half-an-hour break. It's
19 time for you to take a cup of coffee or tea and rest a little bit. We'll be back at
20 11.30.

21 The hearing is suspended.

22 THE COURT USHER: All rise.

23 (Recess taken at 10.58 a.m.)

24 (Upon resuming in open session at 11.42 a.m.)

25 THE COURT USHER: All rise.

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1 Please be seated.

2 PRESIDING JUDGE STEINER: Welcome back.

3 Mr Witness, welcome back.

4 THE WITNESS: (Interpretation) Good morning once again, your Honour.

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

7 THE WITNESS: (Interpretation) I am ready.

8 PRESIDING JUDGE STEINER: Now it's for the Prosecution to start questioning
9 you, and for that purpose I'll give the floor to Ms Bala-Gaye.

10 MS BALA-GAYE: Thank you very much, Madam President. Good morning,
11 your Honours.

12 QUESTIONED BY MS BALA-GAYE:

13 Q. Good morning, Mr Witness.

14 A. Good morning.

15 Q. Mr Witness, you and I met some time last week during the familiarisation,
16 but I'll introduce myself again. My name is Horejah Bala-Gaye, I represent the
17 Prosecution and I will be asking you questions on behalf of the Office of the
18 Prosecutor. Do you understand that, sir?

19 A. Yes, it is clear.

20 Q. Now, during the questioning I will ask you certain questions that you may
21 not know, and if you don't know, just say -- simply say, "I do not know," and that's
22 perfectly fine. I would also like to remind you that we are starting in open session,
23 so please be mindful of information that may identify you or identify other persons.
24 Is that clear, Mr Witness?

25 A. It is very clear.

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1 Q. I want to follow on something that Mr Haynes asked you prior to the break
2 and that is in relation to whether or not the MLC committed crimes in the Central
3 African Republic. I'm referring to page 29 of the English real-time transcript from
4 lines 13 to 20. Your response was that, no, you never saw that. And you were
5 asked in relation to other locations, not just Bossangoa, and your response was,
6 "No, I did not see anything at all." Do you recall saying that?

7 A. I remember.

8 Q. Now, that's in relation to whether you saw anything. So my question is:
9 Did you hear of any crimes committed by the MLC during the intervention in the
10 Central African Republic?

11 A. I did not hear about any crimes perpetrated by MLC soldiers.

12 Q. You informed the Court that you left the Central African Republic in 2003.
13 Now, during the time that you were away, were you in communication with
14 friends and family? And I remind you we are in open session, so you don't need
15 to be more specific if it's "Yes."?

16 A. No.

17 Q. And when you returned to the Central African Republic, and you told us
18 when you returned, did you hear about any crimes that may have been committed
19 by MLC during the 2002/2003 conflict?

20 A. No.

21 Q. Mr Witness, do you recall having made an oath to tell the truth, the whole
22 truth, and nothing but the truth?

23 A. Yes, I remember.

24 Q. Now, throughout your testimony you informed the Chamber of crimes that
25 were committed by other armed groups, such as Bozizé's forces, FACA and

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1 Miskine, according to you. So is it your testimony that none of the loyalist forces
2 informed you of crimes committed by MLC? I just want to clarify that.

3 A. They did not tell me anything. I am telling you about what I saw and what I
4 heard. I cannot say anything about what I did not hear and what I did not see.

5 Q. During the events did you listen to the radio? So, for example, Radio Ndeke
6 Luka?

7 A. No, I did not have the time to listen to the Ndeke Luka radio station. I was
8 not aware of everything that was happening.

9 Q. The reason why I'm asking you all these questions is because this Chamber
10 has heard information from many witnesses who have testified about wide-spread
11 crimes; that is rape, murder and pillaging committed by MLC during the conflict.
12 So, for example, a Defence witness, that is Witness 51, who was a member of the
13 loyalist forces, gave testimony, and I'll refer to the transcript, it is transcript 263,
14 confidential English edited, page 7, lines 1 to 24, and the French edited version,
15 page 6, line 28 to page 7, line 25.

16 Mr Witness, this is what this witness had to say. He was asked: "During this
17 period, now that you have testified that you also listened to Radio Ndeke Luka, did
18 you hear about crimes that were committed by MLC on Radio Ndeke Luka?" His
19 answer was: "Yes, I listened to Centrafricaine. I listened even when things
20 happened and I wondered myself, the soldiers with them, how could they, MLC
21 soldiers, commit crimes, rape our sisters? That upsets me as well. It angers me
22 as well."

