

Witness: CAR-D04-PPPP-0004 (On former oath) (Open Session)
Questioned by Ms. Douzima (Continuing)

Page 1

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
5 - ICC-01/05-01/08
6 Presiding Sylvia Steiner, Judge Joyce Aluoch and
7 Judge Kuniko Ozaki
8 Trial Hearing.
9 Thursday, 20 June 2013.
10 (The hearing start in open session at 3.03 p.m.)
11 THE COURT USHER: All rise. Please be seated.
12 PRESIDING JUDGE STEINER: Welcome back. For the record, the
13 Chamber authorised Mr Bemba to be absent from this afternoon's session.
14 Good afternoon, Mr Witness, and welcome back.
15 THE WITNESS: (Interpretation) Good afternoon, Madam President.
16 PRESIDING JUDGE STEINER: Mr Witness, I think we are very close
17 to conclude with your testimony, so we hope that you are able to answer
18 to the questions in objective and concise way, and then you be released
19 from your duties as a witness in this case. I'll give back the floor to
20 Maître Douzima to continue with the questioning.
21 MS DOUZIMA: (Interpretation) Thank you, Mr. President.
22 CAR-D04-PPPP-0004 (On former oath)
23 (The witness speaks French)
24 (The witness testified via videolink)
25 QUESTIONED BY MS DOUZIMA: (Continuing)

Witness: CAR-D04-PPPP-0004 (On former oath) (Open Session)
Questioned by Ms. Douzima (Continuing)

Page 2

1 Q. Mr Witness, before the break we were talking about military
2 uniforms and boots issued to the MLC troops who arrived. So the question
3 was whether all the MLC soldiers who arrived in Central African Republic
4 were issued with uniforms and ranger boots.

5 A. Yes, that's what I was saying, counsel. When we got the support
6 regiment, all the troops there were issued with uniform and ranger boots.

7 Q. So there was no distinction between the FACA and the MLC troops
8 who were there as reinforcements?

9 A. That's it indeed, Counsel.

10 Q. The reason I'm asking this is because what you say doesn't tie in
11 with statements from Mr Lengbe who was part of the authorities who
12 received the MLC troops when they arrived in Bangui. Before this Court
13 he testified - and I'm referring here to document 5 on my list, which is
14 the French transcription 182 of the 4th November of 2011, and the same
15 transcription in English. And what he said was, with regard to the
16 ranger boots there were not enough for everyone. They had their boots,
17 and he was talking there about the MLC soldiers, they had rubber boots
18 that they were wearing. There were not enough for everybody. They had
19 boots. What is your reaction to this statement?

20 A. Well, Counsel, I was explaining something. I said at the support
21 regiment where we took what was there, they received what I said. They
22 arrived with boots and poorly equipped uniforms. As I said, at the
23 support regiment they were issued with ranger boots and uniforms. They
24 were very happy at that point. They felt that President Patassé --
25 because they were given WAX (* phon) uniforms and leather boots. They

Witness: CAR-D04-PPPP-0004 (On former oath) (Open Session)
Questioned by Ms. Douzima (Continuing)

Page 3

1 were happy, Counsel.

2 Q. Thank you, Mr Witness. I was simply reading out to you the
3 statement read by -- made by one of the authorities. They received the
4 order to issue uniforms and rangers to these troops and he made a formal
5 statement that they did not all receive rangers. Some continued to wear
6 the rubber boots with which they had arrived. So when you say that they
7 were clothed and shod in the same way, the FACA and the MLC, as well as
8 the uniformed, how could one distinguish between the FACA forces and the
9 MLC troops?

10 A. That's what I was trying it is. Once we had the same uniforms,
11 it was no longer possible to distinguish because they'd all become FACA.
12 They'd had been given FACA uniforms, everything was FACA.

13 Q. Mr Witness, in today's hearing, page 48, lines 7 to 12 in the
14 French transcription, the Prosecutor asked whether the USP could identify

15 the MLC troops and you said yes. So tell us, how could the USP soldiers
16 identify the MLC soldiers?

17 A. Well, listen, in the U SP we know each other. They had just
18 arrived, and there was a problem of language, that we didn't know each
19 other. They'd come to fight alongside us, but from the point of view of
20 the population it would not have been possible to recognise the
21 difference. But amongst ourselves, we were well able to do that, among
22 ourselves. But the population during convoys or battles, the population
23 would not have been able to distinguish them. That's what I said on this
24 subject.

