

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 Judge Kuniko Ozaki
6 Wednesday, 19 June 2013
7 (The hearing starts in open session at 9.08 a.m.)
8 THE COURT USHER: All rise.
9 The International Criminal Court is now in session.
10 Please be seated.
11 PRESIDING JUDGE STEINER: Good morning.
12 Could, please, court officer call the case.
13 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
14 Prosecutor versus Jean-Pierre Bemba Gombo, ICC-01/05-01/08.
15 PRESIDING JUDGE STEINER: Thank you very much.
16 Good morning. I welcome the Prosecution team, legal representatives of victims,
17 Defence team, Mr Jean-Pierre Bemba Gombo. Good morning our interpreters, our
18 court reporters. Good morning, Mr Rojas.
19 THE COURT OFFICER (via video link): Good morning, Madam President.
20 PRESIDING JUDGE STEINER: And good morning, Mr Witness. How are you
21 today?
22 WITNESS: CAR-D04-PPPP-0003 (On former oath)
23 (The witness speaks Sango)
24 (The witness gives evidence via video link)
25 THE WITNESS: (Interpretation) Good morning, your Honour. I feel quite well.
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- 1 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony, sir?
- 2 THE WITNESS: (Interpretation) I'm ready.
- 3 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that you are still
- 4 under oath. Do you understand that, sir?
- 5 THE WITNESS: (Interpretation) I understand that.
- 6 PRESIDING JUDGE STEINER: And please, Mr Witness, don't forget that you are
- 7 under protective measures. Your identity is not known to the public and, therefore,
- 8 please avoid saying in public sessions anything that could identify you. If need be,
- 9 we go into private session.
- 10 Is that fine with you, Mr Witness?
- 11 THE WITNESS: (Interpretation) It's fine with me.
- 12 PRESIDING JUDGE STEINER: And also I wanted to remind you that you are
- 13 expected to speak slower than normal and to give five seconds after a question is put
- 14 to you before you start answering, in order to facilitate the job of our interpreters.
- 15 Is that fine with you, sir?
- 16 THE WITNESS: (Interpretation) That's fine with me.
- 17 PRESIDING JUDGE STEINER: We will have today two sessions of two hours each,
- 18 with a half-an-hour break.
- 19 The Prosecution will continue questioning you, and for that purpose I give the floor
- 20 to Ms Bala-Gaye.
- 21 Ms Bala-Gaye?
- 22 MS BALA-GAYE: Good morning, Madam President. Good morning, your
- 23 Honours. As promised, I will provide two additional references regarding Miskine's
- 24 departure and the award that was given to him. I'm referring to document
- 25 CAR-OTP-0001-0034 at 0065, as well as transcript of Witness D-65, T-246-Conf,

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1 English edited, page 36, lines 12 to 21.

2 QUESTIONED BY MS BALA-GAYE: (Continuing)

3 Q. Good morning, Mr Witness.

4 A. Good morning.

5 MS BALA-GAYE: Mr Witness, I have one question for you regarding the language
6 you speak and I believe you are more comfortable answering that question in private
7 session, so I will ask Madam President if we may move briefly into private session.

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

9 *(Private session at 9.14 a.m.) Reclassified into open session

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

11 MS BALA-GAYE:

12 Q. Mr Witness, we're in private session so please feel free to provide information
13 that can reveal your identity. You stated that you know how to speak Lingala. So
14 my question is: Where did you learn Lingala?

15 A. I learnt Lingala because our neighbourhood is situated close to the border with
16 the Congo, so I had the opportunity on several occasions to carry out the crossing and
17 that's how I learned to speak Lingala. (Redacted)
18 (Redacted), and during the holidays she took me. I also
19 went to a market which was in Congo called (Redacted)

20 Q. So you know how to speak some Lingala, is that what you're saying?

21 A. Yes. Yes, I speak it a bit.

22 Q. So you are by no means fluent, or a native speaker; is that right?

23 A. I speak it fluently, but I have a foreign accent. I speak it fluently. It's just that
24 the person listening will know that I'm foreign because I have a foreign accent, just in
25 the same way that a foreigner who speaks Sango will be identified as such?

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1 MS BALA-GAYE: Madam President, may we move back into open session?

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

3 (Open session at 9.17 a.m.)

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

5 MS BALA-GAYE:

6 Q. Mr Witness, I just have to remind you that we are in open session, so be mindful
7 of information that can reveal your identity or that of others such as your family
8 members.

9 I want to continue a point that you testified on yesterday, prior to adjourning. You
10 stated that four of you in your group spoke Lingala for your own security, as well as
11 the security of your family members, so that your fellow countrymen could not
12 identify you as Central African. I'm referring to page 49 of the English real-time
13 transcript, line 24, to page 51, line 15.

14 Do you recall saying that, Mr Witness?

15 A. I remember.

16 Q. So from speaking Sango you believe that you and your family members would
17 have been identified; is that right?

18 A. That's correct.

19 Q. And just to be clear - and if you need to move to private session we can do
20 so - how is it possible that your family members would have been identified just by
21 virtue of you speaking Sango?

22 A. I -- before answering the question, I'd like to go into closed session.

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

24 *(Private session at 9.20 a.m.) Reclassified into open session

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

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1 PRESIDING JUDGE STEINER: We are in private, Mr Witness. You can answer to
2 the question.

3 THE WITNESS: (Interpretation) When I joined the army I was far from imagining
4 that things would happen in this way, through the vengeance that was taken and
5 other atrocities that were committed, and so for my own security.

6 Now, when I saw the atrocities, I couldn't clearly express my disapproval. I had to
7 ask my companions, who were armed -- in Lingala I asked them not to carry out the
8 same practices as the others. When I speak about the security of my family, as I said
9 already, I couldn't clearly express my disapproval because I'm sure that my family
10 would become victims of reprisals. That's the reason why. My father was a victim
11 of reprisals. I don't want such a situation to happen again.

12 MS BALA-GAYE:

13 Q. Mr Witness, I don't think I follow your response and so let me try to figure out
14 what you're saying. So by speaking Lingala to your fellow soldiers, you believed
15 that you were protecting yourself and your family? Is that what you're saying?

16 A. That's correct.

17 Q. So when you spoke Lingala, the soldiers that you were working with could no
18 longer identify you as Central African; that's what you're saying?

19 A. No, it's not that. I didn't say that. What I said was that, when we arrived in
20 the field and my fellow soldiers committed atrocities, rapes, pillaging, I couldn't
21 clearly express my disapproval. We weren't all in agreement with such acts. We
22 who weren't in agreement with it said to the others, because there was a certain
23 number who weren't in agreement with it, we said not to participate in the atrocities
24 and see them being done.

25 Q. So you were using Lingala in order to confuse your fellow soldiers; is that right?

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1 A. No, no, it was clear. It was known that I was Central African. Well, what I
2 was saying was the following: I spoke Lingala. Why? Because my fellow soldiers
3 had the intention of taking vengeance.

4 And why? Well, I'll give you an example. With regards to Gobongo they went to
5 the domicile of a (Redacted) family there and they started to hit and mistreat the men
6 and women, and (Redacted)

7 (Redacted). And there were some who weren't

8 in agreement with such actions, and when we went into the field we spoke Lingala so
9 that they didn't notice that we were against the atrocities. And I was able to join the
10 army because I'm Central African. Otherwise, it would not have been possible.

11 THE INTERPRETER: Interpreter correction: "He pointed a weapon at me," not "...
12 hit me with a weapon."

13 MS BALA-GAYE:

14 Q. So it simply wouldn't have been sufficient to speak Sango and identify yourself
15 as a fellow loyalist; is that right?