23 Then a couple of questions later, he is asked: "Apart from rape, did you also hear
24 on radio that they committed other crimes, the MLC troops?" He said: "Yes,
25 certainly. Certainly, but since it was broadcast, everyone heard about crimes."

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1 Mr Witness, is it your testimony that you were never informed of crimes even
2 subsequently after the events? Am I right in understanding your testimony?

3 A. I never heard anything. I cannot lie to you. I did not hear anything. You
4 have just said that this was announced over the radio, but when we were in the
5 field, there were no journalists there, so where did this information come from? I
6 never heard any such thing.

7 PRESIDING JUDGE STEINER: Mr Haynes?

8 MR HAYNES: Can we go into private session, please?

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

10 *(Private session at 11.57 a.m.) Reclassified into open session

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

12 MR HAYNES: Your Honour, before the witness's evidence began, and I'm
13 looking at today's transcript, page 2, line 11, page 9, lines 2 and following, you
14 reminded the parties of his vulnerability and difficulties and cajoled all parties and
15 participants to ask short and simple, open-ended questions. Leaving aside that
16 the question ultimately put there was asked and answered, it went on for over a
17 page of transcript and involved the selective reading of the evidence of one or more
18 other witnesses. I simply do not see how that conforms with the order you made
19 about the mode of questioning of this witness, that it should be short, simple and
20 open-ended. I waited for him to answer, but I hope that Ms Bala-Gaye will
21 comply with the order in future.

22 PRESIDING JUDGE STEINER: Ms Bala-Gaye?

23 MS BALA-GAYE: Thank you, Madam President.

24 First of all, I would like to say, as noted by Counsel Haynes himself, the question
25 was very short, and whether or not I read an extract to the witness, the witness is

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1 able to say that he doesn't understand something, and if he doesn't, then I will
2 rephrase. So in this case my question was short, and I am very specific as to what
3 I'm asking the witness, and I have reasons for asking all these questions. It is part
4 of the way I've designed my examination and it is in compliance with your order,
5 so I really don't even see what the objection is about.

6 PRESIDING JUDGE STEINER: So maybe, Ms Bala-Gaye, we -- you could at least
7 try, after reading an excerpt, just to -- in your question to summarise what you just
8 read or even you give us the reference and you summarise what was said by the
9 witness you want to refer, because then it makes it simple for the witness.
10 We were informed by VWU that the witness would face some difficulties in
11 following long questions, so maybe it was -- it would even easier be your
12 questioning. We make an attempt.

13 MS BALA-GAYE: Thank you, Madam President. I will comply.

14 PRESIDING JUDGE STEINER: Court officer, please can you turn into -- before
15 we turn into open session, let me just ask for a more -- a more specific question. I
16 was trying to find here in my transcript, but I couldn't, so I'm asking a direct
17 question.

18 Mr Witness, you said that you left the army or the troops - the Miskine or the
19 FACA troops - in 2003. When more or less in 2003? In the beginning, the middle,
20 the end? Do you remember the month you left FACA?

21 THE WITNESS: (Interpretation) I left in the month of March.

22 PRESIDING JUDGE STEINER: Thank you very much.

23 Court officer, please turn back into open session.

24 (Open session at 12.02 p.m.)

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

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1 MS BALA-GAYE:

2 Q. Mr Witness, just to remind you that we are in open session.

3 During your testimony, you informed the Chamber that you were located in -- you
4 were operating in certain areas. Now, can you remind us which areas your
5 particular unit was located during the conflict?

6 A. During the operations we went to Boy-Rabé, to Gobongo, to Combattant, to
7 Miskine, to the 200 Villas - deux cents villas - to Fouh, PK12, PK13, Bossembélé,
8 Bossangoa, Bouka.

9 Q. So you weren't in all the locations where the MLC was operating; is that
10 right?

11 A. That is correct.

12 Q. So if you weren't in some of these locations where the MLC operated, then it
13 is fair to say that you would not have known if they had committed crimes in those
14 locations?

15 A. That is correct.

16 Q. Mr Witness, you've explained to us that you were part of the Miskine unit.
17 Was it -- is it your testimony that this unit is part of the FACA, or was it separate
18 from the FACA?

