

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 Trial Hearing
7 Tuesday, 25 June 2013
8 (The hearing starts in open session at 9.06 a.m.)
9 THE COURT USHER: All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE STEINER: Good morning.
13 Could, please, court officer call the case.
14 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
15 Prosecutor versus Jean-Pierre Bemba, ICC-01/05-01/08. For the record, we are in public
16 session.
17 PRESIDING JUDGE STEINER: Thank you very much.
18 Good morning and welcome Prosecution team, legal representatives of victims, Defence
19 team - Maître Kilolo, welcome back - Mr Jean-Pierre Bemba Gombo. Good morning to
20 our interpreters, our court reporters. Good morning, Ms Balfas.
21 THE COURT OFFICER (via video link): Good morning, your Honour.
22 PRESIDING JUDGE STEINER: And good morning, Mr Witness, and welcome back.
23 WITNESS: CAR-D04-PPPP-0003 (On former oath)
24 (The witness speaks Sango)
25 (The witness gives evidence via video link)

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

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

2 PRESIDING JUDGE STEINER: Mr Witness, we all hope that you are feeling well, that
3 you improved your health situation and that you are ready to continue with your
4 testimony, sir. How are you feeling today?

5 THE WITNESS: (Interpretation) I'm feeling fine today.

6 PRESIDING JUDGE STEINER: So are you ready to continue with your testimony, sir?

7 THE WITNESS: (Interpretation) I'm ready to continue with my testimony.

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

10 THE WITNESS: (Interpretation) Yes, I understand that very well.

11 PRESIDING JUDGE STEINER: I also wanted to remind you that you are under
12 protective measures, that your image and voice that are broadcast outside the courtroom
13 are being distorted so that the public cannot identify you. For that reason, it is important
14 that when we are in public session you don't reveal any information that could lead to
15 your identification. If need be, let us know and we go into private session.

16 Do you remember the protective measures, Mr Witness?

17 THE WITNESS: (Interpretation) Yes, I remember.

18 PRESIDING JUDGE STEINER: And finally, Mr Witness, to remember you that you
19 have -- you need to speak slower than normal in order to facilitate the work of our
20 interpreters.

21 Is that fine with you, sir?

22 THE WITNESS: (Interpretation) That's fine with me, Madam President.

23 PRESIDING JUDGE STEINER: Mr Witness, if at any time you need a break, you just let
24 us know and you can have as many breaks as you need. I will then give back the floor to
25 Ms Bala-Gaye, who is questioning you on behalf of the Prosecution.

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 Ms Bala-Gaye, you have the floor.

2 MS BALA-GAYE: Good morning, Madam President, your Honours. With your leave,
3 Madam President, I'd like to remain seated for the continuation.

4 PRESIDING JUDGE STEINER: Please, Ms Bala-Gaye, feel free.

5 MS BALA-GAYE: Thank you.

6 QUESTIONED BY MS BALA-GAYE: (Continuing)

7 Q. Good morning, Mr Witness.

8 A. Good morning, Counsel.

9 Q. I'm glad to hear that you're feeling much better. I don't intend to question you for
10 that much longer. We should conclude in this session and before the end of the session.
11 I just want to remind you again we're in open session and I would like to continue from
12 where you left off last week. Do you understand that, sir?

13 A. It is clear, madam.

14 Q. I will be continuing from transcript 326, English edited version, page 15, line 10, to
15 page 19, line 5, and in the French edited version it is page 16, line 10, to page 20, line 11.

16 Mr Witness, do you recall that we were talking about the movement of your unit during
17 the conflict?

18 A. (No audible response)

19 Q. I'm afraid I didn't receive any interpretation.

20 A. Yes, I do remember everything you just said.

21 Q. You testified that on 28 October 2002 you were in the 4th arrondissement for two
22 days. Then, around 30 October, you went to Gobongo via the Fohu road up to Bozizé's
23 residence. You stayed in Bangui for about a month, and at the end of November you
24 went to Bossembélé via Yaloke, and this journey took two hours.

25 You stayed in Bossembélé for not more than a month, so around the end of December you

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 went to Bossangoa for three days. Then, towards still the end of December, around
2 January, you went to Bouka, having stopped at Batangafo, then Ouandago, in order to get
3 to Bouka, and at Bouka you were attacked by Bozizé's rebels and you fled in order to take
4 refuge; is that correct?

5 A. That is correct.

6 Q. Now, in order to get to Bossembélé, going via Yaloke, you said it took two hours.
7 So does that mean that you took the main road?

8 A. Yes, we took the main road.

9 MS BALA-GAYE: Could I request the court officer to show the witness document
10 CAR-D04-0002-1286. And this is document number 1 on the Defence list.

11 THE COURT OFFICER (via video link): Could you please repeat the number?

12 MS BALA-GAYE: Yes, indeed. It is CAR-D04-0002-1286 and it is document number 1
13 on the Defence list of documents.

14 THE COURT OFFICER (via video link): The document is shown to the witness.

15 MS BALA-GAYE: Court officer, is it possible to also have the document displayed on
16 our screens? It is?

17 Can we zoom into the document a little bit? And if we scroll down the document to
18 where "Bangui" is. Great.

19 Q. Mr Witness, can you see the map in front of you?

20 A. Yes, I can see it.

21 Q. Now, your testimony is that from Bangui you went to Bossembélé via Yaloke.

22 Can we scroll up the map, please?

23 Mr Witness, as you can see from the map, one would get to Bossembélé using the main
24 road before one gets to Yaloke, which would make your testimony impossible, isn't that
25 right?

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 A. I said anyone can make a mistake. To err is human. I insist on that fact, that to err
2 is human. It is possible for me to be mistaken. As you know, Bossembélé is a
3 crossroads. When you are in Bossembélé, you can take the road to Bossangoa or the
4 other road to Bossemptélé.

5 Let me repeat again: Anyone can be mistaken. I was born in Bangui. I grew up in
6 Bangui, and this was the first time for me to travel to that locality, so it is quite possible
7 that I might have made a mistake.

8 Q. Well, first of all, Mr Witness, you said you were born in another location. I won't
9 mention it since we're in open session, but it wasn't in Bangui. Second of all, are you
10 saying that you were wrong when you told this Chamber that you went from Bangui to
11 Yaloke in order to get to Bossembélé? Is that your testimony?

12 A. Yes, that is correct.

13 MS BALA-GAYE: And just to ensure that it's clear on the record, Bossembélé is at the
14 top and then Yaloke is towards the left, for your Honours.

15 I would like to ask the court officer to please display document CAR-OTP-0010-0397,
16 which is the second map.

17 THE COURT OFFICER (via video link): Could you also please indicate the number from
18 the list?

19 MS BALA-GAYE: I have been informed that the document was not put on the list, but it
20 was recently disclosed and provided to the court officer. With your leave, Madam
21 President, I request that we use the map, even though it wasn't on the list, because based
22 on the witness's testimony we weren't able to locate certain areas on the maps so we have
23 included on our list. So it has been disclosed and it is available to the parties, as well as
24 the witness.

25 Thank you.

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 THE COURT OFFICER (via video link): Madam Counsel, the document is shown to the
2 witness.

3 MS BALA-GAYE: Court officer, could we kindly zoom into the document a little?

4 Q. Mr Witness, can you see the map in front of you?

5 A. Yes, I can see the map, but I cannot read what is on it. Without interrupting you, I
6 would like to tell you that I am not a geographer, so I am not here to make comments on
7 maps or for a geography lesson. I do not understand why you are showing me maps. I
8 am here to testify, so I do not understand where this is leading to.

9 As you know, during the period of conflict, it was not possible to look at maps or to take
10 geography lessons, so I feel completely lost, Counsel.

11 Q. That's fine, Mr Witness, I'm basing it on your own testimony and I will guide you
12 through the map and explain the locations that we see and I will summarise so that you
13 can provide additional information; do you understand that?

14 PRESIDING JUDGE STEINER: Yes, Mr Haynes?

15 MR HAYNES: Well, as I recall the recommendations for the examination of this witness,
16 he has to have assistance with reading. He has very limited reading abilities, and during
17 the Prosecution case when I ventured to use documents such as this with witnesses with
18 reading difficulties I was denied the opportunity to do so.

