

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0009

- 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 Friday, 14 June 2013
- 7 (The hearing starts in open session at 9.07 a.m.)
- 8 THE COURT USHER: All rise.
- 9 The International Criminal Court is now in session.
- 10 Please be seated.
- 11 PRESIDING JUDGE STEINER: Good morning.
- 12 Could, please, court officer call the case.
- 13 THE COURT OFFICER: Thank you, Madam President. Situation in the Central
- 14 African Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo,
- 15 ICC-01/05-01/08.
- 16 PRESIDING JUDGE STEINER: Thank you.
- 17 Good morning. I welcome Prosecution team, legal representatives of victims,
- 18 Defence team - welcome back, Maître Kilolo - Mr Jean-Pierre Bemba Gombo. Good
- 19 morning to our interpreters, our court reporters. Good morning, Mr Rojas.
- 20 THE COURT OFFICER (via video link): Good morning, Madam President.
- 21 PRESIDING JUDGE STEINER: And good morning to you, Mr Witness.
- 22 WITNESS: CAR-D04-PPPP-0009 (On former oath)
- 23 (The witness speaks Sango)
- 24 (The witness gives evidence via video link)
- 25 THE WITNESS: (Interpretation) Thank you.

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1 PRESIDING JUDGE STEINER: Mr Witness, are you ready to continue with your
2 testimony?

3 THE WITNESS: (No interpretation)

4 PRESIDING JUDGE STEINER: We had no interpretation.

5 THE INTERPRETER: Apologies from the English booth. Could the witness please
6 repeat?

7 PRESIDING JUDGE STEINER: Mr Witness, I will ask again because there was a
8 problem with the microphones. My question is whether you are ready to continue
9 giving your testimony?

10 THE WITNESS: (Interpretation) Yes, I'm ready.

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

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

14 PRESIDING JUDGE STEINER: Mr Witness, I also wanted to remind you that you
15 are under protective measures, that your image and voice broadcast outside the
16 courtroom are being distorted so that the public cannot identify you. In order to
17 keep your identity protected, it is important that when we are in public session, you
18 don't reveal any information that could lead to your identification. If need be, we go
19 into private session, and in private session you can speak freely because nobody
20 outside the courtroom can hear to what you say.

21 You understand that, Mr Witness?

22 THE WITNESS: (Interpretation) Yes, I understand that.

23 PRESIDING JUDGE STEINER: And finally, Mr Witness, a final reminder that you
24 are expected to speak slower than normal and to give the five seconds after a question
25 is put to you before you start giving your answer, in order to facilitate the job of our

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1 brave interpreters and court reporters.

2 Can we count on you, Mr Witness?

3 THE WITNESS: (Interpretation) Yes, you can count on me.

4 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. As I told you
5 yesterday, today we'll have three sessions of two hours each. If for any reason you
6 need a break before the regular breaks, you just let us know.

7 The Defence will continue questioning you, and for that purpose I give back the floor
8 to Mr Haynes.

9 Mr Haynes, as always, if you prefer, you may remain seated.

10 MR HAYNES: Thank you very much, your Honour. That's very kind of you and I
11 will accept that invitation.

12 Good morning to you, your Honour. Good morning to everybody in the courtroom.

13 QUESTIONED BY MR HAYNES: (Continuing)

14 Q. Good morning to you, Mr Witness.

15 A. Good morning, Counsel.

16 Q. Sir, when we finished yesterday afternoon, do you remember that you were
17 telling us about the division of the men into groups of about 100 at Camp Kasai?

18 A. (No audible response)

19 Q. Did you hear what I said?

20 A. I didn't really understand very well. I didn't have the impression it was a
21 question. You were just making a reminder of what was stated yesterday, so I didn't
22 understand whether you were asking me a question or not. Was it a question?

23 Q. Effectively not, sir. I was just reminding you of where we'd got to. So this is
24 the question: How many groups of 100 were created at Camp Kasai?

25 A. At Camp Kasai there were many men, a large number of men, and I believe at

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1 least according to my evaluation that there were at least 2,000 men. So they were
2 broken up into groups of 100 and each group went in a particular direction. In my
3 group, after we took the road, I don't know what happened afterwards.

4 Q. Okay. You told us about the arrival of Congolese soldiers in two lorries and
5 two jeeps. Was that the only arrival of Congolese soldiers at the camp?

6 A. After our departure, when we got to PK12 I noticed the arrival of a number of
7 other men and, therefore, I deducted from that that there had been another arrival of
8 soldiers because there were many, many people - many men - there.

9 Q. Had you seen the men you saw at PK12 arrive at Camp Kasai?

10 A. As I've just stated, there were more men when I got to PK12. Well, what does
11 that mean? Well, it means that there was another contingent that had arrived.

12 Perhaps the contingent that arrived afterwards had come from a different camp.

13 Q. Thank you, that was my next question. How many FACA army camps are
14 there in and around Bangui?

15 A. To my knowledge as a soldier, I can say that there was a camp called Camp
16 Kasai, there was Camp Béal and there was also another camp right across from Camp
17 Béal where the military engineers were and then -- that's where the fire-fighters were
18 and you could actually see the base of the presidential security from there, which is
19 across from the headquarters of the parliament. A bit further you had the RDOT,
20 which is an important army base.

21 Q. Thank you very much. I want to concentrate now on the movement of your
22 unit; do you understand?

23 A. Yes, I understand that.

24 Q. Can you describe how you progressed from Camp Kasai to PK12?

25 A. As I explained yesterday, we left the base in the morning on foot. We walked

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1 toward the cemetery, through the hills. We weren't using a vehicle. We were
2 walking on foot all the way to PK12.

3 Q. Which districts of Bangui did you pass through?

4 A. Initially we went through the district that is nearby the camp and right near the
5 Ndrès cemetery, and then we went to the hills up to Boy-Rabé. That was where the
6 monastery was. It was the second road you can take to get there. Then we took the
7 road that goes through the neighbouring district all the way to PK12.

8 Q. Did you engage in any fighting on the way to PK12?

9 A. Before we got to PK12, we stopped in Mandaba district. That's near Boy-Rabé.
10 We stopped there because the attackers had gone -- had spent two or three days there
11 in that area and there had been fighting with the attackers. The operation consisted
12 in shooting warning shots to intimidate the enemy and so that they would withdraw.
13 The strategy consisted in removing from the area all foreign soldiers, all enemy
14 soldiers, from the area so that we could reach our objective rapidly.

15 Q. What did you observe in the districts of Bangui that you passed through?

16 A. When we reached the district of Boy-Rabé we saw that there were many corpses
17 and we had the impression that those corpses had been there for about two days.
18 Before we arrived, way before we arrived, it had rained abundantly and in spite of
19 that those bodies had been lying there for two days. At the time the Red Cross was
20 not able to do its job very well and it was suggested that we remove all of those
21 bodies to take them to the morgue, and we began that task just to prove to the
22 population, as well as the national and international community, to prove that we
23 were doing our job. Those corpses were taken to the morgue at the community
24 hospital.

25 Q. Were those the corpses of soldiers, or of civilians?

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1 A. From my point of view, the corpses that I saw were those of boys, young fellows,
2 approximately 13 or 15 years of age. I saw the body of a woman. I saw the body of
3 a woman with her child. Their bodies had been torn apart. It was as if they had
4 been hit by a -- by a rocket or mortar, rather. I was very sad when I saw that. And I
5 informed the other soldiers, and I believe that the attackers, seeing that we were
6 moving ahead, began to shoot haphazardly, and the stray bullets hit civilians.