19 A. This unit belonged to, or was part of, the FACA.

20 Q. Would it be fair to say that, based on your role and your unit, you would not
21 have been informed of internal memoranda reporting crimes committed by MLC
22 against loyalist forces and the civilian population?

23 A. That is the truth.

24 MS BALA-GAYE: For the Chamber's reference, I'm referring to documents
25 CAR-OTP-0042-0236, CAR-OTP-0042-0243, CAR-OTP-0042-0246, as well as

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1 CAR-OTP-0042-0255. These are just a few examples of such documents.

2 Q. Mr Witness, did you ever come to learn that Mr Bemba had ordered the
3 arrest of seven MLC soldiers in the Central African Republic?

4 A. No, I did not hear about that.

5 Q. So would I be right in saying that you do not know that these seven soldiers
6 were convicted of crimes in the Central African Republic?

7 A. I am not aware of that information.

8 Q. Then is it equally true that you weren't aware that these soldiers said that
9 members of the Poudrier B Battalion of the MLC systematically raped and pillaged;
10 is that right?

11 A. I'm not aware of that. No idea.

12 MS BALA-GAYE: Your Honours, I'm referring to CAR-DEF-0002-0001 at 0029
13 and 0032.

14 Q. Mr Witness, you said that you didn't know the name of your unit; am I right?

15 A. Yes, that is correct.

16 Q. Do the names "Bataillon de sécurité frontière," or the "Anti-Zaraguina
17 Brigade," mean anything to you?

18 A. I never heard mention of them.

19 Q. You informed the Chamber that you received training for one day, is that
20 correct, on the 27th, and then you were deployed on the 28th?

21 A. That is correct.

22 Q. During this training, you were taught how to use weapons. Were you
23 taught anything else?

24 A. They did not teach us anything other than firing and using weapons, but we
25 were also taught how to protect ourselves.

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1 Q. You told us that your unit had a hundred men. When you received your
2 training, was this group of 100 men receiving training at the same time?

3 PRESIDING JUDGE STEINER: Ms Bala-Gaye, apparently at the end of the
4 questioning by --

5 THE WITNESS: (No interpretation)

6 PRESIDING JUDGE STEINER: Just one minute, Mr Witness. Apparently the
7 witness informed that his group had 200 men, so could you please confirm how
8 many men his group had?

9 MS BALA-GAYE: I will do so, Madam President, because from the transcript he
10 says Miskine had 200 men, but his unit had 100, but I will pose the question again.

11 PRESIDING JUDGE STEINER: Maybe it was my misunderstanding.

12 MS BALA-GAYE:

13 Q. Mr Witness, can you assist us by clarifying? Did you say that your group
14 had a hundred men?

15 A. It was made up of a hundred men.

16 Q. Did all these 100 soldiers receive training at the same time as you?

17 A. I do not know. I was simply sent to join the group, but I don't know
18 whether some of them received their training before me. Let me add that after the
19 training, we were all divided up into separate groups. Each person was assigned
20 to a group.

21 Q. And we will come to that. I just want to clarify. When you received
22 training, how many people were in your group at that time?

23 A. There were many of us in the group, and I am not able to give you a specific
24 figure because I did not carry out a head count of the men.

25 Q. Okay. You can't give us a specific figure. Are you able to give us an

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1 approximate? Was it 50? Was it 100? Was it less than that?

2 A. You see, I cannot tell you what I do not know and I'm not going to fabricate
3 or invent a figure here for you.

4 THE INTERPRETER: From the Sango booth, could the witness be reminded to
5 respect the five-second rule?

6 MS BALA-GAYE:

7 Q. Mr Witness, the interpreters are requesting that you respect the five-second
8 rule. So could I please ask you to count to five before you respond? Do you
9 understand that?

10 A. Yes, I do.

11 Q. Are you in a position to tell us who conducted the training? And we can
12 move into private session, if necessary.

13 A. I would like us to go into private session.

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

15 *(Private session at 12.19 p.m.) Reclassified into open session

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

17 PRESIDING JUDGE STEINER: You can answer, Mr Witness. We are in private
18 session.

19 THE WITNESS: (Interpretation) We were trained by Miskine.

20 MS BALA-GAYE:

21 Q. Was this training conducted in French, or was it in Sango?

22 A. It was organised in Sango.

23 Q. While we're in private session, Mr Witness, can you tell us what your specific
24 role was within your unit?

25 A. I was an ordinary soldier.

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1 Q. And as an ordinary soldier, what was your mission during the conflict?