16 A. I haven't understood your question. Please could you put your question
17 again?

18 Q. Sure. You said that when you spoke Lingala you spoke it with an accent,
19 which made it easy for people to know that you were foreign. So my question is: If
20 you were speaking Lingala because you were opposed to crimes committed by other
21 loyalist forces, wouldn't it have been simply easier to just speak in Sango and to say
22 that you are a loyalist force?

23 A. They knew that I was a loyalist. I told you, if I started to speak Lingala to a
24 Congolese person they wouldn't know that I was Central African. When I was
25 recruited they knew that I was a Central African loyalist, and I didn't know that it

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1 was going to be the case in the field. We, the Central Africans, we couldn't
2 start -- we couldn't start killing each other, and that's the reason why that it pushed
3 me to do what I said because I noticed that the behaviour in the field was not that.
4 We didn't go into the field in order to take vengeance, and when I was in the field I
5 didn't hide my identity. And just when we were going to start killing each other,
6 and that's what happened and it continues to today. We continue to kill each other
7 and we still continue to accuse the MLC, whereas the Central Africans we were the
8 ones who were the source of all that.

9 Q. Okay, just one last point of clarification before we move on. You said that
10 when you spoke Lingala you did so with an accent, which made it easy for people to
11 identify that you were foreign, and I think just now you're saying that when you
12 spoke Lingala the Congolese could not identify your accent. Can you clarify that?

13 A. That is not what I said and that was not the question. The question was not
14 put properly, so please I beg you to understand what I am saying. This is what I am
15 saying. If I start speaking Lingala to a Congolese, the Congolese would know that
16 I --

17 THE INTERPRETER: From the Sango booth: Could the witness be asked to slow
18 down and to speak at a pace that the interpreter can follow? I think the
19 interpreter -- the witness, rather, is going too fast for the interpreter.

20 THE WITNESS: (Interpretation) Please kindly, kindly repeat your question so that
21 I may answer you properly.

22 PRESIDING JUDGE STEINER: Mr Witness, as I reminded you in the beginning of
23 today's hearing, you are expected to speak slower. You will have to repeat your
24 answer because the interpreter could not follow you, you were speaking too fast, and
25 that's why we are having problems with the transcript. So we don't know exactly

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1 what you said. If you want us to understand exactly what you said, you need to
2 speak slowly.

3 So, Ms Bala-Gaye will repeat the last question and please answer slower. Thank
4 you.

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

6 Q. Mr Witness, I'll just repeat my question, which was a point of clarification. So I
7 was asking you whether you said that when you spoke Lingala you did so with an
8 accent which made it easy for people to identify that you were foreign, but after that
9 you said that, when you spoke Lingala, Congolese could not identify your accent.
10 So I want to clarify what you meant by that.

11 A. That is not what I said. Your question to me was the following: Do I speak
12 Lingala with an accent or not, or am I fluent or not in Lingala? And my answer was
13 the following: If I speak Lingala to a Congolese national he would know that I am a
14 foreigner, and that is what I said. Then I went on to provide an example relating to
15 Central Africans. In our country, we speak Sango. Now, when a foreigner comes
16 to our country, regardless of the number of years spent there, it is always known that
17 he is a foreigner because he doesn't speak Sango like a Central African would because
18 he speaks Sango with an accent.

19 So I did not say that if I speak Lingala I will not be identified as a foreigner. I did not
20 say that.

21 MS BALA-GAYE: Madam President, may we move back into open session?

22 Thank you.

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

24 (Open session at 9.35 a.m.)

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

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1 MS BALA-GAYE:

2 Q. Mr Witness, we're back in open session, so the public can hear everything you
3 say. You stated earlier that you spoke Lingala so that they wouldn't notice that you
4 were against the atrocities; is that right?

5 A. No, that is not correct. This is what I said. Among us, that is among the
6 soldiers, not all of the soldiers agreed with what other soldiers were doing. You see,
7 I had run into some problems in Gobongo when one of my fellow soldiers pointed his
8 weapon at me. I was threatened because I believed that I was not fighting for those
9 types of things that they were doing. So some of us did not agree with that type of
10 conduct.

11 Now, on the ground, when some soldiers began to commit acts of violence or abuses,
12 some of us would simply look on at them, and that is why we spoke Lingala in order
13 to -- we spoke Lingala in order to indicate that we disagreed with what was going on,
14 and so we said that, being Central Africans, we could not engage in the same abuses
15 as the Congolese.

16 PRESIDING JUDGE STEINER: Yes, Mr Haynes?

17 MR HAYNES: Private session, please.

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

19 *(Private session at 9.39 a.m.) Reclassified into open session

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

21 MR HAYNES: It seems to me that Ms Bala-Gaye's last question was based upon a
22 passage of evidence that was given in private session. I don't understand why she
23 asked to go into open session and then based a question on the witness's evidence
24 from private session earlier this morning.

25 PRESIDING JUDGE STEINER: Ms Bala-Gaye?

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1 MS BALA-GAYE: Thank you, Madam President. The witness had difficulty saying
2 in open session when it came to language, but we had a lot of yesterday's session in
3 open where we talked about him and three other people in his group speaking
4 Lingala. So I went into private session just to make it more comfortable for the
5 witness, but then I realised that that is the same information that we've been talking
6 about in open session from yesterday. So I didn't think that would be identifying to
7 the witness specifically.

8 PRESIDING JUDGE STEINER: It's not identifying at all, so we can continue in open
9 session.

10 Court officer, please turn into open session.

11 (Open session at 9.40 a.m.)

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

13 MS BALA-GAYE:

14 Q. Mr Witness, I'm just going to read the last part of your answer because I want
15 that to be clear. And I'm reading from page 11, lines 12 to 15, and this is what you
16 stated: "We spoke Lingala in order to indicate that we disagreed with what was
17 going on and so we said that, being Central Africans, we could not engage in the
18 same abuses as the Congolese." Is that right?

19 A. I did not mention the Congolese in my previous statement. I simply said that,
20 as Central Africans, we could not engage in killing each other. But you see, it is
21 since 1996 that we have been involved in killing each other as Central Africans, and at
22 that time the Congolese were not in our country. Maybe you want to refer to the
23 Chadians whom we have been fighting since 1996. So what I said -- in what I said I
24 did not mention Congolese. Let me repeat: In everything that I said, I did not refer
25 to Congolese, I referred to Chadians, and this has been going on since 1996. I repeat:

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1 I did not mention Congolese. I did not mention the Congolese.

2 Q. Okay, I understand. You've repeated that three times and it's on the record.

3 I'd like to move on.

4 You stated yesterday that Bozizé intervened on the 27th and you heard that MLC
5 intervened on the 29th but that you only saw them on the 30th. I'm referring to page
6 18 of English real-time transcript, lines 3 to 11, as well as page 11, lines 14 to 19.

7 Do you recall saying that, Mr Witness?

8 A. That is not exactly what I said. I told you that I joined the army on the 25th.

9 Bozizé's men came in on the 27th. On the 29th, the MLC troops arrived and we saw
10 each other on the 30th.

11 Q. Well, Mr Witness, the record clearly has you saying, on a number of occasions,
12 that it was the 27th when you joined, and that's when Bozizé intervened. So you're
13 changing your story now?

14 A. Let me repeat myself. I joined the army on the 27th. Yesterday I told you that
15 I joined the FACA on 27 October 2002. Then I talked about the MLC troops who
16 arrived on the 29th and we saw each other on the field on 30 October 2002.

17 Q. Okay. So you said that when you joined the army it was Betibangui, the Chief
18 of Staff of FACA, who was involved in the recruitment; isn't that right?

19 A. Yes, that is correct.

20 Q. So during this period of intense fighting, your testimony is that the Chief of
21 Staff was present at the place where you were recruited; is that correct?

22 A. Yes, that is correct.

23 Q. And you also stated that he informed you - meaning your group - that he would
24 be the one giving orders; is that right?