25 Q. When you say it's a problem of language, what do you mean by

Witness: CAR-D04-PPPP-0004 (On former oath) (Open Session)
Questioned by Ms. Douzima (Continuing)

Page 4

1 that?

2 A. We in the USP, we know each other, we see each other all the
3 time. We have the same ranks, we stand guard duty together, but they had
4 just arrived, and not all the USP speak Lingala either. So among the
5 military it was possible to identify each other, but the population would
6 not have been able to do that, they would not have been able to
7 distinguish between FACA and MLC. That's what I said.

8 Q. Mr Witness, you're not answering my question so I won't pursue
9 this line. I'll move to something else. At the hearing of the 19th of
10 June, yesterday, and I'm looking at the realtime transcription 326 in the
11 French version, you were asked:

12 "Did you go to the town of Sibut?"

13 And your answer was:

14 "Of course, yes, we arrived in Sibut.

15 "And what did you see there?"

16 "As I said earlier," this is your reply, "As I said earlier, we
17 arrived in Sibut and we saw the same things. There were killings,
18 lootings committed by General Bozize's men and the Zakawas, the death
19 squadrs."

20 And you were asked a question:

21 "You said that you noticed them. How did you see them?"

22 And you said:

23 "By testimonies."

24 That is what you said yesterday, Mr Witness. Now, Mr Witness, I
25 would like to read to you a statement made by an inhabitant of Sibut who

Witness: CAR-D04-PPPP-0004 (On former oath) (Open Session)
Questioned by Ms. Douzima (Continuing)

Page 5

1 came to testify to this Court.

2 MS DOUZIMA: (Interpretation) I am now referring,
3 Madam President, to a document, 8, on my list, transcription 222 of the
4 3rd of May, 2012. This is what this witness said. I'm on page 57:

5 "I think there were several cases of rape of girls of 10 years.
6 Some died of this."

7 And he was asked whether he had an idea of the number, how many
8 rapes were committed by the Banyamulenge in Sibut and he said:

9 "I can't give a figure because the girls were ashamed to say that
10 they'd been raped by the Banyamulenge. They were afraid of being
11 stigmatised."

12 And line 23, he was asked:

13 "Did you -- were you present at a case of rape?"

14 "No, I did not -- I was not present, but when these girls were
15 running, they were running naked. We could see them running and
16 sometimes they were taken and held for two or three days before being
17 released."

18 And on page 53, the witness said, line 21:

19 "We're talking about Bozize's rebels. As soon as these rebels
20 knew that the attackers were moving towards Damara, they withdrew. What
21 were these rebels doing in Sibut?"

22 His reply:

23 "They did nothing. They had set up a base at the Obes de san
24 Bundi (* phon) and Sokambi (* phon) said that he had come. They knew
25 where they were and that's why they came to settle things."

Witness: CAR-D04-PPPP-0004 (On former oath) (Open Session)
Questioned by Ms. Douzima (Continuing)

Page 6

1 These are a few passages from the statement of this inhabitant of
2 Sibut which is in contradiction with what you have testified here,
3 Mr Witness. What's your response?

4 A. As I was saying, Counsel, we were in the front line of combat.
5 We got to Sibut and we saw through the statements of the inhabitants what
6 happened in Sibut. I don't want to make things up or say things that I
7 didn't see and say those things to the Court. I can only say what
8 happened in the confrontations. There were bound to have been deaths on
9 both sides, but I'm only telling you what I say. We at the front line,
10 that's what we saw. We were spoken to by the population. We were warmly
11 welcomed by the population. They were pleased to see us, and I'm only
12 saying what I heard.

13 Q. Mr Witness, according to the statements of this witness from
14 Sibut, there were never any confrontations. The attackers had already
15 withdrawn before the arrival of the loyalist troops.

16 A. As I said day before yesterday, in Sibut there was not a lot of
17 resistance, I said that. I said that I was in the front line and I know
18 why I said that.

19 Q. The Court will take note, Mr Witness.

20 Another question. Have you heard talk of offences committed even
21 though you have already said that you haven't -- you said that you can't
22 talk about what you haven't seen, but did you not hear any rumours of
23 offences being committed by the MLC troops?

24 A. Well, Counsel, what I can say is that in all the combat there is
25 always death. We were on the front line. Our mind-set was to oust the

Witness: CAR-D04-PPPP-0004 (On former oath) (Open Session)
Questioned by Ms. Douzima (Continuing)

Page 7

1 rebels, but we weren't thinking of other things. We were concentrating
2 solely on liberating the occupied areas, those areas occupied by the
3 rebels. That's all I can say.