2 A. My mission was to go to the battle-front and fight the enemy. That is what I
3 was asked to do.

4 Q. Mr Witness, we know that in a particular unit different tasks are assigned to
5 different people, so some people might be in charge of the logistics. Did you have
6 any specific role within your unit?

7 A. I did not hold any rank to be bearer of any kind of responsibility. I was a
8 simple foot soldier, executing orders, and you may recall that my training lasted
9 only one day. So the instructions I was given were the following: "Take your
10 weapon, go to the battle-front and fight."

11 Q. Apart from that, were you given any other type of orders?

12 A. Our hierarchical boss, or leader, gave us instructions as to how we would
13 deploy. There were no other instructions.

14 Q. And when you say your hierarchical boss, or leader, who are you referring
15 to?

16 A. When we arrived, it was the Chief of General Staff who explained the
17 purpose of our mission to us. He told us what we were supposed to do and he
18 briefly briefed us on military rules and regulations.

19 Q. Who were you reporting to? Who was directly above you in terms of the
20 chain of command?

21 A. I reported to Colonel Miskine. He was our supervisor on the ground. The
22 Chief of General Staff was at the office. He remained at the office.

23 Q. So, Mr Witness, your testimony is that, as a simple soldier, you were
24 reporting directly to the leader of the group, Colonel Miskine; is that right?

25 A. That is correct.

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1 PRESIDING JUDGE STEINER: Ms Bala-Gaye, should we continue in private
2 session?

3 MS BALA-GAYE: I have one more question and then we can move to open
4 session, your Honour.

5 Q. Mr Witness, I would like to know how many groups were within that unit,
6 because at one point you said you were divided into separate groups? So I want
7 to know how many groups you were divided into.

8 A. I was not a high-ranking officer to know, or to be able to know the names of
9 the various groups. What I know simply is that we were divided into several
10 groups, and that is it.

11 MS BALA-GAYE: I think we can move to public session, your Honour.

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

13 (Open session at 12.28 p.m.)

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

15 MS BALA-GAYE:

16 Q. Mr Witness, just to remind you about not revealing information that may
17 give away your identity. Now, you've said that you were divided into several
18 groups, but you don't know how many; is that right?

19 A. Yes, that's correct.

20 Q. And you also do not know how many men were in your group; is that
21 correct?

22 A. I told you that there were a hundred men in my group.

23 Q. Okay. Based on your knowledge of the rest of the Miskine militia, can we
24 also assume that you do not know how the FACA was structured; is that right?

25 A. Yes, that is correct.

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1 Q. And you also do not know how the USP was structured; is that right?

2 A. Please kindly repeat your question. I did not understand it.

3 Q. Yes, I will.

4 A. Please explain what you mean by your question.

5 Q. What I want to find out is whether you know how the USP was organised?

6 A. I do not know how the USP was organised.

7 Q. Then is it also true that you do not know how the MLC was organised?

8 A. That is correct.

9 Q. Mr Witness, do you know where other members of Miskine's militia were
10 recruited from?

11 A. I do not know.

12 Q. Is it correct that you testified earlier that the soldiers in the Miskine militia
13 spoke Sango, Sara, and Lingala? Is that correct?

14 A. That is correct.

15 Q. And you told us that the training you received when you were recruited was
16 in Sango. Do you recall saying that?

17 A. Yes.

18 Q. And is this because, despite the various languages, Sango was the common
19 language amongst these soldiers?

20 A. Sango was spoken to some people, and when speaking to others sign
21 language was used. With regard to the MLC soldiers, French was spoken to those
22 who were speaking French, who knew how to speak French, and then Lingala to
23 those who understood Lingala.

24 Q. Mr Witness, I'm still talking about the Miskine militia. You testified earlier
25 that the training was in Sango, so what I want to know is whether Sango was the

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1 common language spoken by the soldiers of Miskine?

2 A. Initially, Miskine was in a rebellion. After his reconciliation with Patassé he
3 joined, or rather he merged, the soldiers that he had had in his rebellion into the
4 CAR Army. So Miskine's men did not speak Sango fluently, whereas those of us,
5 the Central African citizens who had been recruited in Bangui, spoke Sango.