7 Q. What made you think that some of these corpses at least had been there for two
8 days?

9 A. Well, you must realise when a person has been killed you see blood flowing, but
10 when you see a body that is rotting it is easy to suppose that that corpse has been
11 there for about two days. Sometimes when you touch the corpse you see that the
12 corpse is decomposing, and that indicates that the person had not been shot or killed
13 recently.

14 Q. Thank you. In the area where you saw these corpses, was the civilian
15 population present, or not?

16 A. As we were moving forward the neighbourhood was deserted, because when
17 the attackers arrived they set up positions within the neighbourhood and the civilians
18 feared retaliation by the loyalist forces and so they fled.

19 Q. What was the state of the housing and the buildings in those areas?

20 A. When we got there we saw that some houses had had their doors broken down.
21 Some houses no longer had any doors and no one was in those houses any more. In
22 some spots we were able to see the personal belongings outside, scattered about in the
23 yard. That is what I can tell you.

24 Q. Thank you very much. Now can we come on to PK12? What was PK12 like
25 when you arrived there?

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1 A. Once we got to PK12, this place was like a ghost town. There was no one to be
2 seen. It was as if the place were unoccupied. We spent quite a while at PK12, about
3 three weeks.

4 When the people saw us entering that place, PK12, they started going to where they
5 lived. We asked the local people to come back and to return to their houses.

6 However, we saw some scandalous things in PK12. For example, close to the station
7 at PK12 we saw the body of a man on the ground. The body was the body of a man
8 who was working at the garage, the gas station. And we saw that all the doors of the
9 houses had been broken down. We moved forward to the PK13 area.

10 Q. Where did you stay in PK12 for three weeks?

11 PRESIDING JUDGE STEINER: Mr Haynes, I'm sorry.

12 Mr Witness, Judge Aluoch needs a clarification on the previous answer.

13 JUDGE ALUOCH: It's really more for Mr Haynes, because you are asking the
14 witness direct questions and his answers are coming out, "We did this. We did this."
15 I would like to know that the witness is talking about what he saw or what he did, so
16 that the transcript is synchronised. I'm hoping that that's what he means when he
17 said, "We did this. We did this." I'm hoping it's what he saw himself.

18 Mr Witness, I hope you are telling us what you saw yourself as opposed to a group,
19 thank you, because you are the one who is here as the witness. Thank you.

20 MR HAYNES:

21 Q. Well, so that it is absolutely clear, Mr Witness, in the area of Boy-Rabé did you
22 yourself see corpses on the ground?

23 A. Indeed. As I said earlier, I saw the bodies of two boys on the ground. I also
24 saw the body of a woman along with her child. That is what I saw at Boy-Rabé.

25 Q. And was it your conclusion that they had been there for two days, at least?

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1 A. Yes. As I said, when you see a person who has just been killed, who has been
2 shot with a firearm, you can see that the blood is still flowing. So that means if you
3 see a body -- if you see a body that is stiff and the blood has dried, or if the rain has
4 already washed the blood away, you can -- you realise that the person was killed two
5 or three days beforehand, so that is what I thought.

6 Q. And did you yourself see the doors of houses in Boy-Rabé broken open and the
7 personal effects of people strewn outside those houses?

8 A. Indeed, I saw them myself.

9 Q. And just so that we're clear, did any of the soldiers in your unit kill those people
10 or loot those houses?

11 A. I said that the bodies that I saw were the bodies of people who had been killed
12 two or three days beforehand. If there had been any cases of murder, I would have
13 deduced that it would have been the soldiers that I was with who had caused those
14 deaths.

15 As for the doors that had been broken down, it was clear to see - it was obvious - that
16 those doors had already been in that state. Was it the owners of those houses who
17 left the doors like that, or did thieves? Judging by what we saw, well, we were
18 careful because we thought to ourselves that the people of the neighbourhood might
19 be hiding in the houses and preparing to attack us with weapons, of course.

20 Q. Okay, let's come back to PK12. The body you saw at the -- or the body at the
21 garage, at the gas station, did you actually see that yourself?

22 A. Indeed, when we got there I saw myself before the body was taken away.

23 Q. Did you form any impression as to how long that body had been dead?

24 A. Well, I would say this as a conclusion: We learned that it was the manager, or
25 rather an employee of the service station. From my point of view, it would appear

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1 that that person had the keys to the service station. Did the attackers force him to
2 unlock the doors to the service station? Was he killed because those people
3 absolutely wanted to steal things out of the service station? I would say, all the same,
4 that that body was stiff. It was also clear that the body had been stabbed.

5 Q. Okay. Now, you were -- I was just asking you where you and your unit stayed
6 in PK12 for the three weeks that you were there?

7 A. When we got to PK12, we occupied the residence of someone who was working
8 for the government, a public servant. I've forgotten his name, but apparently that
9 person worked for the customs department. He was a customs officer. His
10 house -- well, the door to his house had been broken down. There were some
11 belongings, some furniture, in that house and that is where we stayed. There were
12 about 13 of us.

13 Q. Were those 13 all Central African soldiers?

14 A. Four of our brothers from the other side of the river were with us. That is what
15 I saw, because it was the same people that we moved forward with to PK12. We
16 were in pairs, so to speak. We met one another before we got to PK12.

17 Q. Okay. Well, in a minute in private session I'm going to ask you if you can
18 remember any of those people, but don't tell me just now. How many soldiers
19 approximately remained in PK12 during that period?

20 A. There was a large number of soldiers at PK12. I can't give you an exact figure
21 here, but there was a large number of soldiers, both soldiers from the other side of the
22 river and Central African Republic soldiers, so all those soldiers occupied that place,
23 PK12.

24 Q. And where in the main did they stay?

25 A. The general headquarters were established at the police station in PK12 and, if

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1 there were conflicts or disputes, people would have to go to the RDOT, which was
2 located about two kilometres from PK12. Directives were given at the brigade level,
3 at the -- well, the gendarmerie brigade at PK12.

4 Q. Okay. You told us that PK12 was like a ghost town. Were there any members
5 of the civilian population in PK12 during the time you were there?

6 A. In actual fact, when we arrived we saw some inhabitants who had not fled and
7 who had barricaded themselves in their houses. A day or two later, some people
8 started to move about. Some people tried to take shelter. We didn't know why.
9 We asked them, but no one gave us any answer.

10 At PK13, the neighbourhood chief was present. There was also another chief, or
11 leader, who came to see us at the spot where we had set up our operations. He came
12 to see about some items that had been stolen by the rebels. He wanted to hand them
13 over. He gave back to us five weapons - rebel weapons - plus some ammunition.

14 Q. Did you learn how the rebels had behaved towards the civilian population in
15 PK12 and PK13?

16 A. Indeed, when we arrived we asked questions about what the inhabitants had
17 seen, what had occurred in that area, and the people we asked questions to gave us
18 answers. The rebels spent two or three or four days in the area and they took
19 belongings forcefully from the inhabitants, and the Muslim brothers who were selling
20 livestock at PK13 were complaining because the rebels took their animals from them
21 forcefully and those rebels then gave the livestock to third parties, who sold the meat
22 from the livestock, beef in particular, on the Central African Republic market and
23 those Muslims who were selling at the livestock market, one of those came to
24 complain because his daughter was taken hostage and he was asked for ransom.
25 The father told us that when he fled the rebels took his daughter hostage and locked

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1 her up. That lasted from the morning until 4 o'clock in the afternoon.

2 When they came back with the girl she was crying and he himself, the father, didn't
3 know what to do. He imagined what might have happened to his daughter, and we
4 took the girl to the hospital, to the community hospital. What happened to her, we
5 don't know, in fact.