19 So when a witness says he can't discern what is on the screen, it's a little unfair to proceed
20 with questions on a document and it's contrary to the recommendations that you've given
21 to all the parties about the examination of this witness.

22 PRESIDING JUDGE STEINER: Mr Haynes, I think we can wait at least to see what
23 question the Prosecution is going to put to the witness. The witness was able to identify
24 two or three places in the previous map, so I'm sure that if the witness has difficulties he
25 will point out for the difficulties.

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 MR HAYNES: I don't actually think he did identify them. I think Ms Bala-Gaye
2 summarised what was on the map, so I don't think that's a fair observation at all.

3 PRESIDING JUDGE STEINER: Let's wait to see what question the Prosecution is put to
4 the witness, if the Prosecution will help the witness to identify as she did in the previous
5 one.

6 Ms Bala-Gaye --

7 MS BALA-GAYE: Thank you, Madam --

8 PRESIDING JUDGE STEINER: -- taking into account the recommendations of VWU,
9 please.

10 MS BALA-GAYE: Yes, indeed, Madam President.

11 Q. Mr Witness, do you recall testifying that from Bossangoa you went to Batangafo and
12 then you went to Ouandago before you went to Bouka, where you fought with the rebels
13 of Bozizé? Do you recall stating that?

14 A. Yes, I remember saying that.

15 Q. Mr Witness, from the map that I see in front of me, one would go from Bossangoa
16 moving upwards, then across to Ouandago and then come down again to Bouka which is
17 closer to Bossangoa. Does that seem right to you?

18 A. I haven't understood the question.

19 Q. Let me try it in a different way. Mr Witness, how far is Bouka from Bossangoa?
20 Can you give us an approximate in hours, if you can?

21 A. I don't know. I don't know the number of kilometres between Bouka and
22 Bossangoa and I have no idea of the time that is needed to actually travel that distance.

23 Q. If I told you that Bouka is closer to Bossangoa than Batangafo for starters, would you
24 agree?

25 A. Could you please repeat your question, ma'am?

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 Q. Yes. If I told you that Bouka is closer to Bossangoa than Batangafo, would you
2 agree?

3 A. The distance between Bossangoa and Batangafo is greater than the one between --

4 THE INTERPRETER: Inaudible. Interpreter correction: Than -- the reply ended with,
5 "... greater than the distance between Bossangoa and Bouka."

6 MS BALA-GAYE:

7 Q. I agree with you. Now, in relation to Ouandago, would you agree that the distance
8 between Bossangoa and Bouka is closer than the distance between Bossangoa and
9 Ouandago?

10 A. I don't understand your questions, ma'am. You must realise when fighting is going
11 on, during a time of fighting, two towns might be close to one another, but to get to
12 another town you might have to go around a different way and you may have to -- you
13 may have to go to a town that is further away in order to get to a town that is closer. You
14 may have to take a by-pass and you may have to come into a town by the other direction.
15 I'm really at a loss, ma'am. I don't understand your question.

16 Q. I think you do understand my question.

17 A. I don't understand at all this way that you're putting questions.

18 Q. Let me follow from what you have just testified. So are you saying that you left
19 Bossangoa, went up to Batangafo and Ouandago because that was a better way to get to
20 Bouka; is that right?

21 A. This way you're putting questions --

22 THE INTERPRETER: The witness is speaking directly to the Sango interpreter.

23 THE WITNESS: (Interpretation) This conflict lasted -- has lasted more than ten years.

24 I'm not the Lord. I can't remember the names of all these places. I'm not the Lord. I
25 can't remember all these names. I think that they're dreaming up all kinds of things here.

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 I think they should be asking relevant questions. I can only talk about things that I
2 experienced myself and that I saw myself.
3 Perhaps we went through several different locations - places - but I can't remember the
4 exact positions, the distances, the exact itinerary. I'm talking to you about the places that
5 I had gone to, and if she were in my shoes --

6 THE INTERPRETER: The witness is now speaking directly to the Sango interpreter.

7 THE WITNESS: (Interpretation) It is important for her to put herself in my shoes. If
8 she wants to ask questions, she really should consider my position. She should put
9 herself in my shoes. I'm being shown a map, a map that I don't understand, and we're
10 playing guessing games here. I really don't understand what her questions are all about.

11 PRESIDING JUDGE STEINER: Ms Bala-Gaye, if you allow me?

12 Mr Witness, first of all, speak slower. You are speaking too fast and the interpreters are
13 having difficulties in following you.

14 In second place, Mr Witness, you are here to answer to the questions that are put to you.

15 If you don't know an answer, you just say, "I don't know." You don't have to guess
16 anything. You are not expected to lie. If you know the answer, you give the answer.

17 If you don't know the answer you say, "I don't know."

18 Do you understand that, sir?

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

20 PRESIDING JUDGE STEINER: So please answer to the questions put to you, if you
21 know the answers, to the best of your knowledge and belief, but you cannot choose the
22 questions the Prosecution is going to put to you.

23 Ms Bala-Gaye, you can proceed.

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

25 Q. Mr Witness, I want to move away from this and so I'll ask you again: Do you

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 maintain your testimony that from Bossangoa you went to Batangafo and then Ouandago
2 before coming down to Bouka; is that correct?

3 A. That is right.

4 Q. And you said that when you arrived in Bouka you fought with Bozizé's rebels; is
5 that right?

6 A. That's right.

7 Q. Does that mean that while you were in Batangafo and Ouandago the rebels were
8 behind you in Bouka?

9 A. At first the rebels were in Bossangoa. As we moved forward we repelled them, but
10 that doesn't mean that they were behind. When we were at an advanced stage they cut
11 off the rear route, so we weren't in a position to go back to Bossangoa.

12 Q. Do you recall stating that some people stayed in Bossangoa and some advanced to
13 Batangafo? Do you recall saying that?

14 A. Yes, I remember.

15 Q. Now, if you say that you repelled them but that doesn't mean that they were behind
16 you in Bouka, what does that mean? Can you explain that?

17 A. I told you that when we pushed them back from Bossangoa, we occupied the terrain
18 once again. It was important to hold that territory, you see, because we had scattered
19 into various groups. As we were moving forward, all the way to Kabo, on the road that
20 goes to Chad, to our surprise they came out and surprised us from behind in Bossangoa.
21 So, you see, we were at an advanced position, we held our position, and the line was cut
22 between us and the people who we had left behind us.

23 Q. Mr Witness, if you repelled the rebels as you occupied territory, what I'm still trying
24 to understand is how it is that they came behind you. That's still not clear to me.

25 A. I'm telling you what I saw and what I experienced. It was in the bush. There are

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 various paths and trails, various ways of getting places. It's as if you were to decide to
2 go off to another country, there are several ways to get there, and it's the same thing when
3 you're waging war. You may yield a particular area, that's a tactic, and then the enemy
4 may go another way, go via other paths and reconquer the town. So, you see, you don't
5 necessarily go by the main roads or the main paths.

6 Q. What I was trying to understand is how it is that the rebels came to be behind you,
7 but we shall move on.

8 I no longer need the document on the screen, thank you.

9 Mr Witness, do you recall testifying that Miskine was part of FACA? Do you recall
10 saying that?

11 A. Yes, I remember that.

12 Q. Did you know that there was a co-ordination cell set up during the conflict in order
13 to co-ordinate activities on the ground? Did you know that?

14 A. I don't know.

15 Q. Mr Witness, the Chamber has heard testimony from Colonel Lengbe, who was the
16 head of the co-ordination cell and a high-ranking member of FACA. Now, Colonel
17 Lengbe said that Miskine did not fall under FACA's command. Here I'm referring to
18 transcript T-183, English corrected version, page 15, lines 15 to 25, and French edited
19 version, page 16, lines 6 to 18. Mr Witness, a high-ranking member of the FACA is
20 saying that Miskine did not fall under FACA's command; did you know that?