4 Q. I understand what you're saying, Mr Witness, but did you hear any
5 talk of events in Mongoumba?

6 A. I didn't understand the question, Counsel.

7 Q. We've talked of Bossangoa, Bozoum, Sibut, and so on. And now
8 looking at the southern part, I would like to know whether you were aware
9 of events that took place in Mongoumba?

10 A. As I was saying to you, I don't know what went on in Mongoumba.
11 The combat was in the north, not the south. I can't tell you anything
12 about that. I know it's -- the village I come from, but I can't tell you
13 about things that I don't know about. I was not aware.

14 Q. Mr Witness, did you just say the village you were born in was
15 Mongoumba?

16 A. That was my father, of course.

17 Q. You do not know of events that took place in this town -- well, I
18 move on. Mr Witness, during your testimony you have spoken of the role
19 of the USP, the presidential security, the role of the USP being to
20 ensure that the president is kept safe, if I've understood and
21 interpreted correctly what you say. Could you tell me what the strength
22 of the USP is?

23 A. As I've said, it was 300 to 500 men.

24 Q. And what is the role of the head of the USP, General Bombayake?

25 A. His role was to enjoy the security of the state.

Witness: CAR-D04-PPPP-0004 (On former oath) (Private Session)
Questioned by Ms. Douzima (Continuing)

Page 8

1 Q. That -- so the USP is attached to the presidency?

2 A. A presidential security unit is of course attached to the
3 presidency. The -- it's the presidential security unit.

4 Q. Did he have a deputy?

5 A. Yes, he did.

6 Q. Can you give us his name?

7 A. His name was Albert Wadane.

8 MS DOUZIMA: (Interpretation) Madam President, I have a series
9 of questions to put to the witness which would require private session.

10 *(Private session at 3.25 p.m.) Reclassified as Open session

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

12 MS DOUZIMA: (Interpretation)

13 Q. We're in private session so the public can't hear you and so
14 please give the answer. We're now look at 326, page 30, line 15 onwards,
15 the French version.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Who seconded you?

21 A. Well, Madam Counsel, this is an order from the organisation.
22 It's the order from the USP organisation. There was an operational
23 training instruction bureau which is still there, still exists, and it is
24 in charge of the men of equipment -- and of equipment belonging to the
25 USP, and this bureau is responsible for planning everything that relates

Witness: CAR-D04-PPPP-0004 (On former oath) (Private Session)
Questioned by Ms. Douzima (Continuing)

Page 9

1 to the USP. (Redacted)

2 (Redacted). That's

3 what I said, Counsel.

4 Q. So was there a written decision for this order?

5 A. No. It's still a USP. It was a USP thing.

6 Q. And is this an oral order, just mouth-to-mouth?

7 A. As I said, there is a bureau that organises everything and it
8 issues orders which one follows. If I was told to go and reinforce the
9 troops, and that is what I did.

10 Q. When you say "we were called," were you the only one seconded in
11 this way or were there others also sent?

12 A. Could I be the only one? There were lots of us.

13 Q. How many approximately?

14 A. I can't give you an exact number. That would be made up. I
15 can't come up with a number for that. I'm just trying to explain to you
16 what happened, but I don't have an exact figure that I can give you.

17 Q. I didn't ask for an exact figure. I asked roughly how many.
18 Surely you could tell me that. Ten? 50? A hundred? A reply like that
19 would be good.

20 Mr Witness, did you hear my question?

21 A. 50-ish, 100-ish, depends.

22 Q. Okay, it depends. So when you were seconded to the FACA to fight
23 in the field, what was your role in the forces once you'd been seconded?

24 A. As I was explaining to you, Counsel, I was a team commander. I
25 had a team and I got instructions and I organised the team in the field.

Witness: CAR-D04-PPPP-0004 (On former oath) (Private Session)
Questioned by Ms. Douzima (Continuing)

Page 10

1 Q. (Redacted)

2 (Redacted)

3 A. No, no, that's not what I said. (Redacted). There

4 were others working alongside him, but I was in the field because of the

5 training I'd done after -- (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. And the other 50, the other 100, what caused them to be sent?

9 A. (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. (Redacted).

13 (Redacted)

14 A. (Redacted)

15 (Redacted)

16 Q. (Redacted)

17 A. (Redacted)

18 (Redacted).