25 A. Yes, that is correct.

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1 Q. And you also told us that Miskine reported directly to Betibangui; is that right?

2 A. Yes, that is correct.

3 Q. Did Miskine report to Betibangui throughout the conflict, meaning between
4 October 2002 and March 2003?

5 A. No, General Betibangui subsequently died before the year 2003. Betibangui
6 died shortly thereafter.

7 Q. And, once Betibangui passed away, who was Miskine reporting to?

8 A. Well, I do not know. What I know is that, after General Betibangui died,
9 General Gambi took over.

10 Q. But you don't know if at that point Miskine was reporting to General Gambi
11 when he took over?

12 A. Yes, that is correct.

13 Q. And how do you know this? We can move into private session if you have an
14 answer that identifies you.

15 A. It is while we were on the ground that I received information to the effect that
16 General Betibangui had been replaced by General Gambi, and you know also that
17 the -- all the troops are under the command of the General Staff.

18 Q. Are you in a position to provide us with the source of this information, and we
19 can move into private session if you can?

20 A. I don't think we need to go into private session. You see, the information we
21 are dealing with does not call for a private session. It was on the ground, while on
22 the ground, that I became aware of this information. We learnt that it was General
23 Gambi who was in command.

24 Q. My question is: How did you learn that it was General Gambi who was in
25 charge? Who told you?

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1 A. When I joined the army General Betibangui told us that the Chief of General
2 Staff was the one who commanded all the troops, and that is how I learnt that all the
3 troops are under the command of the Chief of General Staff.

4 Now, after Betibangui - General Betibangui - died, General Gambi took over, meaning
5 that he had become the Chief of General Staff and would be doing the same job that
6 had been done previously by the previous Chief of General Staff.

7 Q. Mr Witness, you said you were informed that orders would now be coming
8 from General Gambi, so I want to know what the source is for that information? If
9 you are now saying that it was an assumption, then you need to clarify that.

10 A. That is not exactly what I said. I wasn't told to my face, or directly, that it was
11 General Gambi who was issuing orders. The fact is that, when I joined the army,
12 General Betibangui told us that the officer who gives orders but who will never be on
13 the ground himself was the Chief of General Staff. Now, when Gambi took over, I
14 came to the conclusion that he would be performing the same duties. That is it.

15 Q. Okay, that's clear on the record. So, Mr Witness, you're not aware of the fact
16 that General Mazi was de facto Chief of Staff because Betibangui was sick? Are you
17 aware of this?

18 A. I do not know.

19 MS BALA-GAYE: Okay. There are many references for that, Madam President, but
20 I'll just provide one which is the expert report of the Defence military expert, which is
21 CAR-D04-0003-0342, at 0352, paragraph 17.

22 Q. Mr Witness, do you recall stating yesterday -- and here I'm referring to page 13,
23 lines 8 to 12, as well as page 14, line 14, page 15, lines 14 to 16. Do you recall stating
24 yesterday that, when you were recruited, you and the others were given weapons on
25 that day?

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1 A. It was not on the same day. It was the day after. We received weapons the
2 day after and were immediately deployed to the field.

3 Q. Okay. Do you recall saying that you were given small weapons, as well as
4 heavy weapons? So you said you were given Kalashnikov-type weapons, A-52s,
5 rocket launchers, shells, mortars; is that correct?

6 A. That is correct.

7 Q. And you were given these weapons after having provided your names and then
8 you were given very quick training on how to use the weapons; is that right?

9 A. Yes, that is correct. You see, at that time it was not possible for any serious
10 training to be organised and that is why we had to proceed rather quickly - very
11 quickly - to the field.

12 Q. So you were given all these weapons without being vetted, at a time when
13 mistrust in the FACA was very high as a result of the coup d'état; is that right?

14 A. Well, they needed us and they were obliged to distribute those weapons
15 because there was no one else. Bozizé had been the Chief of General Staff and what
16 he did was simply to recruit soldiers who hailed from his village, and when he started
17 his rebellion all those soldiers he had recruited followed him, so there was no one to
18 defend the government in power. And so we volunteered to do that, out of love for
19 our country, and so the authorities had to trust us.

20 Q. See, Mr Witness, the Chamber has received evidence that FACA themselves did
21 not have enough weapons and ammunition, so that is why I'm asking if you were
22 given these heavy weapons and small weapons after only receiving your name,
23 without further more?

24 PRESIDING JUDGE STEINER: Yes, Mr Haynes?

25 MR HAYNES: Generally I'm not in favour of the flow of the evidence being

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1 interrupted by references, but for that I would like a reference.

2 PRESIDING JUDGE STEINER: Ms Bala-Gaye, please.

3 MS BALA-GAYE: Yes, indeed, Madam President. I will come back with the
4 specific reference, if that's fine?

5 MR HAYNES: Then perhaps the question can wait until we've seen it.

6 PRESIDING JUDGE STEINER: Ms Bala-Gaye?

7 MS BALA-GAYE: That's fine, Madam President. I'll come back with the reference,
8 and I believe the witness has already answered my question anyway, so I'll come back
9 with the reference. I was just making a point for the Chamber.

10 Q. Mr Witness, you testified again yesterday - and I'm referring to page 37, lines 14
11 to 19 - that your unit went to certain areas. So you referred to Boy-Rabé, Gobongo,
12 Combattant, Miskine, 200 Villas, Fouh, PK12, PK13, Bossembélé, Bossangoa and
13 Bouka. Do you recall that?

14 A. Yes, I remember.

15 Q. Now, what I would like to do is to chart your -- the movement of your unit. So
16 from when you were deployed on the 28th, as you say, and I would like to know
17 which locations you went to and when. Are you able to do that?

18 A. I agree.

19 Q. I'm tempted to ask you to provide this information orally rather than to put it
20 down in writing. Is that fine with you?

21 A. Yes, that's fine.

22 Q. So what was the first location where your unit started fighting against the
23 rebels?

24 A. In Bangui.

25 Q. Can you tell us where specifically in Bangui?

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1 A. We started fighting at the 4th arrondissement, at lycée Barthélemy Boganda.

2 Q. And how much time did you spend in that location?

3 A. I can't estimate the amount of time. I've forgotten.

4 Q. Is it a few days? Was it weeks? Was it months? Are you able to do that?

5 A. It lasted for two days.

6 Q. So after two days in the 4th arrondissement, so that puts it about 30 October,
7 where did you go next?

8 A. We started to occupy the field, and the MLC troops came to join us on the 30th.

9 We pushed them back. We drove them out of the neighbourhoods that they had
10 occupied, so we started to occupy the different neighbourhoods.

11 Q. When you say, "We started to occupy the field," what part of the field did your
12 unit occupy?

13 A. Well, when I speak about the field, for example, if we drove them back from the
14 4th arrondissement, so we reoccupy the 4th arrondissement in place of them, having
15 driven them out of that. That's what I mean by occupying the field.

16 Q. I believe we've covered the 4th arrondissement. What I want to know is where
17 you went after the 4th arrondissement? What was your next location?

18 A. There were lots of units based at the 4th arrondissement. After the 4th
19 arrondissement, we went to Gobongo and others went towards Miskine, going
20 towards Combattant, Galabadja, and we, we took the Fouh road, Gobongo, 12, to
21 the residence of Bozizé because the fighting was very heavy there.

22 Q. Now let's stay with your unit. You moved to Gobongo on the 30th then and
23 went up to Bozizé's residence. How much time did you spend in that area?

24 A. They withdrew from the town of Bangui on the 30th, so the fighting didn't last.
25 It didn't take a lot of days. The fighting was inside the same town. There was no

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1 question of occupying a town and studying the positions in another town after

2 attacking. The fighting took place within the same town.

3 The Fouh neighbourhood, for example, that's not in another town. Fouh, Gobongo,

4 all these places are within Bangui. So the fighting only lasted one day. We

5 occupied all this field on the same day, the 30th. We occupied all these localities on

6 30 October.