6 The father took us to his house, which was at PK13. So the only case that I actually
7 saw myself was the case of this Muslim man and his daughter. However, as regards
8 the other information, it was things that I heard about but that I did not see myself.

9 Q. Thank you very much. What other incidents did you hear about?

10 A. I don't have any additional information to add.

11 Q. Okay. Now, the 13 of you that lived in the same house, would that group of
12 people have a name as a unit?

13 A. We didn't have a name for the different units at PK12. However, each person
14 knew where their comrades were, but there was no name given to the different units
15 that were operating at PK12.

16 Q. It was my fault, that was not a good question, but let's move on. Did you have
17 any special position within that group of 13 people?

18 A. When we arrived at PK12 there was hardly anything particular to do. Every
19 morning we waited for instructions from our chiefs, from the hierarchy. Every
20 morning we waited for instructions and some of us were on guard duty at the various
21 positions that we occupied. There was nothing in particular to do at that point in
22 time at PK12.

23 Q. Okay. During the time you were at PK12, did anybody within your unit
24 commit any offences towards the civilian population there?

25 A. To my knowledge it's difficult to provide that information because, based on

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1 where I actually was, I didn't have any information about poor conduct on the part of
2 any of our soldiers. We never heard about anyone committing crimes.

3 Q. What was it that caused you to leave PK12?

4 A. We didn't decide on our own to leave PK12. When we were at PK12, some of
5 our comrades had already gone on to the road to Damara. When we were there,
6 some of the soldiers were already advancing to the road to Damara. A few days
7 later we were asked to advance along that same road; that is the road to Damara, and
8 we were transported in a vehicle.

9 Q. Who asked you to advance to Damara?

10 A. On that day, it was about 2300 hours when we were asked to get into those
11 vehicles to go to Damara. No one knew exactly who had given that instruction, that
12 order. We were simply told to get into the vehicle and to leave. And it was
13 night-time. It all happened at night. In fact, we didn't even know we were going to
14 Damara. We were not told exactly where we were going. And there were four
15 vehicles. We arrived in Damara at dawn, but it was still dark.
16 As to who had given the order for us to get into those vehicles and leave for Damara,
17 I'm afraid I can't be any more precise.

18 Q. What sort of vehicle did you travel in?

19 A. There was a vehicle of the brand FAW. There were Sovamags, two of them.

20 Q. How many people were in the vehicle you travelled in, and what nationality
21 were they?

22 A. When we got into the vehicle, we didn't bother to try to find out what
23 nationality the other soldiers were from. All 13 men tried to get into the vehicle, and
24 our purpose was to remain together.

25 In the vehicle, there were also our comrades who had come from the other bank. In

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1 fact, there were so many of us that we couldn't even sit in the vehicle and therefore
2 we couldn't recognise who was which nationality. There were about a hundred men
3 in that vehicle.

4 Q. The 13 you referred to in your last answer, is that the 13 of you that stayed in
5 the same house in PK12?

6 A. I got on the vehicle with the 13 other men in the same vehicle, and we managed
7 all 13 of us to get on to the same vehicle.

8 Q. What happened when you arrived at Damara?

9 A. When we arrived in Damara, we met with our comrades-in-arms who had
10 arrived before us. They were soldiers from the Presidential Security Unit. They
11 were there when we arrived. There was also Miskine's men. There were two white
12 men there and, if I'm not mistaken, I in fact saw those white men twice in Damara.
13 There was one called Paul Barril, one white man, he was French, and another white
14 man with his men and, if I'm not mistaken, he was called Befio. They were the men
15 who were leading the fighting, because they were trusted by the higher-ranking
16 officers. We weren't as trusted, if you will, because we were not as involved, not as
17 dedicated to the fighting.

18 Q. Was there fighting at Damara?

19 A. When we were still at PK12, the Damara road had already been liberated. The
20 soldiers were already able to travel along that road. They would come and go, as
21 well as traders.

22 Q. But when you arrived, who was in control of the town of Damara?

23 A. As I said, when we arrived I saw the troops that had fought off the assailants,
24 the attackers, so there were men from the Presidential Security Unit as well as those
25 white men that I mentioned. So we went there, we were transported there, to

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1 reinforce them so that we could again advance.

2 Q. Okay. And where did you advance to?

3 A. In Damara -- well, if I had stopped at Damara, I wouldn't be here today
4 testifying before this Court. It was at that point in time that I saw the actual fighting.
5 When we got to Damara we were broken up into groups, groups of 26 men, and I'd
6 like to say that as soon as we arrived in the morning, without even leaving us any
7 time to rest, we were asked immediately to go towards Sibut. So that's when I
8 almost lost my eyesight, on the road to Sibut.

9 After we left Damara on the way to Sibut, we were attacked with heavy weapons.
10 They attacked us from the rear. Many men were killed. We -- there were only two
11 survivors.

12 Q. Okay. Did you go into the town of Damara itself?

13 THE INTERPRETER: Correction: The number was ten survivors in the previous
14 answer.

15 THE WITNESS: (Interpretation) I told you that I only spent one day in Damara. I
16 arrived in the morning and I left the next morning, so I didn't spend much time in the
17 town of Damara.

18 MR HAYNES:

19 Q. Okay. And do you know whether the day you arrived was the day that the
20 loyalist forces took the town, or whether they had taken it before you arrived there?

21 A. I told you that during the three weeks that we spent in PK12, other
22 soldiers - other loyalist soldiers - had already taken control of Damara and that's why
23 vehicles were able to circulate on the Damara road. Damara was already under the
24 control of the loyalist forces before we arrived there.

25 Q. The group of 26 that you were part of, how was that comprised?

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1 A. In the vehicle, I was in the cabby -- in the cab with a soldier from the MLC, plus
2 the chauffeur, the driver. The other men were in the back. So out of the 26 men,
3 ten of them - ten of our brothers-in-arms - came from the other side of the river. The
4 remainder were from the CAR.

5 Q. And who told you to advance towards Sibut?

6 A. I don't remember exactly what rank the officer was, but if I'm not mistaken his
7 name was Tutu Kuese, if I'm not mistaken. I believe he was the man who gave us
8 the order to advance towards Sibut and, when we got to Sibut, we were to call him to
9 report back.

10 Q. What nationality is Tutu Kuese?

11 A. He was from the Central African Republic. He was an officer in the FACA.

12 Q. In relation to the group of 26, you said you were in the front in the cab. Did
13 you have any particular or special function within that group of 26?

14 A. As I said, there were three of us in the cab: The driver, a comrade-in-arms
15 from the other side of the river, whom I knew, and there were three of us in the cab.

16 Q. What happened when you got to Sibut?

17 A. I believe I told you that I did not get to Sibut. Along the road to Sibut, I don't
18 know how many kilometres along, our vehicle was hit by a shell and there were some
19 casualties within the other convoy. Those who escaped, those who got away, well,
20 there were ten of us, and the ten people who survived, some people were badly
21 injured, the driver, myself, and a number of other fellow soldiers from the other side
22 of the river, and also some people from the CAR Armed Forces. The casualties were
23 as such: Four Congolese and six CAR citizens. So, you see, I wasn't able to get to
24 Sibut.

25 Q. What happened to you?

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1 A. After our vehicle was hit, we were attacked by the rebels. They spared ten of
2 us. I was one of the ones who survived. And we went into the bush with some of
3 the other soldiers, our fellow soldiers. We had to carry them, you see. In actual fact,
4 they were rebels who took us to their base in the bush. And three of the fellow
5 soldiers who had been injured were killed. So only seven of us were left: Three
6 rebels, two Congolese and one FACA soldier. The Congolese brothers were tortured
7 by the rebels. They used a padlock to -- to close up their lips and the Congolese
8 brothers were taken to an unknown place. The rebels were told that I was the chief
9 commander of the group that had been attacked, and that is when I was tortured. I
10 was tortured badly.