21 A. No, I wasn't aware of that. All I know is that Miskine gathered up this team, and
22 this was a team that was put in place for the security of President Patassé. We fought
23 together with Miskine to ensure the safety of Patassé, to make -- I don't anything about
24 what Lengbe said. In any event, I never saw him. I never heard anything about that.

25 THE INTERPRETER: Correction, "about him."

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 MS BALA-GAYE:

2 Q. Mr Witness, what I'm trying to ascertain is whether your conclusion that Miskine
3 was part of FACA was based on an assumption, or whether you were actually told this.

4 A. No one told me anything. I'm telling you about the events that I was witness to. I
5 experienced these things myself. I am telling you what I experienced. You are talking
6 about some officers. Those are people who only were thinking about themselves.

7 They're free to say whatever they wish, but I'm telling you about Miskine.

8 He was on Patassé's side. He was on Patassé's side, and I saw that with my own eyes.

9 It wasn't someone else who told me that. I am before the Court to tell the truth, but these
10 people who came and spouted nonsense, they're saying these things to protect themselves
11 but we, the rank and file, we're the ones who suffered after everything they said.

12 I am before the Court to tell the truth and I experienced these things when I was still very
13 young. I saw everything that happened in my country. I heard about Miskine when I
14 was young. During the conflict I learned about all of that, even when Patassé and
15 Miskine reconciled. I was aware of that. I saw Miskine fighting on behalf of Patassé.
16 It wasn't someone else telling me about it, I saw it with my own eyes.

17 Q. Mr Witness, perhaps there's a misunderstanding. I am not disputing the fact that
18 Miskine fought on behalf of Patassé, as a loyalist. What I'm trying to find out from you is
19 whether Miskine was a separate unit that fought with the loyalist or, as you stated
20 previously, Miskine is part of FACA, therefore under the command of FACA. That's my
21 question.

22 A. I've understood your question. I do know that Miskine had a unit, and after his
23 reconciliation with Patassé, they came together and they were part of the FACA. They
24 were not separate groups, they were unified and they all wore the same uniform. Even
25 after the arrival of the soldiers from the other side of the river, all of us were wearing the

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 same uniforms. I can't make a distinction between one unit and another. We were all
2 together and we fought. We were all fighting on behalf of the FACA. The officers who
3 were there, well, you could distinguish -- they could distinguish, but we soldiers, all we
4 knew was that we were fighting for the FACA.

5 Q. As you have said, Mr Witness, you were a simple soldier and you do not know how
6 FACA functioned; is that right?

7 A. Yes, that's right.

8 Q. I would like to come back to something you stated last week, and I'm referring to
9 transcript 325, English edited version, page 24, lines 2 to 4, and this is what you stated,
10 Mr Witness. In relation to your own units, or other units of FACA, you said, "Well, we
11 were mixed up together. Within my group there were some people from the Presidential
12 Security Unit, some soldiers who had come from other groups and then members of my
13 own group." Do you recall saying that?

14 A. I didn't mention groups. I didn't say anything about the USP. You are the one
15 who talked about the USP, not me. The question that you asked me today is different
16 from the one you asked me last time. There's no comparison to be made.
17 You didn't ask me that question. You asked me whether -- whether there was an officer
18 who had gone by, who had come and who had testified Miskine had not -- saying that
19 Miskine had not fought for Patassé and that he was part of FACA. I said, no, that wasn't
20 correct. I saw Miskine in the field. The young recruits as of the 27th were mixed with
21 the other ones. That was the question that was put to me, but the question you just
22 asked me is not the same.

23 I know that my level of education is limited, but I'm able to understand the questions that
24 you are putting to me. You mentioned the USP and I do not remember mentioning it.
25 If you wish, I can mention the groups GP, MLC and the FACA. Those are the groups

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 that I mentioned the last time, so please do not confuse between them.

2 Madam, I am speaking to you about what I experienced and even today we are still dying.

3 It is for that reason that I took the decision to appear before the Court and tell you about
4 what I experienced.

5 I would like to point out once again that the question of today is completely different from
6 the one put to me last week. I do not recognise that question and I can tell you the same
7 things that I told you last week. I was asked how many of us were in our group and I
8 told you that there were 100 of us in our group. Please refer me to the transcript of the
9 last time, because we are here to tell the truth, Counsel.

10 If you are not able to remember what I said the last time, I can say it again. The question
11 about the USP and the strength of the USP, well, I told you that there were 100 of us. The
12 GPs that joined us and the MLC soldiers, well, I talked about all those numbers, but I
13 realise that you were getting away from that question, Counsel.

14 PRESIDING JUDGE STEINER: Mr Witness, please just answer to the question put to
15 you. What Ms Bala-Gaye just mentioned is something that you said it here in front of us
16 in the transcripts of the hearing. It was an answer that you gave to Mr Haynes. You
17 said that you were mixed, including with USP. You said that and this is what
18 Ms Bala-Gaye is referring to.

19 Again, I ask you please answer to the questions put to you and if you don't know you say,
20 "Don't know," simple like that. Otherwise, we are not going anywhere, Mr Witness.

21 Do you understand what I am saying?

22 THE WITNESS: (Interpretation) Yes, I understand you perfectly well, Madam
23 President, but what I know is that I never mentioned the unit known as the USP. I never
24 heard of that unit.

25 PRESIDING JUDGE STEINER: Mr Witness, the USP, you referred to the USP, and I'm

- 1 going to read for you - and correct me if I'm wrong - what you said in transcript 325.
- 2 Mr Haynes asked you: "And did you actually see in Bossangoa acts of looting?" Your
- 3 answer: "Yes, I saw looted goods being taken to Bangui." The question: "By whom?"
- 4 Your answer: "By my brothers-in-arms." The question: "Sir, just so that we are clear,
- 5 the people who you saw murdering, raping, or looting, were they men from your own
- 6 unit or from FACA units?" And your answer: "Well, we were mixed up together.
- 7 Within my group there were some people from the Presidential Security Unit, some
- 8 soldiers who had come from other groups and then the members of my own group."
- 9 This is what you said, unless you want to change it? You can always change it if you
- 10 find out that what you said is not completely correct.
- 11 Do you understand, Mr Witness, what I'm saying?
- 12 THE WITNESS: (Interpretation) I do understand you perfectly well, Madam President.
- 13 That was indeed what I said. However, regarding the USP, in fact I never mentioned
- 14 that. I talked about the GP and the FACA. That is all. Those were the two names that
- 15 I mentioned and all those units made up the FACA.
- 16 PRESIDING JUDGE STEINER: Mr Witness, let me interrupt you. For you, what is the
- 17 difference between the USP and the GP? Explain to us.
- 18 THE WITNESS: (Interpretation) I have no idea. What I know is that it was the GPs
- 19 who made up the Presidential Guard. I cannot distinguish between those various units.
- 20 I know the name GP, but for you to ask me to distinguish between GP and USP in any
- 21 case I have no idea.
- 22 PRESIDING JUDGE STEINER: It's fine, Mr Witness. I think now I could understand
- 23 the origin of the problem and I think Ms Bala-Gaye as well.
- 24 Mr Witness, I am informed that you would like to have a break; is that correct?
- 25 THE WITNESS: (Interpretation) Yes, that is correct.

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

- 1 PRESIDING JUDGE STEINER: A ten minutes' break is sufficient, Mr Witness?
- 2 THE WITNESS: (Interpretation) Yes, that is okay by me.
- 3 PRESIDING JUDGE STEINER: Then we will suspend the hearing for ten minutes.
- 4 We'll be back at 25-past.
- 5 The hearing is suspended.
- 6 THE COURT USHER: All rise.
- 7 (Recess taken at 10.12 a.m.)
- 8 (Upon resuming in open session at 10.28 a.m.)
- 9 THE COURT USHER: All rise.
- 10 Please be seated.
- 11 PRESIDING JUDGE STEINER: Mr Witness, can we continue? Are you feeling better?
- 12 THE WITNESS: (Interpretation) Yes, we can continue.
- 13 PRESIDING JUDGE STEINER: Ms Bala-Gaye.
- 14 MS BALA-GAYE: Thank you, Madam President, your Honours.
- 15 Q. Welcome back, Mr Witness.
- 16 A. Good morning, madam.
- 17 Q. I would like to clarify the issue of mixing in relation to your group. Can you tell us
- 18 which units made up your own group?
- 19 A. In my group, I mentioned that it was a mixed group. You had the FACA, the GPs
- 20 and then the MLC soldiers were also there.
- 21 Q. In your group of 100 soldiers, approximately how many were from the Presidential
- 22 Guard?
- 23 A. I do not know.
- 24 Q. Do you know how many were from the MLC, according to you?
- 25 A. Before answering your question I would like to go back to that word "mélange" in

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 French, "mixing." It doesn't have to do with the group; my group of 100 soldiers.