7 Q. Mr Witness, again let's focus on your specific unit. So the fighting lasted one

8 day. What happened next? Where did you go?

9 A. I haven't understood your question. Could you please ask it again, put it

10 differently? As it is put, it's likely to make me make a mistake.

11 Q. So, Mr Witness, you've told us that you arrived -- you were in Gobongo on the

12 30th and you fought against the rebels for one day and pushed them out of Bangui.

13 What I want to know is where did you go next?

14 A. We stayed in the town of Bangui because it was important to carry out a

15 cleaning up operation. Having driven out the enemy, it was important to mop up,

16 as it were. Where it concerned my unit, we stayed in Bangui, where the mopping-up

17 operations were taking place. The aim was to ensure that all the rebels had been

18 driven out.

19 Q. Okay, let's try to move forward. So your unit stayed in Bangui. When did

20 you move out of Bangui?

21 A. I don't remember the date.

22 Q. Do you remember if you stayed in Bangui for a few days, a few weeks or a few

23 months?

24 A. I stayed for a month in Bangui.

25 Q. Okay, so let's say you moved out of Bangui at the end of November. Where

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1 did you go next?

2 A. After, we went to Bossembélé.

3 Q. How long did it take to get to Bossembélé?

4 A. Bossembélé isn't very far. It took us two hours. It took us two hours to get to
5 Bossembélé.

6 Q. So does that mean that you didn't stop in any other location during this time?

7 A. When we left -- well, do you want me to tell you the whole itinerary that we
8 followed?

9 Q. It would be helpful if you summarised, then I can follow up with some
10 questions. Thank you.

11 A. We went through Yaloke.

12 Q. Okay. So you went through Yaloke and arrived in Bossembélé?

13 A. That's correct.

14 Q. And how much time did you spend in Bossembélé?

15 A. We spent a certain amount of time in Bossembélé. I don't remember how
16 much time, because we had clashes there.

17 Q. Do you remember if this was a matter of days, a matter of weeks or a matter of
18 months?

19 A. No, it didn't last for more than a month. I don't remember the date any more.
20 I don't remember the date.

21 Q. Okay, so let's say you're in Bossembélé towards the end of December. Where
22 did you go next?

23 A. Afterwards we went to Bossangoa. After Bossangoa, we went to Bouka - to
24 Bouka - and when we arrived in Bouka the rebels, Bozizé's rebels, attacked us and I
25 fled in order to take refuge where I currently am.

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1 Q. How much time did you spend in Bossangoa?

2 A. We spent three days in Bossangoa.

3 Q. And how long did it take to get to Bouka from Bossangoa?

4 A. The distance is quite far. We travelled the whole night. We arrived in the
5 morning. We stopped at Batangafo and then Ouandago, in order to get to Bouka.

6 PRESIDING JUDGE STEINER: If you allow me, Ms Bala-Gaye?

7 Mr Witness, was it in Bossangoa that you said yesterday you participated in
8 pillaging?

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

10 PRESIDING JUDGE STEINER: And then you went from Bossangoa to Bouka,
11 carrying with you the goods you pillaged?

12 THE WITNESS: (Interpretation) No, no. Not everybody had pillaged and we
13 didn't all go to Bouka because some people stayed in Bossangoa. The pillaged goods
14 were transported because there were vehicles.

15 PRESIDING JUDGE STEINER: I did not understand. You took the goods that were
16 pillaged by your group. You took with you, or you left them in Bossangoa? What
17 you did with the goods you pillaged?

18 THE WITNESS: (Interpretation) We took the pillaged goods.

19 PRESIDING JUDGE STEINER: Yesterday, when you mentioned this episode of
20 pillaging, this was on page 22, line 14, starting on line 14, you said that there was not
21 too much to pillage because the others who arrived first had already taken a lot of
22 things. Who were the first - the others that arrived first - in Bossangoa?

23 THE WITNESS: (Interpretation) Bozizé's rebels.

24 PRESIDING JUDGE STEINER: But you were talking -- maybe I misunderstood and
25 you need to clarify me, Mr Witness. You said that your pillaging was at the

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1 residence of Bozizé, so Bozizé's rebels had pillaged Bozizé's residence? It's confused.

2 THE WITNESS: (Interpretation) No, your Honour, you haven't understood me
3 well. When I speak about pillaging of Bozizé's residence, that was in Bangui. Your
4 Honour, you didn't understand what I said yesterday. I was speaking about Bozizé's
5 residence in Bangui.

6 PRESIDING JUDGE STEINER: That's why I asked you to clarify me. Maybe there
7 was a kind of confusion because you said that Bossangoa was the place of Bozizé. It
8 was the place of birth, or what is the relation that you made between Bozizé and
9 Bossangoa?

10 THE WITNESS: (Interpretation) I think I said that he comes from Benzambe and
11 he's a Gbaya from the Benzambe region. Bossangoa is the place where he was born.
12 That's what I think I said.

13 PRESIDING JUDGE STEINER: So my annotation is right: Bozizé was born in
14 Bossangoa, but his residence that was pillaged was in Bangui; is that correct?

15 THE WITNESS: (Interpretation) That is indeed right. That's correct. Yesterday I
16 said that I had pillaged the residence of Bozizé in Bangui, but in Bossangoa I didn't go
17 to his place because the town is very big. In his residence in Bangui, I took shoes
18 and clothing.

19 PRESIDING JUDGE STEINER: In which neighbourhood is the residence of Bozizé
20 in Bangui, or was the residence of Bozizé in Bangui?

21 THE WITNESS: (Interpretation) His residence was in the 4th arrondissement.

22 PRESIDING JUDGE STEINER: But then again my question: You said that you
23 went -- when you went to Bozizé's residence with other soldiers in order to pillage,
24 the others who arrived first had already taken most -- or the most important things.
25 Who are those that arrived first at Bozizé's residence?

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1 THE WITNESS: (Interpretation) The soldiers who arrived first were the GP and
2 other units. Where we were concerned, we arrived a bit later.

3 PRESIDING JUDGE STEINER: Okay, thank you. Sorry for the interruption,
4 Ms Bala-Gaye.

5 Yes, Mr Haynes?

6 MR HAYNES: I just wonder if for our records you could be -- you could give the
7 references as to where the witness said that other soldiers arrived first at Bozizé's
8 residence and other soldiers arrived first in Bossangoa, or is it only one of them,
9 because I think the witness may be confused by the questions you're putting to him?
10 Did he say that in relation to both places, only one, and if so which one and what are
11 the references so that we can just look them up if you don't mind, your Honour?

12 PRESIDING JUDGE STEINER: I wouldn't mind, but I think the witness clarified. It
13 was my mistake. It was not Bossangoa, but Bozizé's residence which is in Bangui.
14 And yesterday, transcript 325, on page 22, line 14 and following, he said, "Those who
15 arrived first had taken vehicles and other goods." But I can turn back with line 14
16 too with more precise information, but it was on page 22, starting on lines 14. And
17 now it's clear it was not Bossangoa. It was Bangui.

18 So just for the peace of heart of Mr Haynes - where's the page here - page 22, "Sir, did
19 men in your unit commit any offences?" "Yes, that is correct." "Did you see that?"
20 "Yes, I saw them with my own eyes. I myself also looted." "Where?" "I looted
21 Bozizé's residence." "Were you alone?" "No, there were many of us." "And what
22 did you take?" "For my part, I took shoes and clothes." "And the others with you,
23 what did they take?" "Those who arrived first took vehicles, money and even
24 weapons. They took many other things from the house, many other items."
25 Is that fine, Mr Haynes?

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1 MR HAYNES: Thank you. I'm not sure it will satisfy my peace of heart, but it will
2 certainly satisfy the record.