11 Q. Who do you mean when you say "rebels"?

12 A. From my point of view, and thank the Lord I am still alive today, at that time I
13 had an opportunity to see -- well, I don't know whether I can give the name in open
14 session.

15 Q. It would probably be better not to. Perhaps you can just refer to him as "Mr A"
16 for the time being and then we'll find out who he is in private session.

17 A. Very well.

18 Q. So what was the importance of Mr A to your survival?

19 A. I don't see what importance he had in terms of my survival. It was God who
20 saved me. When they saw that I was bleeding from my privates and from my ears,
21 and what's more, blood was running down my back, they thought I was going to die
22 and so they just abandoned me. They left.

23 Q. Who were the people who did this to you?

24 A. There were some Central African soldiers who had joined up with the former
25 President of the Republic. Along with them there were a few of our neighbours.

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1 They spoke in Arabic. They spoke to one another in Arabic. That is what I can tell
2 you. That's the additional information I can give you.

3 Q. What happened to you after you were abandoned with blood running from
4 your ears, your private parts, and down your back?

5 A. Before they abandoned me, they took all my military clothes off of me, as well
6 as my -- my shoes. All I had left were my -- was my underwear. The T-shirt I was
7 wearing was covered in blood. All my military clothing was taken away. When
8 they abandoned me, I prayed to God to give me the strength to get back to the village,
9 where I would be able to find some people.

10 So I went down a path and at that time I realised that God was great. I met up with
11 a person who told me that we were at Galafondo. This is a place located close to
12 Sibut. And that man truly was sent by God. I don't know whether I'll ever meet up
13 with him again. But it was thanks to him that I am alive today. He gave me some
14 water to drink. He asked me if I was able to walk, and I said no. This man put me
15 under a tree and so I could take some shelter. I thought he had left me. I was not
16 able to take a single step. He went back home and he came back. Some clothing,
17 men's clothing.

18 When night fell this man took me to this place, Galafondo. We got there in the
19 evening. I am a soldier, and I said to myself as a soldier I couldn't stay there and
20 avoid another incident. When I left, I didn't tell him I was going away. I just
21 slipped away.

22 Q. And what did you do then?

23 A. After I left that place I tried to reach the main road, hoping that I would see a
24 vehicle belonging to our fellow soldiers. Unfortunately, I did not see any such
25 military vehicle. I got on to a -- well, it was a kind of public transit vehicle, or

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- 1 transportation. You see, I was wearing civilian clothing. (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted) That is the path,
- 6 so to speak, that I took.
- 7 MR HAYNES: Thank you very much.
- 8 Your Honour, can we go into private session please, just briefly?
- 9 PRESIDING JUDGE STEINER: Court officer, please turn into private session.
- 10 (Private session at 10.47 a.m.) Reclassified into open session
- 11 THE COURT OFFICER: Madam President, we are in private session.
- 12 MR HAYNES:
- 13 Q. Sir, can you tell us the name of the man who helped you and took you to his
- 14 village?
- 15 A. (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 Q. (Redacted)
- 19 (Redacted)
- 20 A. (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 Q. Thank you.

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1 PRESIDING JUDGE STEINER: Mr Haynes, if you allow me?

2 (Redacted)

3 (Redacted)

4 THE WITNESS: (Interpretation) He spoke to them in Sango.

5 MR HAYNES:

6 Q. Can you remember the names of any of the other men who were held captive
7 with you, either the Congolese or the Central Africans?

8 A. Yes, I do know the name of some of those soldiers who were with me in
9 captivity.

10 Q. Can you tell us those names, pronouncing them slowly and clearly for our
11 transcribers?

12 A. The first name I'll give you is -- well, I'll give you three names, people who were
13 from our side of the river. (Redacted)
14 (Redacted) So

15 those were the three ones who had come from the other side of the river and who
16 were with me.

17 Q. When you were driving to Sibut, can you help us with the name of the driver
18 and the Congolese who was in the cab with you?

19 A. (Redacted)

20 (Redacted)

21 (Redacted)

22 THE INTERPRETER: Correction: (Redacted)

23 (Redacted)

24 THE WITNESS: (Interpretation) The other soldiers behind, I know the name
25 of -- names of some of them. Am I allowed to give those names right now?

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1 MR HAYNES:

2 Q. Sir, we're in private session and so nobody can hear you, what you're saying, so
3 if you know those names would you please give them to us?

4 A. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 MR HAYNES: Thank you very much.

10 Can we go back into open session, please?

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

12 (Open session at 10.57 a.m.)

13 THE COURT OFFICER: Madam President, we are in open session.

14 MR HAYNES: Sir, thank you for answering all my questions, in particular in
15 relation to what must have been a very difficult memory for you to recall. Other
16 people will now have some questions for you, I suspect after we've taken a break, but
17 on my part thank you very much.

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

19 Mr Witness, it's almost 11 o'clock. It's now the time for our half-an-hour break.

20 You've been testifying for two hours. After the break, the Prosecution will start
21 questioning you. So you have some time to take a cup of coffee, a cup of tea, take
22 some rest, and we will resume at 11.30.

23 The hearing is suspended.

24 THE COURT USHER: All rise.

25 (Recess taken at 10.58 a.m.)

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- 1 (Upon resuming in open session at 11.35 a.m.)
- 2 THE COURT USHER: All rise.
- 3 Please be seated.
- 4 PRESIDING JUDGE STEINER: Mr Witness, welcome back.
- 5 THE WITNESS: (Interpretation) Thank you.
- 6 PRESIDING JUDGE STEINER: Ready to continue with your testimony, sir?
- 7 THE WITNESS: (Interpretation) Yes, I'm ready.
- 8 PRESIDING JUDGE STEINER: Now the Prosecution will start questioning you, and
- 9 for that purpose I give the floor to Mr Iverson.
- 10 Mr Iverson, you can proceed.
- 11 MR IVERSON: Thank you, Madam President. Good morning, your Honours.
- 12 QUESTIONED BY MR IVERSON:
- 13 Q. Good morning, sir. How are you doing this morning?
- 14 A. I'm fine, thank you.
- 15 Q. I'd like to ask, to start off with, a few questions about your background, and I
- 16 think several of my questions will elicit responses that tend to identify you and so I
- 17 would like to ask the Presiding Judge if we could please move into private session.
- 18 PRESIDING JUDGE STEINER: Court officer, please turn into private session.
- 19 (Private session at 11.37 a.m.) Reclassified into open session
- 20 THE COURT OFFICER: Madam President, we are in private session.
- 21 MR IVERSON:
- 22 Q. (Redacted)
- 23 (Redacted)
- 24 A. (Redacted)
- 25 Q. (Redacted)

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- 1 A. (Redacted)
- 2 Q. (Redacted)
- 3 A. (Redacted)
- 4 Q. (Redacted)
- 5 (Redacted)
- 6 A. (Redacted)
- 7 Q. (Redacted)
- 8 A. (Redacted)
- 9 Q. (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 A. (Redacted)
- 13 (Redacted)
- 14 Q. (Redacted)
- 15 A. (Redacted)
- 16 Q. (Redacted)
- 17 A. (Redacted)
- 18 Q. (Redacted)
- 19 A. (Redacted)
- 20 Q. (Redacted)
- 21 (Redacted)
- 22 A. (Redacted)
- 23 Q. (Redacted)
- 24 (Redacted)
- 25 A. (Redacted)

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1 Q. (Redacted)

2 A. (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. (Redacted)

6 (Redacted)

7 A. (Redacted)

8 Q. And in a military organisation ranks are important, right? Some ranks
9 designate people as leaders and other ranks designate people as followers; right?