2 Q. So do you mean that the various groups worked together in order to fight against
3 Bozizé's rebels?

4 A. Yes, that's right. That's how it occurred.

5 MS BALA-GAYE: Okay. Mr Witness, I'd like to go to something that I touched upon
6 last week in relation to the fact that FACA themselves did not have enough weapons and
7 ammunition.

8 Madam President, I'll provide the references. Witness 31 - Prosecution 31 - English
9 edited version of transcript 182, page 43, line 20, to page 44, line 5, and the French edited
10 version of the same transcript from page 44, line 24, to page 45, line 8, as well as Defence
11 Witness 9, transcript 323, confidential English edited version, page 36, line 18, to page 37,
12 line 1, and French edited version page 38, lines 5 to 14.

13 Q. Mr Witness, did you know that FACA themselves did not have enough weapons
14 and ammunition and that MLC had more weapons and ammunition than they did?

15 A. I have no idea.

16 Q. And is it correct that you do not know where the MLC received their orders from?

17 A. No. You didn't ask me about the officers who were giving instructions. You
18 asked me a question about the number - the amounts - of weapons provided to the FACA,
19 or to the MLC soldiers, available to them. That's the question you asked me, but the
20 question didn't have to do with which officer was giving instructions to the troops.

21 Q. So you do not know where the MLC received their orders from; is that correct?

22 A. I know that the authority who was giving the various instructions was the Chief of
23 General Staff, General Betibangui.

24 Q. But you are not in a position to tell me, or tell the Chamber, that orders went from
25 General Betibangui to the MLC; isn't that correct?

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Private Session)

ICC-01/05-01/08

1 A. Do you want me to confirm that it was General Betibangui who was giving
2 instructions to the MLC troops?

3 Q. What I am saying to you is that you are not in a position to tell us whether General
4 Betibangui gave the MLC orders? That's my question.

5 A. I know. I know that during those events General Betibangui was the superior
6 officer who was giving the various instructions. I know that and I heard about that as
7 well.

8 Q. Mr Witness, you're not in a position to tell me anything about communications
9 between Mr Bemba and Moustapha, are you?

10 A. I have no idea and I have nothing to tell you about that.

11 Q. Mr Witness, just to remind you that we are in open session, so please be mindful of
12 providing information that could lead to your identity. Do you recall when you first had
13 contact with members of the Defence team?

14 A. Yes, I remember.

15 Q. Do you recall when this contact took place?

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

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

18 (Private session at 10.40 a.m.) Reclassified into open session

19 PRESIDING JUDGE STEINER: We are in private session, Madam President.

20 MS BALA-GAYE:

21 Q. Mr Witness, you can go ahead. Please tell us when you first had contact with a
22 member of the Defence team.

23 A. (Redacted).

24 THE INTERPRETER: Interpreter correction: In (Redacted).

25 MS BALA-GAYE:

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Private Session)

ICC-01/05-01/08

1 Q. Can you tell us who from the Defence contacted you in (Redacted)?

2 A. There were two people: a white lady and a black man. I've forgotten the name of
3 the white lady, but I do remember the name of Mr Kilolo.

4 Q. And how long did this meeting take place, or this contact that you've referred to?

5 A. They called me, they introduced themselves and as soon as I arrived -- well, the talk
6 didn't last -- well, I can't exactly tell you exactly how much time we spent together.

7 Q. Was it more than an hour? Was it only a few minutes? Are you able to
8 approximate?

9 A. I told you I don't have a specific idea of the duration. I -- I really can't tell you. I
10 told you that the talk did not take a lot of time.

11 Q. And what was the talk about?

12 A. When they called me and when I went, they said to me that I was to go and give
13 testimony and I didn't know who had given them my contact information. They told me
14 that I should go and give testimony and I gave them my approval. I agreed to go and
15 give testimony. They explained to me how things would unfold and how I should go to
16 the ICC, in The Netherlands, to give testimony.

17 Q. So the first time that you met with the Defence was when they asked you about
18 coming to testify before the ICC; is that correct?

19 A. Yes, that's all they said to me. They didn't say anything else.

20 Q. Did you discuss aspects of your testimony or facts in the case with the Defence?

21 A. No, they didn't say that to me. They didn't ask me about that. They didn't say
22 anything to me about that.

23 Q. Did you inform the Defence that you were a member of the Miskine militia during
24 the conflict?

25 A. No, no, I said nothing about that. When they called me, and when we met, I did

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Private Session)

ICC-01/05-01/08

1 not make any statements at that time. I was not able to make a statement. I didn't
2 know them. It was the first time. So I really couldn't give statements to people I didn't
3 know well, or confide in them. During that meeting I did not make any statements.

4 Q. After this meeting in (Redacted) did you have any other contact with
5 the Defence?

6 A. Yes, the second time, yes.

7 Q. And what was the second contact?

8 A. It was in (Redacted). We met and I was supposed to be introduced to the officials
9 here. I'm talking about (Redacted) and a team of people who introduced themselves and
10 said that they had come from the ICC. We met in that building and they were
11 introduced to me. That was the second meeting. That was the second time I met with
12 them.

13 Q. And apart from these two contacts, did you have any other contact with members of
14 the Defence team?

15 A. No, I did not have any other contact with them. The third time, I was contacted.
16 The first time was (Redacted) Mr Kilolo called me to introduce (Redacted) to me
17 and I -- and it's with him, I'm here with him.

18 Q. Mr Witness, I would like to ask you about a number of names, and simply tell me
19 "yes" or "no" if you know these persons. Does the name Joseph Mokondoui mean
20 anything to you?

21 A. No.

22 Q. What about the name Narcisse Arido, does that ring a bell?

23 A. No.

24 Q. Mr Witness, I'll just repeat the name because I think you responded before the last
25 name was given to you. The name I mentioned is Narcisse Arido. Does that ring a bell?

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Private Session)

ICC-01/05-01/08

- 1 A. No, I don't know that person. This is the first time I've heard that name.
- 2 Q. What about the name Joachim Kokaté, does that ring a bell?
- 3 A. No, that doesn't ring a bell at all.
- 4 Q. What about the name Octave Dioba, do you know that name?
- 5 A. No, it doesn't ring a bell. I don't know that person.
- 6 Q. What about the name Simplicie Mapouka, does that ring a bell?
- 7 A. No.
- 8 Q. What about the name André Mazi, does that ring a bell?
- 9 A. Yes, I remember that name.
- 10 Q. Did you have any contact with André Mazi?
- 11 A. No, I did not have any contact with him.
- 12 Q. Does the name --
- 13 A. I don't know where he is.
- 14 THE INTERPRETER: The Sango interpreter adds, if he heard the last part of the
- 15 witness's reply correctly.
- 16 MS BALA-GAYE:
- 17 Q. And what about the name Albatross, does that ring a bell, Mr Witness?
- 18 A. Yes. When I was in the CAR, I heard about him. He worked at the airport, and
- 19 that is where I became familiar with that name. In actual fact, he worked at the airport.
- 20 I never actually saw him, though.
- 21 Q. And lastly, what about the name Anicet Songoto, do you know that name?
- 22 A. No, that doesn't ring a bell, I don't know that person.
- 23 Q. Mr Witness, have you received any type of payment from the Defence or anyone
- 24 else acting on Mr Bemba's behalf?
- 25 A. No, never. The only person who gave me any money was (Redacted).

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Private Session)

ICC-01/05-01/08

1 Q. So, when you met Mr Kilolo the first time, you weren't reimbursed for any travel
2 expenses or food; is that correct?