19 Q. (Redacted)

20 A. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. (Redacted)

25 (Redacted)

Witness: CAR-D04-PPPP-0004 (On former oath) (Private Session)
Questioned by Ms. Douzima (Continuing)

Page 11

1 A. No.

2 Q. (Redacted)

3 (Redacted)

4 A. As I told you, at the USP we received allowances, but we all had
5 FACA salaries. We had additional allowances that is on top of our
6 salaries. That is what I meant to say.

7 Q. What was this allowance known as?

8 A. These were allowances to motivate the USP soldiers and it is an
9 additional amount of money paid by the treasury to the presidential
10 guard. It is not for every soldier to receive that allowance. It is
11 designated specifically for the presidential guard soldiers.

12 Q. How much was it?

13 A. Maybe 50.000, but it all depended on the rank of the beneficiary.

14 Q. Let me move on to something that you said at yesterday's hearing,
15 page 37, this is what you said. Now the question, to begin with, was the
16 following:

17 "From an operational point of view, how is an army commanded from
18 a military point of view?"

19 Your answer:

20 "At the Ministry of Defence, we had a minister for the defence, a
21 minister delegate for defence, the general staff of the army or the joint
22 forces."

23 MS DOUZIMA: (Interpretation) Madam President, maybe we should
24 go into private session.

25 PRESIDING JUDGE STEINER: You mean into open session?

Witness: CAR-D04-PPPP-0004 (On former oath) (Open Session)
Questioned by Ms. Douzima (Continuing)

Page 12

1 THE INTERPRETER: Rather into open session. Interpreter
2 corrects.

3 (Open session at 3.37 p.m.)

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

5 MS DOUZIMA: (Interpretation) I was referring to page 37 of the
6 transcript, that would be page 29 in the English transcript.

7 Q. Witness, this is what I was saying. You were asked the following
8 question:

9 "As far as operations go, how is an army commanded from a
10 military standpoint?"

11 Your answer:

12 "At the Ministry of Defence we have a minister for defence, we
13 have a minister delegate for defence, we have the general staff of the
14 army, the general staff of the air force, the naval forces, and the
15 marines as well as the land forces."

16 Now, the question was:

17 "How does the presidential guard fit into that structure?"

18 Your answer:

19 "Well, the presidential guard is a unit for presidential security
20 referred to the PG, Presidential Guard, which would then be a unit
21 specialising in the protection of the head of state. That is normal, but
22 those soldiers still belonged to FACA."

23 Now, when we get to line 24, this is the question that was put to
24 you:

25 "To whom did General Bombayake have to report directly?"

Witness: CAR-D04-PPPP-0004 (On former oath) (Open Session)
Questioned by Ms. Douzima (Continuing)

Page 13

1 Your answer:

2 "Well, General Bombayake reported to the president of the
3 republic; however, General Bombayake was under the orders of the Chief of
4 Staff."

5 Now, what type of report, who was under the orders of the general
6 staff? What type of report did General Bombayake make to the president
7 of the republic?

8 A. Well, I have explained to you that the events occurred in two
9 phases. The first phase during which the chief of general staff was
10 chief Bétibangui and at the time Lengbe was still commander of the CCOP.
11 During that phase the hierarchical order or structure was in place, but
12 when the president began to lose confidence and after Bétibangui died and
13 Gambee (* phon) became chief of general staff and the minister delegate
14 for defence was Jérôme Bouba, at that time there was an issue of trust.
15 The president no longer trusted some persons with regard to their
16 conduct. So that is what I was telling you.

17 Q. This is my question, Witness: What type of report did
18 Mr Bombayake submit or make directly to the president of the republic?

19 A. I'll take an example. The president may have needed to order the
20 treasury to pay the PGA to the troops on the field. That was a simple
21 transaction and that would be a good example, among others. But there
22 might be a need for weapons as well and so he had to report. If there
23 was a shortage of ammunitions and there was need for ammunitions to be
24 taken to the field, an order would have had to come from the president.
25 So I don't know if you understand these examples I have provided.

Witness: CAR-D04-PPPP-0004 (On former oath) (Open Session)
Questioned by Ms. Douzima (Continuing)

Page 14

1 Q. Witness, I do not understand you at all, I really do not
2 understand you. Are you saying that in the organisation chart or
3 structure of the general staff, please, tell us where General Bombayake's
4 position was within the structure of the general staff?