10 A. Yes, indeed.

11 Q. Okay.

12 MR IVERSON: Madam President, for my next series of questions I think that open
13 session will be safe.

14 PRESIDING JUDGE STEINER: Mr Iverson, just for clarity in the transcript, the first
15 question that you put to the witness is on page 27, starting on line 6, appears in the
16 transcript as, (Redacted)

17 (Redacted) Is what you meant?

18 MR IVERSON: (Redacted) That's certainly what I meant to say,

19 (Redacted) -- so thank you for that

20 correction, Madam President.

21 PRESIDING JUDGE STEINER: Thank you.

22 Court officer, please turn into open session.

23 (Open session at 11.48 a.m.)

24 THE COURT OFFICER: Madam President, we are in open session.

25 MR IVERSON:

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1 Q. Sir, I'm not certain you'll be able to answer some of these questions, so just
2 please let me know if this is beyond your capacity to answer. But could you, from
3 your perspective, from the FACA perspective, could you tell the Chamber why unit
4 designation numbers are important in the military?

5 A. I don't understand your question.

6 Q. Let me try it a different way. Military organisations have to operate as units,
7 several individuals making up one unit in order to achieve success; is that right?

8 A. Yes, that's correct.

9 Q. There may be times where they have to communicate and synchronise
10 operations; is that right?

11 A. Yes, that's correct.

12 Q. There may be a time where, for instance, a company commander might order
13 his platoon commander to send a squad to a certain location, and in order to achieve
14 that, communication has to happen; is that right?

15 A. Yes, indeed.

16 Q. And that's the whole reason why militaries around the world break down into
17 subunits. So units are built on squads, which make platoons, which make
18 companies, which make battalions, which make brigades, so on and so forth; is that
19 right?

20 A. Yes, that's how it's organised.

21 Q. Sir, when you were slogging through the hills above Bangui and you were with
22 around 100 men, 60 of which were MLC and 40 of which were FACA, according to
23 you, you weren't broken down into any subunits, is that right?

24 A. As I already said yesterday, when we left in groups of 100 that was in fact one
25 unit; in other words the group of 100 men was one unit. However, during that

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1 period the breakdown was done in that way; in other words, the 100 men composed
2 one unit.

3 Q. And how many soldiers are generally in say, for example, one fire team or a
4 squad within a platoon in the FACA?

5 A. According to my knowledge, the group was composed of eight soldiers, and the
6 men who were carrying the light weapons, well, there were four of those, and those
7 who were carrying heavy weapons were also four, so that makes eight.

8 Q. So what would you call that group of eight soldiers? Would you call it a squad,
9 a fire team, a section? What would be the terminology that you would use in FACA?

10 A. In the FACA, this group of eight soldiers, well, if it's a company there would be
11 more men, there would be a greater number of men. A section is made up of 150
12 soldiers, but I've already said that in our unit in fact there were about -- there were
13 about a hundred men, but when there's fighting the shock group - the so-called shock
14 group - was composed of eight men; eight soldiers.

15 THE INTERPRETER: "Groupe de choc," in French.

16 MR IVERSON:

17 Q. Okay. How many people, how were soldiers were in a company in FACA, just
18 even general, even prior to October 2002?

19 A. In a company there are many soldiers, I would say 500 in a company. A
20 company has between 300 and 500 soldiers.

21 Q. Okay. And how many soldiers would be in a battalion then, according to you?

22 A. In a battalion there are approximately 150 men, so in a battalion there are
23 approximately 150 men.

24 Q. And what about a platoon? How many soldiers would be in a platoon,
25 according to you?

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1 A. A platoon is made up of approximately 30 men.

2 Q. From your perspective in the FACA, were you able to know what happened at
3 the platoon and company and battalion levels in the unit that you were in?

4 A. As I said at the beginning of my testimony, this was a period of work that was
5 supposed to be over in three months. The sections, the platoons, battalions, those
6 are concepts that no soldier can ever forget. During my military training I spent a
7 month-and-a-half on-site and then I went back to Bangui, so that meant I did not do
8 my entire military training.

9 Q. And what training did you receive? What types of training did you receive?
10 What did you do when you were training?

11 A. When I got to Bouar, where the training location was, I was taught to run.
12 Well, it was one of the toughest things at the time and from time to time I was even
13 tempted to give up.

14 Q. You were taught to run, is that all? Is that -- was there any other training?

15 A. Our training was initially made up of -- well, it was a matter of getting us into
16 physical shape. We learned how to run, to climb obstacles, to climb over barbed
17 wire. We also were taught how to tackle a person and bring him down to the
18 ground and various other military things that we were taught. That's what I had as
19 the first day of my training; my boot camp, so to speak.

20 Q. What other various types of military training? Can you be specific, sir?

21 A. Once we were -- got into good physical condition, we were taken to the
22 shooting range so that we could learn how to shoot and that is when I learned how to
23 shoot. In actual fact, it was after that first stage of training. That's when we were to
24 begin the theoretical training. We were supposed to start with the theory before
25 ending the practical training, including the shooting.

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1 Q. And what were -- what was the weapon, or what were the weapons, that you
2 learned how to shoot?

3 A. Initially, we were given 36-MAS weapons and then we were given
4 Kalashnikov-type firearms. So those were the two kinds of weapons I learned how
5 to handle: The MAS-36 and the Kalashnikovs.

6 Q. The Kalashnikovs, were those the AK-47s?

7 A. No, in actual fact the weapon that one refers to as an "AK" is different from a
8 Kalashnikov.

9 Q. Okay. And the Kalashnikov, those are the same personal weapons that the
10 USP used; is that right?

11 A. Yes, those were the weapons.

12 Q. And those are the very same weapons that the -- as you put them, your brothers
13 from the other side of the river used; is that right?

14 A. Yes. Yes, it was the same type of weapons that they used and that I saw and
15 they were brand-new weapons.

16 Q. And as a matter of fact that's one of the most common personal weapons in that
17 area of the world, in Central Africa, isn't it?

18 A. In fact there were other types of weapons, but the Kalashnikovs were the most
19 common.

20 Q. And your brothers from the other side of the river showed up with their own; is
21 that right?

22 A. That -- that's right. He had the same kind of weapons.

23 MR IVERSON: Madam President, I would like to request a private session. I have
24 a few questions that may elicit the witness's identity.

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

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1 (Private session at 12.12 p.m.) Reclassified into open session

2 THE COURT OFFICER: Madam President, we are in private session.

3 MR IVERSON:

4 Q. Sir, do you recall what you were doing on 30 May 2001?

5 A. All I can tell you is that I started on 30 October, but speaking about the month of
6 May I really have nothing to say about that.

7 Q. Okay. It just appeared to me that you happened to be particularly good with
8 dates, times and names, so I was just wondering if you could tell the Chamber what
9 you were doing during the end of May 2001/beginning of June 2001?

10 A. To my knowledge I began to serve with my fellow soldiers from the other side
11 of the river on 30 October, but regarding the other events I cannot give you specific
12 dates. All I know is that we began operations as of 30 October, and those are the
13 events I can tell you about. But, as for the other events, I have nothing to tell you
14 about all that.

15 Q. Okay. So would it be fair to say that you came here today prepared to speak
16 about the events of 30 October 2002?