3 A. No, I did not receive anything. When he contacted me, I was in (Redacted), I was there.
4 I did not receive anything from him.

5 MS BALA-GAYE: Thank you very much for answering my questions, Mr Witness. I
6 have concluded.

7 Thank you very much, Madam President, your Honours.

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

9 (Open session at 10.57 a.m.)

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

11 PRESIDING JUDGE STEINER: Mr Witness, the Prosecution has concluded with your
12 questioning. We are now going into our regular break, half-an-hour break. You can
13 again take some rest, a cup of tea. It's almost 11 o'clock.

14 We'll be back at 11.30, when the legal representatives of victims will start questioning you,
15 as authorised by the Chamber.

16 So we will suspend and resume at 11.30. The hearing is suspended.

17 THE COURT USHER: All rise.

18 (Recess taken at 10.57 a.m.)

19 (Upon resuming in open session at 11.33 a.m.)

20 THE COURT USHER: All rise.

21 Please be seated.

22 PRESIDING JUDGE STEINER: Welcome back.

23 Mr Witness, welcome back.

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

25 PRESIDING JUDGE STEINER: Mr Witness, can we continue?

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

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

2 PRESIDING JUDGE STEINER: Mr Witness, as I mentioned, legal representatives of
3 victims were authorised to put some questions to you, and therefore I'm giving the
4 floor to Maître Zarambaud.

5 Maître Zarambaud, you have the floor.

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

7 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

8 Q. Good morning, Witness.

9 A. Good morning.

10 Q. Witness, I don't really have a lot of questions for you and really I'll just be
11 putting a number of follow-up questions to you; that is questions that relate to the
12 answers that you've already provided here in the courtroom.

13 I'd like to begin by asking you whether you could confirm that you joined your unit
14 on 27 October and the very next day, well, you were recruited -- let me be clear. You
15 were recruited on the 27th and the very next day, 28 October, you were sent off to
16 fight; is that correct?

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

18 Q. You also stated that you remained with your group until January of 2003,
19 transcript 325, page 17, line 14, French version, edited. Now, you said you stayed
20 until January 2003; is that correct?

21 A. Yes, that's right, Counsel.

22 Q. Now, when you say January 2003, was that early in the month, the middle of the
23 month or late in January?

24 A. I no longer recall, but I can tell you that I left the CAR in January.

25 Q. Thank you, Witness. Now, in a single day, namely 27 October, were you

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 taught the rules that a soldier has to respect and what a soldier must not do, or were
2 you merely taught how to handle weapons?

3 A. That day we were taught how to handle the weapons and we were told who our
4 enemies were. That's what I learned.

5 Q. Were you also taught how a soldier should behave towards civilians and, more
6 generally speaking, were you taught about army discipline?

7 A. Counsel, there was not enough time. They taught us to obey our hierarchical
8 leaders. We had to protect one another. We were also supposed to protect the
9 civilians who were in the government camp.

10 Q. Thank you, Witness. Now, regarding the transcript, once again the same
11 transcript, 325, page 17, line 14, and once again the same transcript, page 15, line 12,
12 Witness, you stated that Miskine had about 200 order -- soldiers under his command
13 and within your group there were about a hundred people and the officer that was
14 commanding your group was Miskine himself; is that correct?

15 A. Yes, that's right, Counsel.

16 Q. Once again the same transcript, page 19, line 7 and line 18, rather 6 to 9, 18/19,
17 you said, Witness, that, "Those who were on our side took vengeance and on our side
18 as well there were cases of looting, rape and murder caused by soldiers that were on
19 our side as well. They did those things as a form of reprisals. Yes, I saw that."
20 And when you were asked whether you were a witness, and you were asked whether
21 members of your unit did these things, you said "Yes". Now, when you were asked
22 whether you were a witness of this, you said, "Yes, I saw it with my own eyes.
23 Myself, in particular, I took part in looting as well." Is that what you said, Witness?

24 A. Indeed, Counsel.

25 Q. And yet, Witness, as you just said that you were asked to respect individual

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 property, so how can you explain this? How could it be that loyalist forces also took
2 part in looting?

3 A. I have nothing to say about those events. I can give the example of a child.
4 Your father might say, "Be careful when you go out. You mustn't do this or that,"
5 but a child, when a child needs something, he will do whatever he has to, to get what
6 he wants. That must have -- that must be what happened. We had to behave that
7 way because we were all pumped up, all worked up. And I'd like to specify that I
8 did loot the residence of the perpetrator of the disturbances. I did not loot anyone
9 else's home. I looted the residence of the person responsible for these disturbances.

10 Q. Now, to the best of your understanding, can a looter be credible as a witness?

11 A. Why not? Before starting my testimony, I was asked to swear an oath and that
12 is what I did. Since I gave that oath, I can only tell the truth.

13 Q. I make reference to the same transcript, page 21. You were asked -- and this is
14 at line 21 to 24, as well as at line 27. You were asked this. You were asked the
15 question about the looting and the killings that occurred at PK13 after PK12, and you
16 were asked this: "Going by what you heard, what happened at that place?"

17 Answer: "I heard people say -- because, you see, amongst Bozizé's rebels there were
18 a number of Chadians and at the cattle market most of the people selling cattle were
19 Chadians. Miskine's men shot at all the people who they thought were from Chad."
20 At line 27 you said, "I just heard talk about this. I was not part of that particular
21 group at that time. We stayed at the assembly."

22 So my question for you is this: Since you've just said that a group that you were part
23 of was led by Miskine himself, how is it that while that group was killing people at
24 PK13, you were still at the assembly where there was no longer any fighting, because
25 the town itself had been liberated before moving on to PK13? What do you have to

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 say for yourself?

2 A. That day, I was indeed at the assembly. I told you that that person was leading
3 a group of 200 soldiers. That is what I said. One -- he couldn't bring both groups.
4 He had his personal bodyguard, who travelled about with him.

5 Now, it is true he was our leader but, myself, I was part of the group that was at the
6 National Assembly. I wasn't part of the team that went with him on patrol.

7 Q. Well, I asked you that question because I read out an excerpt in which you said
8 that Miskine was leading a group of 200 soldiers and you said that the group that you
9 belonged to was made up of 100 soldiers and that group was led by Miskine himself.
10 Now you are saying that after the centre of town was liberated, in particular the
11 assembly, and when he was at PK13 committing massacres, massacring the cattle
12 sellers, you say that you -- well, that your group was at the National Assembly?

13 A. Yes, that's right.

14 Q. When did you meet up with the others or, well, how long did your particular
15 group stay at the National Assembly, towards the rear of the fighting, so to speak?

16 A. I no longer recall how long it was. You must realise that the distance between
17 PK13 and the National Assembly is not very great. We were quite mobile. One day
18 we might be in one spot. The next day we would be at another spot.

19 Now, I told you that the murders occurred at the cattle market and that I was at the
20 National Assembly, but that doesn't mean I was there all the time. We were
21 constantly moving about and, no matter where we were, he would come and visit us.

22 Q. Thank you, Witness. Now, once again transcript 325, page 23, line 2, you
23 stated this: "I saw looting, murders and rapes," and at line 3 you were asked this:
24 "Who committed these crimes?" And you answered: "I just told you, the FACA
25 troops. They wanted to take vengeance for what had happened to their relatives in

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 Fouh and in Combattant. In short, they were taking their revenge."

2 Now, regarding the rapes, since you say that you saw the rapes, were the rapes in
3 public? Is that how it came to be that you actually saw them?

4 A. Thank you for that question. That is what I said. And, Counsel, you yourself
5 know full well. You're from the CAR. You know exactly what happened. Myself,
6 I was not happy about the tragedy. What's more, that is why I went into the army.
7 The crimes were first committed by Bozizé's men. The young fellows who were in
8 my group when I entered the army, it was a form of reprisal for them. They wanted
9 to take revenge.