5 A. As I was telling you, Bombayake was between the DGs; that is, the
6 DG or general manager for the gendarmerie who is -- of the FACA; there is
7 the DG who is within the Ministry of the Interior. So there are two
8 other general directors, and Bombayake was one of the general directors.
9 He was in charge of a unit for the protection of the head of state. So
10 there arose a problem of trust. There was a problem of trust and that's
11 what happened and that is different from anything else.

12 Q. A problem of trust. You have repeated that for the umpteenth
13 time. Now, at page 90 of the transcript of 19 June you said the
14 president had lost confidence in the FACA. Now, if the USP is a FACA
15 unit, how then can you say that the president was losing confidence in
16 the FACA to which Bombayake belonged? How can you say that he then had
17 confidence in Bombayake? We can't understand that.

18 A. Madam, it is quite simple. I've explained to you. Why did
19 Lengbe who was of the FACA, why did he flee? Why did Betibangui die?
20 Well, I don't know how else I can explain these things to you.
21 Therefore, it was indeed a matter of trust. He no longer trusted his
22 director of security; he trusted others more. So that's how it is. I
23 don't know how else I can explain it to you.

24 Q. But they were all part of the FACA; right? In any event, if we
25 talk about Bombayake. Today, this morning, in today's transcript page

Witness: CAR-D04-PPPP-0004 (On former oath) (Open Session)
Questioned by Ms. Douzima (Continuing)

Page 15

1 53, lines 7 to 12, you testified that General Bombayake took over command
2 of the CCOP. He had been appointed to that position by a decree; is that
3 the case? Or was it again one of these types of appointments that we
4 cannot define?

5 A. Once again, as I was telling you, it was a matter of confidence
6 and trust again. He took over that unit because everything now was in
7 the hands of the general director because it had been understood that
8 things were not going well at the CCOP, that there had been infiltrations
9 at the CCOP, and that is why it was necessary for the president to put
10 his trust more in his security director. So that's what I can say. In
11 that event, everything was now in General Bombayake's hands.

12 Q. Did he occupy the two functions, the boss of the CCOP and the
13 boss of the presidential guard; and that the case?

14 A. As I was telling you, he was in charge of managing the crisis.
15 He was trained in that, he knew what to do, but I cannot tell you what I
16 do not know. I can only talk about what I know.

17 Q. What do you know in relation to the question have just put to
18 you?

19 A. What I have told you. I told you that Bombayake took over the
20 command of the CCOP because he was trusted. Now, that was in the second
21 phase of operations towards the end, almost towards the end of the
22 operations.

23 Q. Did he continue to occupy the position of chief of presidential
24 security; is that your testimony?

25 A. Well, if that is what you have understood, then so be it.

Witness: CAR-D04-PPPP-0004 (On former oath) (Private Session)
Questioned by Ms. Douzima (Continuing)

Page 16

1 MS DOUZIMA: (Interpretation) Madam President, I would like to
2 apply for private session.

3 PRESIDING JUDGE STEINER: Private session.

4 *(Private session at 3.47 p.m.) Reclassified as Open session

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

6 MS DOUZIMA: (Interpretation)

7 Q. Witness, I did not put all these questions to you for nothing.
8 It is not by chance. There have been testimonies here which differ from
9 yours. The Prosecutor has pointed that out to you, Maître Zarambaud has
10 pointed that out to you, and I have as well. In addition to all that,
11 there are many things that you are not aware of. So if I came to the
12 conclusion and I put it to you that (Redacted)
13 (Redacted) and that you were never on the field, what would your answer
14 be?

15 A. Well, that is what you say.

16 Q. Very well. To conclude, what was your motivation to testify in
17 this case?

18 A. I came to clarify things for the Court, to tell the truth about
19 what I know and about what I saw.

20 Q. Thank you, Witness.

21 MS DOUZIMA: (Interpretation) Madam President, I have no further
22 questions for this witness. I thank you.

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

25 (Open session at 3 .49 p.m.)

Witness: CAR-D04-PPPP-0004 (On former oath) (Open Session)
Questioned by Ms. Douzima (Continuing)

Page 17

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

2 PRESIDING JUDGE STEINER: Thank you, Maître Douzima.

3 Judge Aluoch would like to seek a clarification.

4 QUESTIONED BY THE COURT:

5 JUDGE ALUOCH: Mr Witness, during the early part of this
6 afternoon whilst Ms. Douzima was putting questions to you, part of her
7 question read as follows and I quote:

8 "So tell us, how could the USP soldiers identify the MLC
9 soldiers?"