17 A. No. As I've told you, I can talk about the events that began on 30 October from
18 PK12 all the way to Damara, but I can't remember exactly what the dates or the
19 months were. I know that I went as far as Damara, but I can't give you dates or
20 months.

21 Q. Well, you can't give us dates or months except for 30 October and dates around
22 30 October, is that about right, sir?

23 A. That's right. I remember the date on which I began to operate with my fellow
24 soldiers. I can remember that. But I don't remember the other dates.

25 Q. I see. Now, going to 25th through to 27 October, my understanding is that you

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1 were sheltered, you were moving from place to place and that you were in hiding; is
2 that correct, sir?

3 A. That's right.

4 Q. And in a situation like that it's pretty tough to know what else is going on
5 outside of your immediate premises, isn't it?

6 A. Yes, that's right.

7 Q. So your first action upon coming out of hiding was to report for duty at Camp
8 Kasai on the 28th; is that right?

9 A. Yes.

10 Q. And at around 4 a.m. on 28 October, you, for the first time, saw your
11 brothers-in-arms from across the river; is that right?

12 A. I saw them first. We began to operate as of the 29th. First of all, I'd like to
13 specify something: I was already aware that they were on their way, they were
14 going to arrive in our country. It was only on the 28th that I saw them with my own
15 eyes, and we began to work together on the 29th and the 30th.

16 Q. Okay, fair enough. And when -- do you remember, sir, when approximately
17 you heard that the -- your brothers from across the river were in your country, in the
18 Central African Republic?

19 A. When I returned to my post on the 27th, that was after the call, calling upon the
20 soldiers to go back to the camp. That is when I learned that soldiers coming from the
21 other side of the river were going to provide us with assistance, but I don't know
22 exactly on what date they crossed the river. Was it before I returned to the camp or
23 was it that same day? I don't know. However, what I do know is that I saw them
24 myself on that day, the 28th.

25 Q. Sir, had you heard that your brothers from across the river were at 36 Villas and

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1 at Camp Béal on 27 October?

2 A. As I've been telling you, as we were moving towards PK12 other soldiers were
3 already deployed towards Camp Béal. I would like to specify that there were many
4 camps that were operational at that time. Those soldiers were already based at
5 Camp Béal, and Camp Béal was located at the 36 Villas neighbourhood. You see,
6 Camp Béal is close to the Benz-V neighbourhood or the sector where the National
7 Assembly is, so it's quite possible that soldiers were deployed to Camp Béal.

8 Q. So on October 28 you're at Camp Kasaï and you see two lorries, or trucks, and
9 two jeeps roll into Camp Kasaï with your brothers from across the river; is that right?

10 A. Yes, that's right.

11 MR IVERSON: Could I ask the court officer to please display CAR-OTP-0035-0133?
12 And this document was recently added and so I'm not sure what the number is on the
13 list of documents, but it is a confidential document, Madam President.

14 THE COURT OFFICER (via video link): (Inaudible).

15 PRESIDING JUDGE STEINER: Mr Rojas, can you please confirm that the document
16 is being displayed? We could not hear you.

17 THE COURT OFFICER (via video link): Madam President, I confirm that the
18 document is being displayed right now to the witness. The document number is
19 CAR-OTP-0035-0133.

20 MR IVERSON: And could I kindly ask the court officer to just zoom in on the centre
21 right of the photograph? We're looking at a lorry here, or a truck.

22 Q. Sir, do you see the photograph in front of you?

23 A. Yes, I can see it.

24 Q. Is this picture -- in this picture, the lorry that you see, is that similar to the one
25 that you saw on that day, on 28 October 2002?

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1 A. The truck that I had seen was army green in colour, but the truck I see here is
2 white, so it wasn't the same truck.

3 Q. And what about the size of the truck, can you -- what can you comment on as
4 far as the size of the truck?

5 A. Yes, the truck that I mentioned to you could transport about 100 people.

6 Q. Okay. And when you saw them, were they all piled into the back of the truck
7 like you see in this -- this photograph right here, sir?

8 A. Yes, I told you that there were many of them on the truck, but as to whether
9 they were as many as what we see on this particular photograph I can't really tell you,
10 but I can confirm that there were many of them on the vehicle on the 28th.

11 MR IVERSON: And can I ask the court officer to please display CAR-OTP-0035-0150?
12 Again it is a new document and I don't know the number on the list of documents,
13 but it is confidential, Madam President.

14 THE COURT OFFICER (via video link): Document CAR-OTP-0035-0150 is shown to
15 the witness.

16 PRESIDING JUDGE STEINER: Mr Iverson, is this also one of the new documents
17 that you added to your list, or it's already in the list? It's a new document. Now I
18 see. The transcript was a little bit delayed. It's a new document.

19 MR IVERSON: That's correct, Madam President.

20 Q. Sir, are you able to see the photograph of the Sovamag jeep on your screen?

21 A. Yes, I can see it.

22 PRESIDING JUDGE STEINER: Mr Iverson, is it not document 21 in the Prosecution
23 list this one, 0035-0150?

24 MR IVERSON: I can certainly check. That's just going to take me a minute, Madam
25 President. I'm not aware of the number on the list of documents right now because

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1 it had been added recently, as recently as this morning, so I'll have to check on the
2 numbering.

3 (Pause in proceedings)

4 PRESIDING JUDGE STEINER: Mr Iverson, if I may help you? This is not a new
5 document. This is document, as far as I understood -- well, proceed.

6 MR IVERSON: Thank you very much, Madam President.

7 Q. Sir, the picture of this jeep, is that a fair depiction of the type of jeep that you
8 saw roll in to Camp Kasai on that day?

9 A. The vehicle I saw was a BG-75, whereas this vehicle here in the photo is a
10 vehicle that the FACAs did have.

11 Q. Okay, and the BG-75 according to you that was a Toyota; is that right?

12 A. Yes, it was a Toyota vehicle.

13 Q. And that was an enclosed vehicle, wasn't it? It wasn't open air?

14 A. It was a pick-up truck. It was a Toyota brand pick-up truck, which could
15 transport a large number of individuals.

16 Q. What did you -- in court in your testimony you referred to these people who
17 showed up as being your brothers from across the river. Did they have a name?
18 Did you use any official term for them?

19 A. At the time they were called "the Banyamulengue."

20 Q. And what did they call themselves?

21 A. I don't know what name they used to identify themselves and so I cannot tell
22 you what that name was because I don't know, but they used Lingala words in their
23 own language.

24 Q. You spent a little under a month with your brothers from across the river; is that
25 right?

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1 A. Yes, that's true. We spent more than a month-and-a-half.

2 PRESIDING JUDGE STEINER: Mr Iverson, I'm so sorry to interrupt you. I am
3 informed that there is a problem with the video link and the court officer was advised
4 to redial the connection. It would take about one minute, so if you don't mind we
5 will authorise the redial.

6 MR IVERSON: Of course I don't mind at all, Madam President. Thank you.

7 THE COURT OFFICER (via video link): If I may, everything is working here
8 perfectly and I don't think that we should redial at this point. It is working perfectly
9 at this side so, unless it's strictly necessary, I would advise not to do it.

10 PRESIDING JUDGE STEINER: Ms Balfas?

11 THE COURT OFFICER: Thank you, Madam President, your Honours. I have been
12 informed that the line has been improved.

13 PRESIDING JUDGE STEINER: Meaning we can continue?

14 THE COURT OFFICER: Indeed, Madam President. Thank you.

15 PRESIDING JUDGE STEINER: Mr Iverson, we can continue, but before I give you
16 back the floor I just ask whether we should stay in private session for this set of
17 questions?