6 Q. And these men that were in Miskine's rebellion, they spoke Arabic; is that
7 correct?

8 A. That is correct.

9 Q. And these Arabic-speaking militia were merged with other people recruited
10 from the Central African Republic, such as yourself; is that right?

11 A. Correct.

12 Q. Mr Witness, you have informed us that you speak a number of languages.
13 Now, when you're in the Central African Republic and you meet a Central African
14 national, what language do you tend to speak to your fellow Central African
15 national?

16 A. We systematically speak Sango.

17 Q. And, to your knowledge, is it also true that all the defence and security forces
18 in the Central African Republic speak Sango?

19 A. No, not all of them. Some of them spoke Lingala.

20 Q. I'm referring to the FACA, the USP. Did they all know how to speak -- did
21 they generally know how to speak Sango; to your knowledge that is?

22 A. Some of them are not able to speak Sango.

23 Q. Are you saying that because you know, or are you making an assumption,
24 Mr Witness?

25 A. It is not an assumption. It is a reality.

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1 Q. So if the Chamber has heard testimony that all the defence forces and all the
2 citizens in the Central African Republic are able to speak Sango, are you saying
3 that that would be wrong?

4 A. That is incorrect.

5 MS BALA-GAYE: Madam President, I'd like to refer to transcript T-95, English
6 edited version, page 3, lines 24 to 27; Defence Witness 51, transcript 261,
7 confidential, English edited, page 43, lines 15 to 17, French edited version, page 48,
8 lines 1 to 3; as well as Defence Witness 64, transcript 260, confidential, English
9 edited, page 26, lines 14 to 15.

10 Q. So, Mr Witness, are you saying that if a soldier speaks to a Central African
11 civilian in Lingala --

12 PRESIDING JUDGE STEINER: Ms Bala-Gaye, I'm sorry to interrupt you.
13 Court officer, please can we go into private session.

14 *(Private session at 12.42 p.m.) Reclassified into open session

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

16 PRESIDING JUDGE STEINER: Mr Witness, I received an information that you're
17 not feeling well. Is that correct?

18 THE WITNESS: (Interpretation) That is correct, your Honour.

19 PRESIDING JUDGE STEINER: Would you like to have a short break?

20 THE WITNESS: (Interpretation) Yes.

21 PRESIDING JUDGE STEINER: Do you think five/ten minutes are enough?

22 THE WITNESS: (Interpretation) Yes, that would be enough.

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

24 (Open session at 12.44 p.m.)

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

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1 PRESIDING JUDGE STEINER: The hearing is suspended for ten minutes.

2 THE COURT USHER: All rise.

3 (Recess taken at 12.45 p.m.)

4 (Upon resuming in open session at 12.57 p.m.)

5 THE COURT USHER: All rise.

6 Please be seated.

7 PRESIDING JUDGE STEINER: Mr Witness, are you able and ready to continue?

8 We still have half-an-hour. Do you think you can make it?

9 THE WITNESS: (Interpretation) Yes, we can continue, your Honour.

10 PRESIDING JUDGE STEINER: Ms Bala-Gaye.

11 MS BALA-GAYE: Thank you, Madam President.

12 Q. Mr Witness, I will continue from where we left off before the break. I was
13 asking you whether, to your knowledge, if a soldier speaks to a Central African
14 civilian in Lingala, is your testimony that this is because the person does not speak
15 Sango?

16 A. I did not quite understand your question, so can you please kindly repeat?

17 Q. According to you, some of the Central African Republic soldiers do not speak
18 Sango; is that right?

19 A. Yes.

20 Q. When you say some of them do not speak Sango, are you referring to a
21 minority of people?

22 A. There are many of them.

23 Q. So, Mr Witness, if you meet a Central African civilian, you testified that you
24 would systematically speak Sango. So my question is: If you met a Central
25 African Republic, would it be your default to speak Sango?

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1 A. Are you speaking about myself? As far as I am concerned, I would speak to
2 that person in Sango.

3 Q. It's probably easier if I just quote what you stated earlier and then ask you a
4 question. So at page 46, lines 11 to 14, I asked you whether when you -- "When
5 you're in the Central African Republic and you meet a Central African national,
6 what language do you tend to speak to your Central African national?" And your
7 response was, "We systematically speak Sango." Do you recall saying that?