10 At that time, you see, we were looking for men mostly. First of all, when we went
11 into a house, we would ask where the men were and if the wife said, "My husband is
12 not there," suddenly we would realise that the man had been recruited by Bozizé's
13 people and then the wife would be brutalised either in the house or outside the house.
14 I myself saw this on a number of occasions. One of my fellow soldiers actually
15 pulled a weapon on me because I expressed my disapproval. That is what happened.
16 So they -- it was in -- mostly inside the houses, a few times outside the houses, mostly
17 in the Boy-Rabé area or in Fouh and at PK12, even in the 200 Villas neighbourhood,
18 and the Miskine neighbourhood was not spared either. Those were the various
19 areas where those crimes occurred a great deal.

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

21 Mr Witness, this part of the -- your testimony that Maître Zarambaud was referring to
22 related to Bossangoa. Now you are talking about the same facts that occurred in
23 Boy-Rabé, Fouh, PK12, at 200 Villas, quartier Miskine. So the same thing happened
24 in all these places, just to make it clear?

25 THE WITNESS: (Interpretation) That's right, your Honour.

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: Here, when in this, the same transcript that Maître
2 Zarambaud was mentioning, on the previous page, in the English transcript, edited
3 version, page 22, you said, "Regarding Bossangoa, we were there. There were the
4 MLC forces, the FACA and the Presidential Guard. Our goal was to liberate
5 Bossangoa."

6 Then you said, "Well, acts of vengeance occurred, because you see this is the place
7 where Bozizé was born. No pity was shown. These acts were committed out of
8 desire for vengeance. They mistreated the local people."

9 Then the question: "When you say 'they,' who are you referring to? Who
10 mistreated the local people?" And you said: "The soldiers, my brothers-in-arms."
11 Since you said that in Bossangoa there were the MLC forces, the FACA and the
12 Presidential Guard, who are your brothers-in-arms that committed all these
13 atrocities?

14 THE WITNESS: (Interpretation) Well, I'm not in a position to know everyone who
15 was responsible for what happened, but what I saw with my own eyes was that it was
16 the other soldiers in my group. That is what I saw with my own eyes.

17 PRESIDING JUDGE STEINER: So you're saying that you only saw Miskine's men
18 committing these acts? Is that what you were saying?

19 THE WITNESS: (Interpretation) Yes, that's right. That is what I saw. It was the
20 soldiers who belonged to my group, they were the ones who committed those
21 offences. I did not see any other such acts.

22 PRESIDING JUDGE STEINER: In this transcript on 18 June you said that who were
23 committing the crimes were FACA soldiers and now you're saying they were Miskine
24 soldiers, and in the meantime where were the MLC soldiers if you were all together?
25 Could you please explain to me?

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 THE WITNESS: (Interpretation) Before I answer this question, Madam President,
2 what I would say is that at that time it was not possible to identify the MLC soldiers.
3 We were all merged together and we could be taken the one for the other. We were
4 all FACA and it was Miskine who was our leader. I was never present at any acts of
5 violence or abuses committed by MLC troops. I was never present. I never saw
6 any such thing. Therefore, I can only talk to the Court about the things that I saw
7 with my own eyes.

8 PRESIDING JUDGE STEINER: Judge Aluoch?

9 JUDGE ALUOCH: Mr Witness, I thought a few minutes ago you said you were all
10 in the same uniform, MLC, FACA, Miskine, so how could you tell who was doing
11 what?

12 THE WITNESS: (Interpretation) We wore the same uniforms. However, the
13 insignia that we wore were different and it was therefore possible to distinguish the
14 corps, the one from the other, although we had the same uniform.

15 PRESIDING JUDGE STEINER: Maître Zarambaud, sorry. I apologise for the
16 interruption, but sometimes we just need to follow up what the witness has just said.
17 Please continue, Maître.

18 MR ZARAMBAUD: (Interpretation) Not at all, your Honour. Not at all. What
19 you have done has provided greater clarity on the issue we are addressing, but let me
20 point out to the witness that it is not necessary for him to state that I am Central
21 African and that I am fully aware of what happened in the country. You see, the
22 point is that we are all here and each party is playing his or her own role. My role is
23 to ask him questions and his role is to provide the Court with answers that will enable
24 the Court to come to a determination based on the truth. I am not here to testify, or
25 talk about the things that I know personally. That's my first comment.

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 Q. Now, Witness, regarding the answer you have just provided to Judge Aluoch,
2 you said that you had insignia belonging to the various corps which would have
3 made it possible for you to distinguish corps the one from the other, so what insignia
4 did you have as the troops of the GP which would have distinguished you from the
5 MLC troops, although as you say you all belonged to the FACA? What insignia did
6 you have?

7 A. We had scarves; scarves which we would tie around our shoulders.

8 Q. Can you tell us the colour of the scarves of the FACA and the colour of the
9 scarves of the GP and the colour of the scarves of soldiers belonging to Miskine's
10 group?

11 A. I have told you that we were all merged together, so there was more than us
12 and Miskine's troops. We had the FACA. We had the GP. The GP scarves were
13 green in colour. The GP scarves were green in colour. Do you understand that?
14 Army green, do you understand?

15 Q. Yes, Witness, I understand you very clearly. Could you tell us what the colour
16 of the scarves of the other groups were; what the colours were?

17 A. For the FACA troops, that is the other soldiers of the FACA, and I mean the
18 MLC and ourselves, we all had the same scarf.

19 Q. When you say "those of us soldiers," what do you mean? Oh, I'm sorry, I
20 thought you had finished your answer. Please proceed.

21 A. When I say "nous" or "we," I mean the FACA soldiers. Our scarves were red in
22 colour.

23 Q. When you say "FACA," what do you mean? Are you referring to Miskine's
24 soldiers as well as soldiers of the Central African Army?

25 A. Yes. The general expression used was "loyalist forces" or "loyalists."

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 Q. What was the colour of the scarves of the MLC troops?

2 A. Our scarves were of the same colour.

3 Q. I'm sorry, I did not quite understand you, Mr Witness. A short while ago the
4 Judges pointed out to you that, since you were all merged, how is it that according to
5 you only the FACA soldiers committed the rapes and killings that you talked about,
6 and in your answer you said you were able to distinguish by way of the scarves and
7 the insignia. In fact, you actually said "insignia." And when I followed up and
8 asked what the insignia were, you said "scarves." Now I would like -- I then went on
9 to follow up asking about the colour of the scarves and in your answer you said,
10 "Loyalists in general, that is the FACA, the Miskine and the MLC troops, all had the
11 same scarf." Now, when you see people wearing the same scarves committing
12 crimes, how were you able to distinguish which ones were FACA troops and which
13 ones were MLC troops?

14 A. I was also able to distinguish on the basis of the language spoken, or used.

15 Q. So while the troops were raping, they would be speaking Sango, Lingala, or
16 Arabic, and that is how you were able to find out that none of the rapists used the
17 language of the MLC? Is that the case?

18 A. Now, the question that was put to me, when I answered I said that I was talking
19 about people who were in my group, the troops that were merged with ours. I did
20 not make any reference to the troops that had crossed over from the other side of the
21 river. I was answering in relation to the people with whom I operated. I was not
22 God to know what was happening in Gobongo or in Fough. All I spoke about was in
23 relation to what happened within my group in relation to the troops with whom I
24 operated. I was not in a position to see what may have been done by troops
25 belonging to another group. I am not here to testify about rapes. I was not present

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 when all cases of rape occurred. All I can talk about is in relation to what happened
2 within the group to which I belonged, so I am not God, and I am therefore not in a
3 position to know what was happening in all neighbourhoods. I may have been in
4 Fough at any particular time and be fully unaware of what was happening a hundred
5 metres away from my position, so please put to me questions that I can understand,
6 that are comprehensible.

7 PRESIDING JUDGE STEINER: We've been talking all the time the last questions put
8 by Maître Zarambaud about Bossangoa. You understood very well the question and
9 you said that in Bossangoa there were FACA, GPs, Miskine and MLC. So please
10 answer to the question as to whether you could identify the troops that were
11 committing rapes if they were all using the same uniforms. This is the question.
12 Please try to be objective in your answer.

13 THE WITNESS: (Interpretation) Madam President, I did understand the question.
14 You see, your question is very clear, but I did not understand the question from
15 Counsel.