18 MR IVERSON: Madam President, I think -- I think it will be safe to move into public
19 session; into open session.

20 PRESIDING JUDGE STEINER: It would be safe?

21 MR IVERSON: It would be safe, yes. My recommendation is we move into open
22 session, Madam President.

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

24 (Open session at 12.41 p.m.)

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

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1 MR IVERSON:

2 Q. Okay, sir. So on 28 October 2002, according to my calculation based on your
3 testimony, there would be between 240 and 250 brothers from across the river at
4 Camp Kasaï; is that right, sir?

5 A. Well, as I've just mentioned, yes.

6 Q. Okay. And that would be two lorry-fulls and two jeep-fulls, so give or take ten,
7 according to your testimony; is that correct, sir?

8 A. Yes, that corresponds to what I saw.

9 Q. And in total at Camp Kasaï there were around 200 soldiers; is that right, sir?

10 A. I've already stated that, according to what I saw, there were many soldiers. I
11 was not able to give a precise number, which is why I gave that approximate number.
12 I'm not able to tell you exactly how many soldiers were present.

13 Q. Okay. And I just say that because you did tell the Defence today, at page 4,
14 line 13, that there were at least 2,000 men there, so that's where I got that number. So
15 were there at least 2,000 men there, sir?

16 A. According to what I saw, there were 500 men, and that's a lot. I can say that
17 there were at least 1,500 men.

18 Q. Okay. So far, I have you saying 500 men, 1,500 men, and at least 2,000 men.
19 So how many soldiers were at Camp Kasaï, if you can estimate, on 28 through to 30
20 October?

21 A. There were many, many soldiers in the courtyard of the base. The Prosecutor
22 is asking me to estimate the number, but personally, I can't run that risk. I cannot
23 tell you the number of FACA soldiers, nor can I tell you the number of the other
24 friendly forces. It's very difficult for me to accomplish that exercise.

25 Q. Well, you did provide numbers to my colleague, the Defence counsel, and that's

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1 why I was asking about them. What risk are you talking about when you mention
2 that you can't mention the numbers? And please, let the Chamber know if you feel
3 you have to go into private session to testify about this.

4 A. Well, if I've understood the question, you're asking me the exact number of
5 soldiers who were there. The number that I gave you, actually, I don't remember
6 exactly what number I gave. I do remember that there were many. It was a large
7 number, but to tell you a precise number, I'm not able to do that.

8 Q. Okay, sir. Do you recall the number of soldiers that you gave to the Defence
9 who were at Camp Kasai? Do you recall what you testified to earlier today?

10 MR KILOLO: (Interpretation) Madam President, I have the feeling we're getting
11 bogged down here. The witness has stated more than five times that he's not able to
12 give a precise number as to the number of soldiers who were at Camp Kasai. He
13 also stated that he doesn't want to run the risk of giving a precise number that
14 Mr Iverson is asking him for.

15 Perhaps there's a translation problem. When someone says in French, "I don't want
16 to run the risk of giving a precise number," that doesn't mean you're afraid for your
17 safety. It just means, "I don't want to run the risk of making a mistake at a point in
18 time when you are asking me for a precise number." So what he is saying is he
19 knows. He's saying, "I know there were many soldiers." So not only are we getting
20 bogged down, but it's beginning to look like harassment.

21 PRESIDING JUDGE STEINER: Mr Iverson, make it clear that you're not asking for
22 an exact number, but just for the witness to repeat the estimation he gave to the
23 Defence in the first part of his testimony.

24 MR IVERSON: I will do that, Madam President, and I would suggest to the
25 Chamber that we leave the interpretation of words such as "risk" to the interpreters

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1 and to the Honourable Bench and not to Defence counsel.

2 Q. Sir, just to be clear, at no time have I asked you for a precise number. I asked
3 you to estimate first and then you said you couldn't estimate, and now I'm asking you
4 to provide the number that you provided to my colleague, Mr Haynes, this morning
5 of how many soldiers approximately there were at Camp Kasaï. Can you do that?

6 A. As I said yesterday, the number of soldiers in the vehicle was about 250.

7 Q. Okay, I'll move on. Okay. So you leave Camp Kasaï and you're in a group of
8 100 which, according to you, is comprised of 60 brothers from the other side of the
9 river and 40 FACA; is that right?

10 A. Yes, that's correct.

11 Q. So, in a matter of hours, a new unit was assembled and deployed; is that right?

12 A. I will repeat again. They arrived on the 28th and it was on the 29th that we
13 began deploying ourselves in the field; in other words, the day after.

14 Q. Okay, so let me rephrase. Within a matter of 24 hours, a new unit was
15 assembled and the unit was 100 soldiers and it was deployed from Camp Kasaï; is
16 that right?

17 A. Yes, that's the case.

18 Q. And the FACA soldiers only had one magazine of ammunition, right?

19 A. Yes, that's correct.

20 Q. And your brothers from across the river had a whole lot more ammunition than
21 any individual FACA soldier; is that right?

22 A. Well, I will repeat again: They had received their equipment from the
23 President of the Republic's men. We in the FACA did not have enough military
24 equipment whereas they had received a lot of things from the presidency, a lot of
25 equipment. But during the operations, we were fighting together so we helped each

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1 other at all times in the field.

2 Q. Okay. When your brothers from across the river arrived, they already had
3 their weapons, didn't they?

4 A. When they came into the camp, they already had new weapons that were
5 similar to those used by the Presidential Guard.

6 PRESIDING JUDGE STEINER: Mr Iverson, your question was a little bit ambiguous
7 because you asked when they arrived they already had -- arrived where? Are you
8 talking about their arrival in CAR, or in Camp Kasai? I think even the witness did
9 not understand what you meant. Could you please repeat the question.

10 MR IVERSON: I'll repeat the question Madam President. I will be limiting my
11 questions to time, place, location of Camp Kasai right now.

12 Q. When they arrived in Camp Kasai they already had their weapons, your
13 brothers from across the river, right?

14 A. Yes, that's correct.

15 Q. And you never saw USP provide weapons to your brothers from across the
16 river, did you?

17 A. I did not see them myself, with my own eyes, receiving the weapons. It was
18 they themselves who told us that they had received their equipment here, but I didn't
19 see with my own eyes the Presidential Guard giving them weapons.

20 Q. So is it correct that your brothers from across the river had a lot more
21 ammunition than the FACA soldiers?

22 A. Yes. As I've been telling you, each person had a weapon but with a lot more
23 ammunition.

24 Q. So you had to rely on your brothers from across the river to conduct the
25 majority of the battle since they had the guns and ammo, right?

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1 A. At the beginning, we did not -- well, we were not dependent on them because
2 we were soldiers too but, once we started having problems with the supply of
3 ammunition because of several cases of desertion, that is how it came -- that's how it
4 unfolded we started to rely on them. But I'd like to specify that they had more
5 ammunition than we did because they had been provided with ammunition by the
6 USP. We did not have a lot of ammunition but, once at the camp and once we
7 started to manoeuvre together, we were in a position to get ammunition from them.

8 Q. Sir, are you saying that your brothers from across the river supplied FACA with
9 ammunition?

10 A. Yes, that's how it was. We were operating together. You see, at that time
11 there was sustained gun-fire, no halting of gun-fire, so the FACA could also supply
12 our brothers who had come from the other side of the river and vice-versa. There
13 were some soldiers who were in charge of providing ammunition, carrying
14 ammunition, so they were not the only ones who were supplying us with
15 ammunitions. We were -- we might have also provided them with weapons.