8 A. Yes, I do.

9 Q. Sir, I want to understand your testimony, so my question is: When a soldier
10 speaks Lingala to a Central African Republic citizen, are you saying this is because
11 they do not speak Sango?

12 A. It is because they do not want to speak that language. He may want to
13 disguise himself and therefore choose to speak another language.

14 Q. So are you saying that during the conflict there are some soldiers who chose
15 to speak Lingala in order to disguise themselves? Is that your testimony?

16 A. Yes, that is correct, because they were afraid.

17 Q. What were they afraid of?

18 A. If I take my case, for example, at that time I only spoke Lingala. There were
19 four of us in our unit and whenever we got together we would speak Lingala,
20 because we did not want to disclose our identity to people since there was a lot of
21 settlement of scores going on. We did this for reasons of our own security and for
22 the security of our family members.

23 Q. Okay. So in your unit of 100 men, four of you were speaking Lingala; is that
24 correct?

25 A. Yes, that is correct.

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1 Q. Now, you say the four of you did so for reasons of security. Who were you
2 trying to pass yourselves off as?

3 A. We did not want to be known to be Central Africans. Some of us spoke only
4 Arabic, although they were Central Africans. You see, at the time it was difficult
5 to distinguish Central Africans from those who were not Central African nationals.

6 Q. You told us that the four of you spoke Lingala and you also told us that you
7 committed crimes. Were you speaking Lingala when you did so?

8 A. Yes, that is correct. I can give you an example. When we went to
9 Mr Bozizé's, my companions and I only spoke Lingala because we did not want
10 some of our fellow country-persons to identify us as Central Africans. So for
11 those reasons we only spoke Lingala.

12 Q. And so therefore Lingala was associated with crimes; isn't that right?

13 A. No, that is not exactly correct and that is not what I have said. You see, I
14 could not stand the rape of my fellow country-people, so I took up arms to defend
15 my country. Chadians had committed several abuses within our country and I
16 did not want that to continue and that had been going on for a long time, so I did
17 not take up arms to hurt the people or the population.

18 What I can tell you is that we spoke Lingala from time to time in order for others
19 not to understand us. You see, whenever we got to a number of neighbourhoods
20 and they began to commit crimes such as rapes and pillaging, we were not
21 involved in those crimes and it is for that reason that we spoke in Lingala.

22 Q. Mr Witness, did you know that the MLC soldiers all spoke Lingala? Did
23 you know that?

24 A. Yes, I do. Some of them spoke Yakoma.

25 Q. So your testimony is that, once the conflict began, you started speaking

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1 Lingala in order to confuse the population into believing that you were a Lingala --

2 A. (No interpretation)

3 Q. Sorry. So, Mr Witness, you spoke Lingala in the same locations where you
4 lived in Bangui; is that correct? Please do not be more specific because we are in
5 open session. So I want to know in which areas you spoke Lingala?

6 A. I have already told you that during the operations, when some of our
7 compatriots began to commit acts of violence and abuses, well, I say so because
8 some of us killed people in order to settle scores for such reasons.

9 THE INTERPRETER: From the Sango booth: Could the witness be asked to
10 slow down?

11 THE WITNESS: (Interpretation) Well, what happened was that we were able to
12 understand what they were saying, but what we said they could not understand.

13 PRESIDING JUDGE STEINER: Ms Bala-Gaye.

14 Mr Witness, the interpreter is asking you please to slow down. You are speaking
15 too fast and they are having difficulties in following you. Please speak slower and
16 give the five seconds before you start answering the question.

17 Is that okay, sir?

18 THE WITNESS: (Interpretation) I do understand.

19 MS BALA-GAYE: Thank you, Madam President.

20 Q. Mr Witness, do you recall telling us that other members of the Miskine militia
21 committed murders in PK13?

22 A. Yes, but I have forgotten.

23 THE INTERPRETER: Correction from the interpreter: The answer is "Yes."

24 MS BALA-GAYE:

25 Q. So it was possible for this group of soldiers to be identified as belonging to

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1 Miskine's militia; is that right?

2 A. Yes, that is true, because he was their commander and he was indeed present.

3 Q. So is it your testimony that members of Miskine's militia could be identified,
4 but not other members of the loyalist forces?