3 PRESIDING JUDGE STEINER: It should pacify your peace of heart, Mr Haynes.
4 Yes, Judge Aluoch?

5 JUDGE ALUOCH: Mr Haynes, I think the only thing that does not appear on that
6 page 22 was that Bozizé's residence was in PK12. He just said "Bozizé's residence",
7 he didn't specify where the residence is. That's the only thing missing from that
8 page.

9 MR HAYNES: Yes, but of course Bozizé's residence and its whereabouts has been
10 the subject of much discussion with recent witnesses and I think we're all pretty clear
11 where it was and where it wasn't.

12 PRESIDING JUDGE STEINER: Mr Haynes, I don't want to go into a debate with
13 you. I asked clarification because yesterday the witness mentioned at one point
14 Bossangoa, which was the place of Bozizé, and I want him to clarify what he meant by
15 saying "place of Bozizé." I'm entitled to seek whatever clarifications I need,
16 Mr Haynes, even if for you everything appears to be clear.

17 Ms Bala-Gaye, continue please.

18 MS BALA-GAYE: Thank you, your Honour.

19 Q. Mr Witness, I'll follow on from page 23, lines 9 to 10, and I'll quote what you
20 said, "We stopped at Batangafo, then Ouandago, in order to get to Bouka." Is that
21 right?

22 A. That is correct.

23 PRESIDING JUDGE STEINER: Ms Bala-Gaye, sorry if I have to interrupt you again.
24 Mr Witness, I received an information that you are not feeling well. Would you like
25 to have a break, Mr Witness?

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1 THE WITNESS: (Interpretation) Yes, indeed, your Honour. Yes, indeed.

2 PRESIDING JUDGE STEINER: You think ten minutes will help, or you want more
3 time? You need more time?

4 THE WITNESS: (Interpretation) That will not be enough. I feel very, very
5 uncomfortable.

6 PRESIDING JUDGE STEINER: Let's then anticipate our break. We will suspend
7 now and come back at quarter-past-11.

8 THE INTERPRETER: The witness actually said he was feeling dizzy.

9 (Recess taken at 10.37 a.m.)

10 (Upon resuming in open session at 1.36 p.m.)

11 THE COURT USHER: All rise.

12 Please be seated.

13 PRESIDING JUDGE STEINER: Good afternoon, everyone, and welcome back.

14 Well, welcome back, Mr Witness. Good afternoon.

15 WITNESS: CAR-D04-PPPP-0004 (On former oath)

16 (The witness speaks French)

17 (The witness gives evidence via video link)

18 THE WITNESS: (Interpretation) Good afternoon, your Honour.

19 PRESIDING JUDGE STEINER: Mr Witness, you will continue today with your
20 testimony but before I make my usual recommendations, the Chamber has a very short
21 article decision to be issued, and it is the decision on the applications to question Witness
22 D04-04 by the legal representatives of victims.

23 On 16 May 2013, the Chamber received an application from Maître Zarambaud on behalf
24 of the victims that he represents to question Witness D04-04. The application
25 contains -- it's filing 2633-Conf. The application contains a list of 15 sets of questions.

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1 On 24 May 2013, the Chamber received an application from Maître Douzima Lawson on
2 behalf of the victims that she represents, filing 2637-Conf. The application contains a list
3 of 19 questions.

4 Having considered the reasons given by both Maître Douzima and Maître Zarambaud as
5 to why the personal interests of the victims they represent are affected, the Chamber
6 allows the respective applications to question Witness D04-04.

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

9 Just for the sake of the record, we had to suspend at 10.37 this morning the testimony of
10 Witness 03, taking into account Witness D03 was not feeling well.

11 We will continue then this afternoon with testimony of Witness -- Defence Witness 04,
12 who started testifying yesterday.

13 Mr Witness, are you ready to continue with your testimony?

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

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

17 THE WITNESS: (Interpretation) Yes. Yes, your Honour, it is clear.

18 PRESIDING JUDGE STEINER: Mr Witness, I also wanted to remind you that you are
19 expected to speak slower than normal and to give the five seconds after a question is put
20 to you and before you start giving your answer, in order to allow our interpreters to do
21 their job. Is that fine with you, sir?

22 THE WITNESS: (Interpretation) Yes, that is fine with me.

23 PRESIDING JUDGE STEINER: Finally I wanted to remind you that you are under
24 protective measures, meaning that your image and your voice that are broadcast outside
25 the courtroom are being distorted so that the public cannot identify you, so please be

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1 careful when we are in open session not to reveal any information that could lead to your
2 identification. If you need to reveal such information, let us know in advance and we go
3 into private session.

4 Do you understand the protective measures, sir?

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

6 PRESIDING JUDGE STEINER: Then I'll give back the floor to Mr Haynes, who will
7 continue questioning you, and again for the record just to take notice that Mr Bemba is not
8 present in this afternoon's hearing. He was authorised by the Chamber not to be present
9 during the questioning of Witness D04-04.

10 Mr Haynes, you have the floor.

11 MR HAYNES: Your Honour, thank you very much. Good afternoon to you. Good
12 afternoon to everybody in the courtroom.

13 QUESTIONED BY MR HAYNES: (Continuing)

14 Q. And good afternoon to you, sir.

15 A. Good afternoon, Counsel.

16 Q. Sir, yesterday evening when we finished, you were telling us about the crimes you
17 observed to have been committed in the northern districts of Bangui by the forces of
18 General Bozizé; do you recall?

19 A. Yes, I do.

20 Q. I want to leave the chronology of events to one side for a moment and just
21 understand your perspective of events and, to do that, I want to ask you some questions
22 about the job you had at the time, and that will reveal who you are, so I'm going to ask the
23 Judge briefly to go into private session; do you understand?

24 A. Yes, I do understand.

25 MR HAYNES: It won't be for very long, but your Honour if we could go into private

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1 session now?

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

3 *(Private session at 1.45 p.m.) Reclassified into open session

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

5 MR HAYNES:

6 Q. (Redacted)

7 (Redacted)

8 A. (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. (Redacted)

12 A. (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. (Redacted)

16 (Redacted)

17 A. (Redacted)

18 (Redacted)

19 (Redacted).

20 THE INTERPRETER: (Redacted)

21 (Redacted)

22 MR HAYNES:

23 Q. (Redacted)

24 A. (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted).

3 Q. (Redacted)

4 A. (Redacted).

5 THE INTERPRETER: A message from the interpreters: Your Honour, maybe the
6 witness could be advised to speak away from the microphone because the sound quality
7 is getting bad?

8 MR HAYNES:

9 Q. Sir, don't lean forward and speak into the microphone because I think you're
10 creating some distortion, so just speak from your sitting position; is that okay?

11 PRESIDING JUDGE STEINER: I hope he's not too far now.

12 MR HAYNES: Bound to be, your Honour. Bound to be.

13 Q. (Redacted)

14 A. (Redacted)

15 Q. (Redacted)

16 A. (Redacted)

17 Q. (Redacted)

18 A. (Redacted)

19 (Redacted)

20 Q. (Redacted)

21 (Redacted)

22 A. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. Okay, thank you very much. I'm going to ask the Judge if we can go back into

3 public session now because (Redacted)

4 (Redacted); do

5 you understand?

6 A. Yes, it is.

7 MR HAYNES: Then can we pass back into open session, your Honour?

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

9 (Open session at 1.52 p.m.)

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

11 MR HAYNES:

12 Q. Sir, generally what sort of contact did General Bombayake have with President

13 Patassé?

14 A. General Bombayake had direct access, or direct links, with President Patassé. They

15 were both Kaba -- Kaba people. Patassé was Kaba, Bombayake was Kaba and

16 Bombayake was the Director of Presidential Security, so they had very direct links and

17 ties.