16 Q. And the fact that the FACA wasn't trusted to have more than one magazine of
17 ammunition led to a bit of tension or jealousy between FACA and your brothers from
18 across the river, didn't it?

19 A. There were no misunderstandings, as such. You see, during those events there
20 were soldiers who had their personal magazine that they had brought from home.
21 Some soldiers had two magazines. So, you see, there were some soldiers who had
22 two, some even had three ammunition magazines and so on and so forth.

23 Q. Sir, so you never heard of any events where, shall we say, FACA and your
24 brothers from across the river didn't get along so well?

25 A. I really don't know, but at one particular point some people had confused some

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1 of our brothers who had crossed over the river before the events and who were living
2 in the town. That group of people became a militia and they began looting and
3 misbehaving, so you see that -- there was a bit of misunderstanding because of this
4 confusion that had been created in that way.

5 Q. Okay. Had you ever heard of an event where your brothers from across the
6 river humiliated and undressed and took weapons from FACA soldiers? Have you
7 ever heard anything like that?

8 A. I did not experience any such events. Within my group, we worked together
9 all the way to PK12. Obviously there were some misunderstandings with other
10 brothers, but those misunderstandings did not cause serious divisions
11 amongst -- correction, between ourselves and the brothers who had crossed over from
12 the other side of the river to help us.

13 Q. Can I ask you to be more specific? What are some of these misunderstandings
14 that you're talking about, sir?

15 A. I was talking about minor misunderstandings because of the brothers; brothers
16 who were recruited locally in Bangui. For example, the shoe-shiners, those were the
17 ones who wanted to loot and wanted to go over to the other side of the river with the
18 looted goods, and so the soldiers they were opposed to such behaviour. So that is
19 how it came to be that soldiers reported the fact that as we were moving about certain
20 wrongful acts occurred, certain crimes were committed, because fighters from the
21 other side of the river just wanted to loot and cross over to the other side of the river.
22 So, you see, this created a reason for the local soldiers to be discouraged.

23 Q. Okay. And can you give the Chamber a time frame? When did all of these
24 things happen that you're talking about?

25 A. Well, if I recall correctly, it was as of 29 and 30 October. When we arrived at

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1 PK12, that is when I heard about those events. I presume that it was the ones who
2 had started to move around as of the 27th or the 28th. They were the ones, I suppose,
3 who misbehaved. Even when we were already at PK12, there were
4 mis -- disagreements.

5 The three weeks that we spent at PK12, we set up a system and in a squad, so to speak,
6 to prevent misbehaviour, and so that is how it came to be that we -- we were able to
7 stop the looting and take the looters back to Camp Béal.

8 PRESIDING JUDGE STEINER: Mr Iverson, I'm really sorry. I need to check
9 whether the transcript is reflecting what the witness said, or I am the one
10 misunderstanding.

11 Here on page 49, starting on line 8, Mr Witness, you say that the shoe-shiners, "Those
12 were the ones who wanted to loot and wanted to go over to the other side of the river
13 with the looted goods." So -- and then you say that certain wrongful acts occurred,
14 certain crimes were committed, because, "Fighters from the other side of the river just
15 wanted to loot and cross over to the other side of the river." So what you are saying?
16 Who was looting and committing crimes? The soldiers from the other side of the
17 river or the shoe-shiners, or both, or none of them?

18 THE WITNESS: (Interpretation) Thank you, your Honour. The people who
19 committed the looting in the neighbourhoods were the shoe-shiners, those who had
20 settled in the town of Bangui. These people had managed to get into the friendly
21 forces and were wearing military uniforms. These shoe-shiners were familiar with
22 the town of Bangui.

23 That night the MLC soldiers were called upon because in some neighbourhoods of
24 Bangui there were complaints about looting by soldiers, and so we realised that it was
25 the shoe-shiners who had settled in the town of Bangui who were committing the

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1 looting and when we were at PK12 at -- in the night, the shoe-shiners engaged in
2 looting in neighbourhoods within the town of Bangui. That is what happened at
3 that time, at that location.

4 PRESIDING JUDGE STEINER: Judge Aluoch.

5 JUDGE ALUOCH: Mr Witness, the shoe-shiners were now part of the friendly
6 forces and I believe they were in uniform. How were you able to identify that they
7 were the ones who were looting?

8 THE WITNESS: (Interpretation) Indeed. We didn't know them well, nor did we
9 know how they got the military uniforms. What we thought -- well, we thought that
10 it was the shoe-shiners because they found it very easy to go about the town of
11 Bangui, from PK12 to PK5, because you see, the MLC soldiers who had crossed over
12 were not familiar with the town. Those soldiers would go in pairs, because they
13 were not familiar with the town. There were some cases where some shoe-shiners
14 were arrested, taken into custody. The MLC soldiers did not go about the town
15 alone. They were -- they did not go through the neighbourhoods alone to get to PK5.

16 JUDGE ALUOCH: On your own part, Mr Witness, did you actually see this looting?
17 Did you see any shoe-shiner, or whoever, actually looting?

18 THE WITNESS: (Interpretation) During the three weeks that I spent at PK12, twice
19 we caught two brothers from the other side and the people who had been arrested
20 were not known to our MLC brothers. Some came from Libenge, and there was a
21 clear difference between the people who had crossed over, namely the friendly forces,
22 and these people who had been taken into custody because they had engaged in
23 looting.

24 The Congolese who had settled in Bangui spoke Sango. In contrast, those who had
25 crossed over - the friendly forces - did not speak Sango. They used interpreters for

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1 certain dealings, or certain communications.

2 MR IVERSON:

3 Q. Sir, do you expect this Chamber to believe that a bunch of shoe-shiners were
4 able to come up with uniforms, weapons and ammunitions and pose as soldiers? Is
5 that your testimony, sir?

6 A. I'm telling you what I experienced. Some other events were told to me. It
7 was said that some people were taken into custody in certain neighbourhoods.
8 Personally, I intervened twice and we would ask questions to the brothers that I was
9 with in the same house.

10 When they were asked where they had found the military uniforms, they said that
11 they belonged to them. We didn't know where these uniforms had come from
12 originally, nor where these men came from, and when we took them into custody we
13 would take them to Camp Béal. I really don't intend to -- to pardon or -- the
14 brothers-in-arms who came across from the other side of the river, or deny guilt.

15 Q. Okay, let's break this down, sir. From the 29th -- I think we'd better wait until
16 after the lunch-break, I think. I'm finished with questioning for now, Madam
17 President. Thank you.

18 PRESIDING JUDGE STEINER: I just suggested because I thought that you were
19 going step-by-step in the last answer and there would not be time sufficient for
20 concluding.

21 Mr Witness, it's almost 1.30. It's time for the lunch-break. We have now a break of
22 one-and-a-half hours, time enough for you to have lunch and to take some rest.
23 We'll be back at 3 o'clock.

24 The hearing is suspended.

25 THE COURT USHER: All rise.

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- 1 (Recess taken at 1.26 p.m.)
- 2 (Transcription of the hearing continues in Transcript:
- 3 ICC-01/05-01/08-T-323bis-CONF-ENG)
- 4 CORRECTIONS REPORT
- 5 The Court Interpretation and Translation Section has brought the following
- 6 corrections to the transcript:
- 7 *Page 14 line 8
- 8 "my eyesight" is corrected by "my life"
- 9 *Page 26 lines 16-17
- 10 "to crawl underneath barbed wire. We also were taught how to do various
- 11 calisthenics" is corrected by
- 12 "to climb over barbed wire . We also were taught how to tackle a person and bring
- 13 him down to the ground"
- 14 RECLASSIFICATION REPORT
- 15 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 16 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public.