16 PRESIDING JUDGE STEINER: Then answer to my question.

17 THE WITNESS: (Interpretation) Madam President, I said that we had the same
18 uniforms. The Presidential Guard troops were the only ones with a different
19 uniform. My testimony can only be in relation to what happened within my group.
20 I am not in a position to talk about everything that happened everywhere at that time.

21 PRESIDING JUDGE STEINER: Mr Witness, it appears to me that you are avoiding
22 to answer the question.

23 I'll give back the floor to Maître Zarambaud.

24 MR ZARAMBAUD: (Interpretation) That is also my impression and I'll leave it to
25 the Bench to assess this attitude of not being willing to answer, "If troops had the

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 same uniform, the same attire, the same insignia, how was the witness able to
2 distinguish that those who were committing those crimes were FACA and not MLC
3 troops?" I leave that to the Bench.
4 The witness a short while ago relied on the issue of language, and I want to quote
5 something back to him.
6 THE WITNESS: (Interpretation) No, no, no, we can't set this aside just like that.
7 The question was put to me regarding rapes which I saw, and my answer is that what
8 I saw was in relation to the rapes committed within my group. I was not with the
9 MLC troops and, therefore, I cannot testify in that regard. I hope that we can
10 understand that, even up to this day, our relatives and families are still subjected to
11 these acts of violence which are not being perpetrated by MLC troops. I am also a
12 victim.
13 How many of my people have been killed since 1996 to this date, and it is not the
14 MLC troops that are doing this? I came here to tell the truth that the Central
15 Africans are the ones killing each other among themselves. The people who have to
16 be accused, those who are guilty, are the people from Chad, the Chadians. No, you
17 can't impose anything on me. You cannot tell me to say what I did not see.
18 I have come here to testify about the things that I saw, the things that I have
19 experienced, and to this day Central Africans are still suffering and I undertook to
20 come here to testify about these things. You may be imagining, or you may be
21 thinking, that I have come here to tell you something different from what we
22 experienced, something different from what was committed. I did not come here to
23 defend anybody's cause. I came here to testify about the things which I saw, the
24 things which I experienced, what Central Africans are suffering even to this day,
25 because I myself I am also a victim. I did not come here to accuse anyone. I came

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 to tell the story, to narrate what I know, and I am speaking under oath.

2 From 2003, blood continues to be spilled in the Central African Republic.

3 PRESIDING JUDGE STEINER: Mr Witness, are you saying that you need a break
4 again?

5 THE WITNESS: (Interpretation) Yes, I would like to take a rest. I don't feel good.

6 PRESIDING JUDGE STEINER: Ten minutes is enough, Mr Witness?

7 THE WITNESS: (Interpretation) Yes, that will be fine.

8 PRESIDING JUDGE STEINER: We will suspend for ten minutes.

9 The hearing is suspended.

10 THE COURT OFFICER: All rise.

11 (Recess taken at 12.21 p.m.)

12 (Upon resuming in open session at 12.37 p.m.)

13 THE COURT USHER: All rise.

14 Please be seated

15 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

16 THE WITNESS: (Interpretation) Thank you, your Honour.

17 PRESIDING JUDGE STEINER: Are you feeling better?

18 THE WITNESS: (Interpretation) Yes, I feel better, ma'am.

19 PRESIDING JUDGE STEINER: Then I'll give back the floor to Maître Zarambaud to
20 continue with his questioning.

21 Maître?

22 MR ZARAMBAUD: (Interpretation) Thank you, your Honour. I believe I'll just
23 ask one final question, but it's a two-pronged question.

24 Q. Witness, page 42, transcript 325, line 16 to 20, you were asked this: "According
25 to you, some of the soldiers did not speak Sango?" And you said: "Yes, that's

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 right." Then you were asked: "Now, when you say that some of them did not
2 speak Sango, are you talking about a minority?" And your answer was: "There
3 were many of them."

4 Now, the many CAR soldiers who did not speak Sango, as you say, were those
5 soldiers of CAR nationality?

6 A. I no longer recall. I don't know, Counsel.

7 Q. Thank you, Witness. So my final question: You expanded this particular
8 concept when you were talking about people who did not speak Sango and it seemed
9 to apply to the whole population, page 40, lines 22 to 24, once again transcript 325.
10 The question was this: "So, now if the Chamber heard testimony to the effect that all
11 the defence forces and all the citizens of the CAR can speak Sango, are you saying that
12 that is not the case?" And your answer was this: "That's not the case."

13 So my question to you is this: Now, the people of the CAR who are unable to speak
14 Sango, in your opinion what kind of people are these? What types of citizens from
15 the CAR? Are there many citizens from the CAR who do not know how to speak
16 Sango?

17 A. Yes, that's what I'm saying. I know that there are people from different ethnic
18 groups within the CAR, but I don't know really where they come from. For example,
19 the Sara, many of them do not speak Sango and the same thing holds true for the
20 Kaba. They only speak their mother tongue. Not all people from the CAR can
21 speak Sango. For example, the two ethnic groups I just mentioned.

22 MR ZARAMBAUD: (Interpretation) Thank you, Witness. I have no further
23 questions for you.

24 I've concluded, your Honour.

25 PRESIDING JUDGE STEINER: Thank you. Thank you, Maître Zarambaud.

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 Mr Witness, now Maître Douzima will put some questions to you.

2 Maître Douzima, you have the floor.

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

4 QUESTIONED BY MS DOUZIMA LAWSON: (Interpretation)

5 Q. Good afternoon, Witness.

6 A. Good afternoon, Counsel.

7 Q. Mr Witness, I am Marie-Edith Douzima Lawson. I am a member of the CAR
8 Bar and I am a citizen of that country and here at this trial I am representing a number
9 of victims and that is why I have been given leave to put a number of questions to
10 you.

11 Now, Witness, my first question -- well, first of all, I should mention that I'll be
12 putting all my questions to you in open session, so we will have to be very careful,
13 you and I, so as not to reveal your identity either through my questions or through
14 your answers.

15 My first question is this: I would like to know whether you know what the state of
16 the CAR Army was in 2002, just before the MLC was called in to provide assistance?

17 A. I don't know, Counsel.

18 Q. Have you ever heard about Mr Jean-Pierre Bemba? Do you know anything
19 about him?

20 A. No, I haven't heard anything about him.

21 Q. Witness, at the hearing of June 18th, transcript 325, page 36, and page 35 in the
22 English version, you stated this: You said you were trained by Miskine and that the
23 training had been organised in Sango. Why was the training organised in the Sango
24 language?

25 A. I didn't say that we were trained by Miskine. I didn't say that. Miskine was

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 not our trainer. When the call was issued, I did not talk about Miskine, but on the
2 28th when we received weapons and we were to go in the field, the person who was
3 beside me said, "Oh, there, it's Miskine who will be leading us." And I said that we
4 had been trained in Sango.

5 MS DOUZIMA LAWSON: (Interpretation) For the parties, in French it is line 11,
6 page 36. At that line, that is where the witness said he was trained by Miskine, and
7 the English version, page 35, line 19.

8 Q. Now, Witness, you just confirmed that your training was organised in Sango.
9 My question is this: Why was it organised in Sango?

10 A. The training was given in Sango because everyone knew that not all recruits
11 had gone to school.

12 Q. And what language is spoken in the Central African Republic?

13 A. In the Central African Republic Sango is spoken, but that language is spoken
14 quite a deal more in Bangui. In contrast, in the villages it is not spoken a great deal.
15 In actual fact, not all people from the CAR speak Sango. Some prefer to speak their
16 ethnic language, the language of their ethnic group.

17 Q. You stated that Miskine's troops were part of the FACA. Now, within the
18 FACA, what language would you use with one another?

19 A. Many languages were spoken within the FACA. I understood some of the
20 languages, but not all of them. Not everyone spoke Sango. Amongst us, some
21 spoke Lingala.

22 Q. Witness, you've already said that several times. We understand. My question
23 is this: Generally speaking, within the FACA, what language is used most often?

24 A. Sango, of course.

25 Q. Witness, now earlier during today's hearing, page 39, line 26 on, you said that to

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 distinguish -- to distinguish between the troops that were present, you based yourself
2 on language. Could you explain how you based yourself on language to make this
3 distinction between the various troops?