18 Q. And how often would they see one another?

19 A. Would you please repeat your question?

20 Q. Yes. How often would General Bombayake and President Patassé meet?

21 A. Well, you see, the director-general must meet the president on a daily basis, on a

22 regular basis, because in the morning he has to go to the president's villa, receive

23 instructions, give instructions and then follow the presidential convoy up to the

24 palace - the Renaissance palace - which was downtown. After the palace General

25 Bombayake would then go to his office, but upon finishing his day at work he had to go

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1 back and come back home with the president's convoy. So they had very direct ties, very
2 direct links, they saw themselves, they saw each other every time whenever -- I mean, as
3 often as possible and there was no difficulty with that.

4 Q. Thank you. I want to talk now about the structure of the Central African Army.
5 Functionally, who is the commander-in-chief of the Central African Army?

6 A. The commander-in-chief of the Central African Army is the President of the
7 Republic.

8 Q. And how operationally is the army commanded at a military level?

9 A. The Ministry of Defence has a Minister of Defence, a Minister Delegate for Defence,
10 the General Staff of the Army -- the General Staff of the Army, the General Staff of the Air
11 Force and the General Staff of the Naval Base. That is the marine forces, or the navy.

12 Q. How does the Presidential Guard fit into that structure?

13 A. Well, the USP is a Presidential Security Unit referred to as "the Presidential Guards."
14 It is designed for the protection of the Head of State, but they belong to the FACA. They
15 are trained as soldiers under the FACA and then seconded to perform the specific duties
16 of protecting the Head of State.

17 Q. So who did General Bombayake answer to directly, or report to directly?

18 A. General Bombayake reported to the President of the Republic because of their direct
19 ties. However, he was under the orders of the General Staff.

20 Q. In October of 2002, who was the Chief of General Staff of the Central African Army?

21 A. In October 2002, General Betibangui was the Chief of General Staff of the Army.
22 The Deputy Chief of Staff was Colonel Mazi, who subsequently became a general.

23 Q. What happened to General Betibangui?

24 A. General Betibangui died and, after he died, General Bombayake replaced him.

25 THE INTERPRETER: "He was replaced by General Gambi," the interpreter corrects.

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1 MR HAYNES:

2 Q. What about General Mazi, what was his position after General Gambi became Chief
3 of General Staff?

4 A. When General Gambi became Chief of General Staff, General Mazi continued to
5 serve as Deputy Chief of Staff and Co-ordinator of the CCOP, alongside Lengbe.

6 Q. Thank you very much. When was the CCOP first created; do you know?

7 A. Of course it was during the events.

8 Q. And what was its function and its relationship to the General Staff?

9 A. The CCOP was under the orders of the General Staff of the Army, so it received
10 orders from the army headquarters, of course.

11 Q. Did General Bombayake visit the CCOP?

12 A. Well, General Bombayake had to have meetings with the CCOP. Therefore, that
13 was normal. After Lengbe, it was Bombayake who took over the command of the CCOP.
14 I hope you can understand that.

15 Q. I can, and I do, but we need it in the record of these proceedings. When you say
16 "after Lengbe," what happened to Lengbe?

17 A. Well, Lengbe fled. He ran away from his responsibilities. He betrayed our
18 positions, and he fled. He was no longer trusted, and it is in those circumstances that
19 General Bombayake took over control of the CCOP.

20 Q. Can you help us with the chronology of these events? When did Betibangui die
21 and when did Lengbe flee the CCOP?

22 A. Well, since this is ten years ago I can't remember dates individually, but after the
23 death of Betibangui, General Gambi was nominated Chief of Staff, and the head of the
24 presidential unit was replaced by General Bomba (phon) and that was after Lengbe had
25 left, but I can't give you an exact date. I wouldn't want to give you a wrong date.

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1 Q. Okay. If you don't know, you don't know, but do you remember which happened
2 first? Did Lengbe run away first or did Betibangui die first?

3 A. General Betibangui died first.

4 Q. Thank you. Now, other than the CCOP, was there any other organisation set up to
5 manage the conflict between October 2002 and March 2003?

6 A. After General Bombayake took on the command of CCOP, there was an
7 organisation set up led by Mbangiaye (phon).

8 Q. I'm sorry, I didn't catch the end of that. Could you say it again, please?

9 A. I was saying after Lengbe fled, when the general took on the CCOP, there was a
10 training bureau created which was led by a general from the USP.

11 THE INTERPRETER: The interpreter apologises. I didn't catch the name properly.

12 MR HAYNES:

13 Q. How did the president monitor the developing crisis?

14 A. There were reports made to him. People made reports to him and we reported to
15 him all the time. So there were meetings. The authorities were holding meetings and
16 reports were being made all the time.

17 Q. Who was in command of the operation to fight Bozizé's rebels?

18 A. As I said yesterday, when the CCOP was set up before Lengbe left, there were
19 instructions being given by General Mazi to the CCOP and these instructions were
20 then -- they were being given to the general and they were transmitting them to the CCOP,
21 who then transmitted them to the people in the field.

22 Q. Who do you mean by "the people in the field"?

23 A. The combat battalions in the field. As I said yesterday, there was in the regiment a
24 mix of platoons, one Central African platoon and -- for support and two other platoons,
25 and there were two MLC and one FACA and there was a lot of manoeuvres, according to

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1 the instructions that were being given.

2 Q. Sir, I sense you're going to have to slow down the way you speak. I think the
3 translators are finding it hard to keep up with you, so can you please slow down for me?

4 A. Yes, I will.

5 Q. What contact was there between General Bombayake and the commander of the
6 MLC forces, Moustapha?

7 A. General Bombayake had direct contact with Moustapha, the commander of the
8 MLC.

9 Q. Through what means?

10 A. We had radios, as I said, walkie-talkies, as I said. That's what we had.

11 Q. Did General Bombayake meet Moustapha?

12 A. As I said yesterday, the support regiment under General Bombayake with the CCOP
13 met Moustapha. They had a meeting which instructions were given.

14 Q. What about after the troops went out into the field?

15 THE INTERPRETER: The interpreter apologises, but the sound quality was so bad that I
16 did not understand what the witness said.

17 MR HAYNES:

18 Q. Okay, can you repeat what you said? It's not your fault. The sound quality is not
19 very good at the moment, so can you repeat what you said clearly and slowly, please,
20 about the contact between Bombayake and Moustapha after Moustapha went out into the
21 field?

22 A. Yes. As I said, the contact were via communications radios and walkie-talkies
23 who -- that had been issued to the units, so there was contact. We used the FACA
24 frequencies and FACA communications radios. Therefore, there were contacts using
25 these communications radios and the walkie-talkies.

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1 Q. And when we say "contacts," what was the context of those contacts? What were
2 they saying to one another?

3 A. Orders, of course. We were just transmitting orders that they received.

4 Q. Thank you. Now, just one more thing before we move on back to the chronology.
5 A brigade of soldiers present in a foreign country needs logistics. How were the MLC
6 troops fed while they were in Central African Republic?

7 A. Yes, the MLC troops received PGAs. They had food and there was an ambulance
8 and they had logistic support from the FACA, and the Central African Army issued these.

9 Q. What is a PGA?

10 A. It's a food allowance which you give to troops when they're in the field. It seemed
11 to be a food allowance given to the troops in the field.

12 Q. You also said, "They had food." Where did the food come from?

13 A. From the FACA. We gave them bread, bottles of water and food supplies of
14 course.

15 PRESIDING JUDGE STEINER: Mr Haynes, I'm sorry to interrupt. Judge Aluoch needs
16 a clarification.

17 JUDGE ALUOCH: Yes, from the transcript it's page 41 where we are talking about
18 contacts. Mr Haynes, your question was, "And when we say 'contacts,' what was the
19 context of those contacts? What were they saying to one another?" "Orders, of
20 course" -- the answer from the witness, "Orders, of course. We were just transmitting
21 orders that they received."