10 And your answer was:

11 "Well, listen, in the USP we know each other. They had just
12 arrived," I think you meant MLC, "they had just arrived and there was a
13 problem of language, that we did not know each other. They'd come to
14 fight alongside us, but from the point of view of the population it would
15 not be possible to recognise the difference."

16 Later on in the same -- on the same page Ms Douzima then asked
17 you:

18 "When you say it's a problem of language, what do you mean by
19 that?"

20 And your answer was:

21 "We in the USP, we know each other, we see each other all the
22 time, we have the same ranks, we stand guard duty together, but they had
23 just arrived and not all USP speak Lingala either. So among the military
24 it was possible to identify each other, but the population would not have
25 been able to do that. They would not have been able to distinguish

Witness: CAR-D04-PPPP-0004 (On former oath) (Open Session)
Questioned by Ms. Douzima (Continuing)

Page 18

1 between FACA and MLC."

2 Mr Witness, you are speaking here on behalf of the population and
3 I want you to clarify, why do you say the population would not have been
4 able to distinguish between FACA and MLC? You are speaking on their
5 behalf. Can you clarify that, please, why you are so emphatic that the
6 population would not be able to distinguish between FACA and MLC?

7 A. As I said, well, the question she asked was whether among
8 ourselves, that is, those of us of the USP, it was possible to
9 distinguish ourselves from the MLC. It is for that reason that I
10 provided the answer. So I was not speaking on behalf of the population.
11 What I said, however, was that it was not possible for the population at
12 large to distinguish between us. That is what I said.

13 JUDGE ALUOCH: But what is your reason for saying that, whether
14 to distinguish or distinguish at large, what is your reason for saying
15 that, that the population would not distinguish between FACA and MLC?
16 That's what I want you to clarify.

17 A. That is what I was telling you. I said that among ourselves it
18 was possible to make a distinction, but during fighting it was not
19 possible for others to distinguish us. That's what I said.

20 JUDGE ALUOCH: You mean when both parties were in the battle
21 front, the population looking at you could not distinguish; is that what
22 you mean?

23 A. Yes, that is what I mean.

24 JUDGE ALUOCH: I see. That was not my understanding of your
25 statement. Okay.

Witness: CAR-D04-PPPP-0004 (On former oath) (Open Session)
Questioned by Ms. Douzima (Continuing)

Page 19

1 PRESIDING JUDGE STEINER: Mr Haynes, re-direct?

2 MR HAYNES: No. Thank you, your Honour.

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

7 In order, Mr Witness, for the Judges to find the truth, it is
8 critical that witnesses such as yourself are prepared and willing to give
9 evidence and assist the Chamber on the relevant issues of the case. We
10 are aware that this may have been inconvenient for you, it took a lot of
11 time from you, and you therefore leave us now with our thanks.

12 Before you leave, Mr Witness, and as with all other witnesses in
13 this case, I would like to ask you whether there is anything that you
14 would like to address to the Chamber. If there is anything you would
15 like to say, please take the opportunity. You have the floor.

16 THE WITNESS: (Interpretation) Well, I am the one to thank you,
17 rather, because it has been a pleasure for me to go through this pleasant
18 experience. It has been good and I thank you. I'm in good spirits.

19 PRESIDING JUDGE STEINER: So we thank you again very much,
20 Mr Witness.

21 I'd like to thank very much the Prosecution team, the
22 Legal Representatives of Victims, the Defence team. Thank you so much
23 for our interpreters, our court reporters, thanks to them we have been
24 able to sit for extended hours. Thank you very much, Mr Rojas.

25 THE COURT OFFICER: (Via videolink) Thank you, Mr. President.

Witness: CAR-D04-PPPP-0004 (On former oath) (Open Session)
Questioned by Ms. Douzima (Continuing)

Page 20

1 You're welcome.

2 PRESIDING JUDGE STEINER: The Chamber, we will resume tomorrow at
3 9.00, when the Chamber will start with the testimony of Defence witness
4 06. This hearing is adjourned.

5 THE COURT USHER: All rise.

6 (The hearing ends in open session at 3.57 p.m.)

7 RECLASSIFICATION REPORT

8 Pursuant to Trial Chamber III's Orders, ICC-01/05-01/08-2223 and
9 ICC-01/05-01/08-3038, the version of the transcript with its redactions
10 becomes Public

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