4 A. Well, I know, Counsel. When someone from the Sara group speaks, I know
5 that that person is a Sara. If the person is from the MLC, I would know that as well,
6 because I myself speak Lingala.

7 Q. Does this hold true for all people from the CAR? Would they all recognise
8 someone from the Congo when he or she speaks?

9 A. No, not all the people from the CAR have that ability. Because I was together
10 with those people, that's why.

11 Q. And if a person is not with them, one cannot recognise them when they speak
12 Sango, or in Lingala, or Arabic, or French? Is that what you're saying?

13 A. If I were with them, I would be able to -- I would know who they were, but if I
14 wasn't with them, I'm not the Lord to know who they all were.

15 Q. Witness, this question was already put to a witness who was a member of the
16 CAR Army.

17 Your Honour, I am making reference to document number 10 on my list, pages 69 to
18 72.

19 And this is the question that was put to that particular witness: "You don't know
20 whether a CAR civilian can identify the person responsible for the crime committed
21 against them?" And then the answer was: "Well, he could. He could. That is
22 what I told you. Yes, yes, yes, he could identify the person." And then at page 72,
23 lines 20 -- 17 to 23, the question was this: "Witness, can one identify MLC soldiers by
24 way of language, or not?" And the answer was: "Yes, I can identify them when
25 they are unable to speak to me because, when they speak French, they have an accent,

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 so quickly you realise that the person is from the Congo, or from Gabon, or from
2 Chad. You can tell by their accent, so I was able to rapidly identify the person I was
3 dealing with." And I remind you that this is a Defence witness.

4 Now, since you were with them and you knew them, did they have an accent when
5 they spoke?

6 A. Well, what language are we speaking to one another in? I would like you to
7 answer that question.

8 Q. Well, my question is: When you speak to -- when you spoke to the fellow MLC
9 soldiers, could you hear their Congolese accents as the other witness said? And I
10 quoted from that other witness's testimony a few moments ago.

11 A. Yes, I know that.

12 PRESIDING JUDGE STEINER: Yes, Mr Haynes?

13 MR HAYNES: I think the witness's question is a fair one. In what language does
14 Ms Douzima want to find out whether you could discern their accent? French, or
15 Sango, or Lingala?

16 PRESIDING JUDGE STEINER: Maître Douzima, you can answer, but before that, I
17 am struggling here to find the reference you just mentioned, your document 10 in
18 your list, pages 69 to 72. I don't think the quotation belongs to this document you
19 mentioned, but it can be checked later.

20 MS DOUZIMA LAWSON: (Interpretation) This is transcript 261, 24 October 2012.
21 I beg your pardon, your Honour.

22 PRESIDING JUDGE STEINER: Yes, Mr Haynes?

23 MR HAYNES: Can I suggest that Ms Douzima Lawson simply asks the witness,
24 "Did Congolese soldiers have an accent when they spoke French?" That would at
25 least be a short, simple, open question such as the Chamber recommended the parties

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 to adopt in examining this witness.

2 PRESIDING JUDGE STEINER: Yes, maybe, Maître Douzima, you could consider
3 putting the question in the simplest way for the witness to understand.

4 MS DOUZIMA LAWSON: (Interpretation) Your Honour, the witness has already
5 replied, but since you ask, I will do so.

6 Q. Witness, when you would speak in French with the MLC troops, did they have
7 an accent?

8 A. They themselves said so to me.

9 Q. Witness, now according to your statements today, pages 34 to 35 today, you
10 said that the acts of looting and rape were committed by Bozizé's troops and the same
11 things were done everywhere, wherever they went, Bangui and in other provincial
12 towns such as Bossangoa.

13 Now, do you know if they also went to Sibut?

14 A. I don't know.

15 Q. During the hearing of the 18th, transcript 325, page 25, French version, and page
16 25 for the English version as well, you said that you never saw any MLC soldiers
17 participating in the crimes that were committed in Bossangoa. Did you hear, even
18 though you may not know whether they went to Sibut or not, did you hear mention
19 of any crimes committed by Bozizé's rebels in Sibut?

20 A. I never heard any such thing.

21 Q. Do you know whether before or after the events anybody complained about
22 abuses committed by any of the troops that were on the ground during the events?

23 A. No.

24 MS DOUZIMA LAWSON: (Interpretation) Thank you, Witness. I have no
25 further questions for you.

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 Madam President, that will be all.

2 PRESIDING JUDGE STEINER: Mr Haynes, redirect?

3 MR HAYNES: No, thank you, your Honour.

4 PRESIDING JUDGE STEINER: Mr Witness, am I wrong when I say that you were
5 not really willing to answer to the questions put by Maître Douzima?

6 THE WITNESS: (Interpretation) That is not correct. That is not correct.

7 PRESIDING JUDGE STEINER: So you really don't know whether the crimes were
8 committed in Sibut?

9 THE WITNESS: (Interpretation) Yes, that is correct. I do not know anything
10 about that.

11 PRESIDING JUDGE STEINER: And you never heard after the events anyone
12 complaining about abuses committed by any of the troops that were on the ground?
13 You never heard anything about this?

14 THE WITNESS: (Interpretation) I did not hear of it.

15 PRESIDING JUDGE STEINER: Okay, Mr Witness, that concludes your evidence.

16 Sorry, Mr Haynes, you are entitled to have the final word. I ask again, redirect?

17 MR HAYNES: Well, just one question.

18 QUESTIONED BY MR HAYNES:

19 Q. Remind us, Mr Witness, when did you leave the Central African Republic?

20 A. I left in January.

21 Q. Of what year?

22 THE INTERPRETER: "2003," says the witness in French.

23 MR HAYNES: Thank you very much.

24 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

25 Mr Witness, you concluded your evidence and before you leave the Court I want, as

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 with all other witnesses of the case, to express the thanks of the Chamber and of the
2 Court for the time you have taken to give evidence in this trial.

3 Mr Witness, in order for the Judges to find the truth, it is critical that witnesses such
4 as yourself are prepared and willing to give evidence and assist the Judges on the
5 relevant issues of the case.

6 We are aware that this may have been inconvenient for you. We are aware that you
7 are facing some health conditions. One more reason for the Chamber to thank you
8 very much for the effort you made in order to give evidence in this trial.

9 Before you leave, Mr Witness, and as with all other witnesses of the case, I would like
10 to ask whether there is anything that you would like to tell the Chamber? If you
11 want to address the Chamber on any issue, please feel free. This is your opportunity
12 and you have the floor.

13 THE WITNESS: (Interpretation) I don't have anything to add. I have told you
14 everything that was in my heart.

15 PRESIDING JUDGE STEINER: Thank you, Mr Witness. The VWU now will be
16 with you and give you any kind of assistance you need and give you any information
17 you need since you concluded your testimony.

18 I would like to thank very much the Prosecution team, the legal representatives of
19 victims, the Defence team.

20 (Trial Chamber confers)

21 PRESIDING JUDGE STEINER: To thank the Defence team, our interpreters, our
22 court reporters, who allowed us for the past weeks to sit on extended hours in order
23 to conclude with most of the witnesses belonging to this specific group of witnesses.
24 I want to remind parties and participants that, subject to confirmation, the Chamber
25 will resume only on 8 July since the witness that was expected to come next week is

Trial Hearing
Witness: CAR-D04-PPPP-0003

(Open Session)

ICC-01/05-01/08

1 unavailable, or is not -- is not prepared to come next week, but that will be subject of
2 course to confirmation.

3 So again thanking you all very much.

4 Ms Balfas, thank you very much.

5 THE COURT OFFICER (via video link): Thank you, Madam President. You're
6 welcome.

7 PRESIDING JUDGE STEINER: Mr Witness, again thank you very much and the
8 hearing is adjourned.

9 THE COURT USHER: All rise.

10 (The hearing ends in open session at 1.11 p.m.)

11 RECLASSIFICATION REPORT

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

13 ICC-01/05-01/08-3038, the version of the transcript with its redactions

14 becomes Public.