22 Two things: First I am assuming that he was within hearing aid for him to say "orders"
23 and, secondly, can he give us examples of what sort of orders?

24 If that's not too much, Mr Witness, what sort of orders were these because you say they
25 were just transmitting orders. What sort of orders, if you heard what they were talking

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1 about, the two, Moustapha and Bombayake?

2 THE WITNESS: (Interpretation) I wasn't listening to what was saying -- what was
3 being said.

4 JUDGE ALUOCH: But your answer was that these were orders, so you didn't
5 hear -- you didn't hear what they said and so you actually don't know what they were
6 saying to each other, is it?

7 THE WITNESS: (Interpretation) Yes.

8 JUDGE ALUOCH: Thank you.

9 MR HAYNES: Our understanding is that the witness's answer at page 41 was a good
10 deal longer than the translation that has appeared, but perhaps that's something that
11 needs revising later on.

12 Q. Sir, I want to leave, as it were, the context or the structure of the army and go back to
13 our chronology. After you had arrived in the 4th arrondissement with the various units,
14 where did you go after that?

15 A. After the gun combat between our loyalist forces and the death squadrons and the
16 others in the 4th arrondissement, as I said, there were three main thrusts of the combat at
17 Boy-Rabé, PK12, Bumbu and Gobongo -- Fouh, Gobongo, PK10, PK12.

18 Q. I wonder if you'd just be so kind as to slowly tell us the areas you just mentioned in
19 your last answer?

20 A. Yes. As I was saying, there were these three axes: Boy-Rabé, which went
21 upwards; Fouh, Bongoum (phon), PK10, PK12; and the Axis Marabena which was
22 fighting towards the airport.

23 Q. What was the situation at the airport?

24 A. They hadn't taken the whole airport, but only part of the fighting area because there
25 was resistance. The Prime Minister Ziguélé took part of the area there, but not the

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1 airport.

2 PRESIDING JUDGE STEINER: Mr Haynes, if you don't mind? Because there are some
3 problems with the quality of the sound, the technicians are suggesting that we try to
4 establish a new connection. That would take, according to them, 30 seconds.

5 MR HAYNES: Okay. I could sense that the translators are having a difficult time, so I
6 think that's a good idea.

7 (Pause in proceedings)

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

9 THE WITNESS: (Interpretation) Yes, I can hear you, your Honour.

10 PRESIDING JUDGE STEINER: Is the sound now better?

11 THE INTERPRETER: I think we need to hear a little more, if we may please? Those
12 were just two words.

13 MR HAYNES: Shall I try and elicit something from the witness? I think that is the
14 critical point.

15 Q. Was the airport operational during this period?

16 A. No, Madam President, it was not. There was fighting there. How could an
17 airport have been operational under those circumstances?

18 THE INTERPRETER: And yes, thank you, the sound is better. Thank you.

19 MR HAYNES:

20 Q. Are you able to tell us how soon after the fighting finished that the airport became
21 operational?

22 A. I can't give you an exact date, that would be wrong of me, but I think at least two
23 weeks. I think about two weeks.

24 Q. Okay. Did you yourself go to PK12?

25 A. Yes.

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1 Q. And what did you find when you arrived there?

2 A. When we arrived at PK12, we gradually liberated the neighbourhood. We
3 discovered damage that had been caused by the troops of General Bozizé. As I said, we
4 said -- saw that there was a lot of damage done during the tactical withdrawal on the
5 route to Damara.

6 Q. What do you mean by damage?

7 A. Looting, murders, killings, rapes, abductions.

8 Q. How are you able to tell there had been looting going on?

9 A. We saw that. We saw houses that had been destroyed and burnt down. We saw
10 this ourselves. Women came and complained. People came to us crying. We saw all
11 this immediately.

12 Q. You say "immediately." Do you recall what date you arrived in PK12?

13 A. Well, you know the fighting started on the 30th, so that would have been about
14 three days, but I can't recall all the dates. Three or four days. I can't remember exactly,
15 but it lasted three or four days before we got to PK12.

16 Q. And what loyalist units were at PK12?

17 A. I said the loyalists were made up of different sorts of partisans: The SAPS; the
18 forces of Paul Barril; the forces of Sarawi; and the -- Miskine; the FACA. We all met up at
19 PK12.

20 Q. Thank you. And can you tell us whether your unit was one of the first to arrive
21 there, or a unit that arrived subsequently to others?

22 A. We were the first to arrive there.

23 Q. Did you stay at PK12 for any period of time?

24 A. Yes, we stayed there near the school. We stayed at PK12 to organise ourselves.

25 Q. And for how long did you stay there?

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1 A. Two days/three days. I don't remember exactly, but we stayed two nights, if I
2 recall correctly, so two or three days before we took the direction of Damara.

3 Q. And with whom did you go towards Damara?

4 A. We remained with the same team as at the beginning of the fighting. Tutu Kuese
5 was our liaison commander and Yetnan Degaro (phon) was part of our team. That team
6 was the same team that together went towards Damara, including the SCPS, the Sarawi
7 forces of Miskine, Paul Barril, USP and the ALC.

8 Q. Who told you to go towards Damara?

9 A. That is the location to which General Bozizé tactically withdrew, and it was
10 necessary for that town to also be liberated.

11 Q. But after staying two days at PK12, did you move towards Damara without an
12 order?

13 A. We received an order from the headquarters. We received an order and additional
14 supplies of ammunitions, so we received those supplies. We received the order and then
15 went towards Damara.

16 Q. Did you reach Damara?

17 A. Yes.

18 Q. And what happened when you got there?

19 A. There was fighting in Damara, very early in the morning, at 5 a.m. The fighting
20 lasted some six hours before the town of Damara was liberated. Then they withdrew, or
21 they retreated to Sibut.

22 Q. Who was in command of the loyalist forces at Damara?

23 A. When we got to Damara, as I mentioned a short while ago, our company
24 commander and liaison commander was Tutu Kuese. Our section commander was
25 Second-Lieutenant Degaro (phon), as I've already told you, but all of this was happening

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1 under the orders of the General Staff and of the CCOP.

2 Q. Did you go into the town of Damara?

3 A. Of course. We entered Damara town.

4 Q. And what did you see when you got to Damara town?

5 A. As I already told you, fighting lasted some six hours, having begun early in the
6 morning. When we got to Damara, we found out that some looting had taken place,
7 crimes and rapes had also taken place, and this was the area belonging -- of an MLPC
8 member of parliament, and Bozizé's troops had ransacked the whole area.

9 Q. How did you find out these crimes had been committed?

10 A. As soon as we arrived the town, we noticed it. Some inhabitants came to explain to
11 us what had happened. You know, when Damara had been invaded, people sought
12 refuge in farms. We contacted the village head, and he then invited his inhabitants to
13 return to the town. People coming in told us about what had happened and we were
14 able to see for ourselves the situation where looting had occurred, where rapes had taken
15 place, and such similar crimes. That is it.

16 Q. Do you remember the name of the chef du village at Damara?

17 A. Well, these things happened a long time ago. No, if I told you a name, it would be
18 a lie. No.

19 Q. Okay. And how long did you remain at Damara?

20 A. As I told you, we spent some two days or so in Damara. We didn't spend much
21 time there, and we took up position, sent out some scouts to gather intelligence for us on
22 Sibut. So what I can say is we may have spent one or two days in Damara, but we didn't
23 stay there for a long time.

24 Q. Just to back-track a little bit, was General Bombayake at PK12?

25 A. General Bombayake remained with the president and he was controlling the

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1 operations by transmission, or by walkie-talkie, but he only came there after peace had
2 returned, or peace had been re-established.