5 A. No, that is not what I said. When we went by, he was the one who was our
6 leader and people would say, "There go the Miskine troops." We all had the same
7 uniforms.

8 Q. So people could identify Miskine's troops then; that's what you're saying?

9 A. Whenever we moved about with him in his company, people were able to
10 say, "Yes, those are his men. Those are his soldiers." But when we were among
11 ourselves in his absence, it was difficult to be identified or to be known to be
12 Miskine's soldiers.

13 Q. So is it that based on the uniform that you had people could identify you as
14 Miskine soldiers?

15 A. It is not a matter of uniforms. When we were seen in his company as we
16 moved about, he would be in front and we would be behind him, and then people
17 would understand that we were Miskine's men. But when he was not there, it
18 was not possible for people to identify us as Miskine's people, or Miskine's
19 soldiers.

20 Q. Mr Witness, do you recall telling us that some of the members of Miskine's
21 rebellion came from -- I believe you said Chad or the Sara tribe. Is that what you
22 said?

23 A. Yes, I do remember.

24 Q. Are members of the Sara tribe or people from Chad identifiable based on
25 physical features?

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1 A. Yes. The Sara can be identified by the marks on their faces and scars on
2 their faces and by their height, and they were part of the bodyguards. I must say
3 that they were tall people.

4 Q. So these people could be identified by Central African population; is that
5 right?

6 A. No, not all Saras. Some of them could not be identified simply because of
7 the scars on their faces. In any event, some of them could be identified.

8 Q. Okay. So some of them could be identified. And you've talked about four
9 speaking Lingala; is that right? Within your group there were four of you?

10 A. Yes.

11 Q. Mr Witness, do you know where Miskine was located during the conflict?

12 A. What conflict are you talking about? Could you be more specific?

13 Q. Yes, indeed. Throughout the 2002/2003 conflict, so from October 2002 to
14 March 2003, do you know where Miskine was located?

15 A. Yes, I know.

16 Q. Can you tell us?

17 A. Miskine was in Bangui, Bossangoa and Bouka.

18 Q. Are you saying that Miskine did not leave the Central African Republic
19 during the period October 2002 to March 2003?

20 A. No, he did not leave the Central African Republic.

21 Q. So if I told you that in November 2002 Miskine left the Central African
22 Republic, that would not be correct?

23 A. That would not be correct.

24 MS BALA-GAYE: I seem to have lost my reference, Madam President, so I will
25 come back with the reference to the reports regarding that.

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1 Q. Mr Witness, do you know if Miskine received any type of award during the
2 conflict; meaning again October 2002 to March 2003?

3 A. I do not know.

4 Q. So you do not know that he was given an award by President Patassé in
5 November 2002?

6 A. I have told you that I do not know.

7 Q. Do you know where Miskine's base was located?

8 A. I do not know.

9 Q. Do you know who Miskine's deputies were?

10 A. I do not know.

11 Q. Mr Witness, it seems that maybe that was not translated as "deputy." So I'm
12 referring to "adjoint" or someone assisting Miskine, meaning a leader.

13 A. I have told you that I do not know.

14 MS BALA-GAYE: Thank you, Mr Witness.

15 Madam President, I believe it's good to end there. It's almost time. One
16 reference which I referred to earlier is CAR-DEF-0002-0713 at 0722, and I will
17 provide another reference, I believe, tomorrow. Thank you.

18 PRESIDING JUDGE STEINER: Thank you, Ms Bala-Gaye.

19 Mr Witness, we will suspend your testimony now and continue tomorrow
20 morning at 9 o'clock. We hope you have time to rest, to recover, and we'll see
21 each other again tomorrow at 9 o'clock.

22 For the parties and participants present in this courtroom, we will suspend and
23 resume at 3 o'clock, starting with the testimony of Witness -- Defence Witness 04.
24 The hearing is suspended.

25 THE COURT USHER: All rise.

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- 1 (Recess taken at 1.30 p.m.)
- 2 ((Transcription of the hearing continues in Transcript:
- 3 ICC-01/05-01/08-T-325bis-CONF-ENG)
- 4 RECLASSIFICATION REPORT
- 5 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 6 ICC-01/05-01/08-3038, the version of the transcript with its redactions
- 7 becomes Public.