3 Q. So did General Bombayake come to PK12 at some time?

4 A. Yes, of course, after PK12 was liberated and people had returned to their normal
5 duties. You know, PK12 is a huge cattle market. And so people were living as usual,
6 life had returned to normal, and it is then that he came to PK12. He didn't come there at
7 the time of the fighting.

8 Q. Okay. And what Damara? Did General Bombayake go to Damara?

9 A. Never, no. No.

10 Q. Where did you go after Damara had been taken?

11 A. As I already told you, after Damara was liberated, General Bozizé's people, the
12 Zaghawa and the death squads, tactically retreated to Sibut. We then received orders to
13 dislodge them from Sibut. We organised ourselves accordingly and continued the
14 fighting.

15 Q. Did you go to Sibut?

16 A. Yes, of course.

17 Q. With what units?

18 A. Our chief of section was Lieutenant Mbele (phon), in Sibut, and again we were along
19 with the loyalists, the MLC platoon, and merged with the loyalist forces. We
20 counter-attacked and dislodged General Bozizé's people from Sibut.

21 Q. And can you help us even approximately as to when that was?

22 A. What? I did not quite understand your question.

23 Q. Yes. How long after you were in Damara did you reach Sibut?

24 A. After the two days in Damara, we then went towards Sibut, still under the orders of
25 the General Staff. Two days after, the fighting in Sibut did not last long. Sibut was

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1 quickly recaptured.

2 Q. And did you go into the town of Sibut?

3 A. Yes, of course we went into Sibut.

4 Q. And what did you find there?

5 A. As I said a short while ago, when we arrived at Sibut we noticed that the same thing
6 had happened: Cases of killing, pillaging and rape by General Bozizé's troops, as well as
7 the Zaghawa and the death squads.

8 Q. You say you noticed them. How did you notice them?

9 A. We heard testimonies. We saw dead bodies. We saw torched houses. There was
10 pillaging that could be observed. We saw villagers who had been slaughtered. We
11 were able to observe that because we were present.

12 Q. And how long did you remain in Sibut?

13 A. As I told you, fighting in Sibut did not last long, so we spent a day in Sibut and after
14 receiving orders General Bozizé's people had retreated to Kaga-Bandoro.

15 Q. And what did you do?

16 A. I was fighting with the loyalist forces, as I told you a short while ago.

17 Q. Did you remain in Sibut, or did you go somewhere else?

18 A. As I told you, General Bozizé's people withdrew from Sibut to Kaga-Bandoro. We
19 were surprised that they left Kaga-Bandoro and went to Bossembélé, and it is there that
20 they established their stronghold, so to speak. That is on the Bolimbe (phon) road in
21 Bossembélé.

22 Q. What was the importance of Bossembélé?

23 A. Bossembélé is a -- is a city. Yes, it is a city.

24 Q. Okay. So when you discovered that, what did you do?

25 A. As I told you, when General Bozizé's people or troops withdrew to Kaga-Bandoro

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1 we were about to attack it, but the headquarters notified us that Bossembélé had been
2 captured by Bozizé's people and so for about four days they had besieged the town of
3 Bossembélé.

4 Q. When you're in PK12, how many roads out of PK12 are there to the north of the
5 Central African Republic?

6 A. When you get to PK12, there are two roads: One to Damara and the other to Boali.

7 Q. And the Boali road, does that pass through Bossembélé?

8 A. On the Boali road, well, you go through Boali, then Boali to Bossembélé, yes. So
9 the Boali road goes through Bossembélé, but you get to Boali before getting to Bossembélé.
10 That is how it is.

11 Q. Okay. And at Damara and Sibut, had you encountered much resistance from
12 Bozizé's forces?

13 A. As I was saying, there was some resistance in Damara, but not much in Sibut. No,
14 no real resistance in Sibut.

15 Q. And yet Bozizé's forces had taken Bossembélé. What did you conclude had
16 happened?

17 A. The most intense fighting took place in Bossembélé. It wasn't easy at all. You see,
18 the Bossembélé road is the one on which supplies come to the Central African Republic
19 and it is the road linking us to the Republic of Cameroon. It is through that road that we
20 get supplies of fuel and food, so everything comes through Bossembélé.

21 Now, when the Bossembélé road was cut off then the access to our supplies was cut off by
22 the Zaghawa and the death squads, so the most violent fighting in the Central African
23 Republic took place in Bossembélé.

24 Q. Can you help us as to approximately when the fighting in Bossembélé took place?

25 A. As I told you, we were in Sibut when we received orders to quickly return to Bangui

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1 because General Bozizé's men had captured Bossembélé, so we returned to Bangui with
2 some of the MLC troops in order to launch a counter-attack on Bossembélé. This
3 happened after about two or three weeks. I really am not in a position to provide you
4 with an exact date.

5 Q. Okay. Do you know whether it was in 2002 or 2003, for example?

6 A. It was during the crisis, 2002/2003. It was in that area. Well, I think it was in 2002.
7 2002, yes. 2002.

8 Q. And how long did the fighting go on for at Bossembélé?

9 A. Four days. Four to five days. Those were the most intense days of fighting. The
10 most violent fighting took place in Bossembélé.

11 Q. And who was in command of the loyalist forces at Bossembélé?

12 A. In Bossembélé we were still under the orders of the headquarters, or General Staff,
13 but in Bossembélé it was General Mazi himself who gave orders to free or release
14 Bossembélé upon instructions from the Head of State. So we did our level best. We
15 fought the hardest using two Libyan aircrafts and the fighting in Bossembélé was really
16 very intense.

17 Q. Was General Mazi present in Bossembélé?

18 A. During the fighting, no.

19 Q. And what did the Libyan aircraft do?

20 A. The Libyan aircraft dropped bombs, or maybe they were small missiles, but they
21 shelled the town.

22 Q. You say that General Mazi wasn't present during the fighting. Was he present in
23 Bossembélé at any time?

24 A. Well, they were in command. Those of us on the ground were so taken up by the
25 fighting that we did not cross-check these things. We were concentrating and focusing

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1 on releasing or freeing the city of Bossembélé. Maybe something happened thereafter,
2 maybe he went there subsequently, but I was not with him. I was not with him and I
3 cannot tell you.

4 Q. After the fighting, did anybody from the State mechanism visit Bossembélé?

5 A. After Bossembélé was liberated, Mr Jean-Edouard Koyambounu, the government
6 spokesperson, issued a press release. The French ambassador and the international
7 community travelled with the minister to Bossembélé and took note of the crimes, the
8 pillaging and the rape and murders that had been committed by General Bozizé's troops
9 and the death squads. So the authorities actually went to Bossembélé, of course.

10 Q. I'm just waiting to see if these names all come up in our transcript. Can you give us
11 the name of the government spokesperson you referred to, nice and slowly and clearly
12 please?

13 A. The name is Mr Jean-Edouard Koyambounu.

14 Q. And the French ambassador please, if you know his name, nice and clearly and
15 slowly?

16 A. Jean-Marc Simon.

17 Q. And the minister who travelled with him, please, nice and clearly and slowly?

18 A. There was a government delegation, an official delegation was present.
19 Jean-Edouard Koyambounu, the spokesperson was there. Yanbongo (phon) the Minister
20 Delegate for Defence was there as well.

21 Q. Sir, I am very nearly finished with you, but I think we have to take a break now, so
22 you've got half-an-hour and I will finish with you in a few minutes afterwards, okay?

23 PRESIDING JUDGE STEINER: Thank you, Mr Haynes. Mr Witness, we have now
24 half-an-hour break. It's almost 3 o'clock. We'll be back at 3.30 for a two-hours session.
25 The hearing is suspended.

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- 1 THE COURT USHER: All rise.
- 2 (Recess taken at 3.00 p.m.)
- 3 (Transcription of the hearing continues in Transcript: ICC-01/05-01/08-T-326bis-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.