

1 International Criminal Court

2 Trial Chamber III - Courtroom I

3 Situation: Central African Republic

4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo -

5 ICC-01/05-01/08

6 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and

7 Judge Kuniko Ozaki

8 Trial Hearing

9 Monday, 17 June 2013

10 (The hearing starts in open session at 3.03 p.m.)

11 THE COURT USHER: All rise. Please be seated.

12 PRESIDING JUDGE STEINER: Good afternoon, and welcome back.

13 Welcome back, Mr Witness.

14 (The witness enters the video link room)

15 WITNESS: CAR-D04-PPPP-0009 (On former oath)

16 (The witness speaks Sango)

17 (The witness gives evidence via video link)

18 THE WITNESS: (Interpretation) Good afternoon once again,

19 Madam President.

20 PRESIDING JUDGE STEINER: Before we continue with the testimony

21 of Witness -- Defence Witness 0009. I would like first for the record to

22 inform that Mr Bemba asked not to be present during this afternoon's

23 hearing and was authorised by the Chamber, so for that reason we'll

24 proceed in the absence of Mr Bemba.

25 Second information: We received from VWU the information that

1 witness -- the next witness, meaning Defence Witness 0403, can testify
2 only in the morning session, cannot appear in the afternoon. On the
3 other hand, apparently it was not confirmed, the information given by
4 Mr Haynes in this -- in this morning's hearing, that the witness needs to
5 leave no later than Wednesday. Therefore, the Chamber decided to agree
6 that Witness D0403 testifies only in the meaning sessions meaning from
7 9.00 to 11.00, from 11.30 to 1.30. On the other hand, in order to
8 advance proceedings and to ensure the proper use of the time we have and
9 the cooperation of the authorities in allowing the video link
10 transmission from the current location, the Chamber decided to anticipate
11 the testimony of Witness D04 -- Witness Defence 0404 in the -- that we'll
12 start tomorrow in the afternoon, meaning that we'll have Witness 0003 in
13 the morning and for two hours Witness 0004 in the afternoon until the
14 completion of Witness 0003's testimony when 0004 will start testifying in
15 extended hours as we have been doing now.

16 I hope that is convenient for -- yes, Mr Haynes.

17 MR HAYNES: Yes, it was a suggestion I was going to make knowing
18 of the difficulties of Witness 0003. With the greatest of respect to the
19 parties and participants, with a clear start tomorrow morning, we really
20 should be able to finish 0003 in two sessions. He's that brief a
21 witness.

22 PRESIDING JUDGE STEINER: We also hope so, Mr Haynes, but four
23 hours, since Defence asked for three hours, so I'm not sure that
24 Prosecution and legal representatives will be able to finish in one hour,
25 but --

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1 MR HAYNES: Well, I don't anticipate taking anything like three
2 hours. Those estimates were made a long time ago, and one focuses a bit
3 nearer the issue.

4 PRESIDING JUDGE STEINER: So finally, and when -- just one
5 information to -- to let the parties be aware that if we start facing
6 again problems with the video link transmission, the Chamber has already
7 ordered the IT here and at the location to be able to turn into audio
8 testimony. So if we lose the connection by video link, we will in any
9 case continue with the audio testimony.

10 Mr Witness, are you ready to continue?

11 THE WITNESS: (Interpretation) I am ready.

12 PRESIDING JUDGE STEINER: Maître Zarambaud, you have the floor.

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

14 QUESTIONED BY MR ZARAMBAUD:

15 Q. (Interpretation) Mr Witness, we were speaking about what happened
16 in PK12, and I'm going to try to conclude on that very soon. You stated
17 that when you arrived PK12, there were 13 of you, you Central African
18 soldiers as well as your brothers from across the river. So there were
19 13 of you living in the house of a customs officer; is that correct?

20 A. That is correct.

21 Q. It seems to me that there were 100 of you initially, so where
22 were the other 87 people spending the nights? Where were they living?

23 A. When we arrived at PK12, some of the soldiers were at the
24 gendarmerie as well as in other residential houses in the same
25 neighbourhood as the 13 of us. You couldn't have too many people in a

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1 single house. That is why there were 13 of us. Others were living in
2 the gendarmerie camp and in unoccupied houses.

3 Q. Thank you. Regarding the MLC troops, do you know where their
4 commanders were living, and particularly Commander Moustapha?

5 A. As I have already said, I saw the commanding officers such as
6 Moustapha. In fact, I did not see them when we were at PK12. I saw them
7 only when we were in Damara.

8 Q. Thank you, Mr Witness. I am going to ask you a few more
9 questions about PK12. You be mentioned shoe-shiners in PK12, and in
10 transcript 323 of the 14th of June, 2013, lines 11 to 14, after talking
11 about the shoe-shiners who were committing abuses, and particularly
12 looting, in lines 11 to 14 you stated as follows:

13 "I talk about a small misunderstanding. It was because of the
14 brothers who had been recruited locally in Bangui. For example, the
15 shoe-shiners, these were the people who were pillaging and crossing the
16 river with their loot."

17 Same page lines 19 to 23, you stated that some crimes were being
18 committed because the fighters who had come from the other side of the
19 river simply wanted to loot and cross the river again, and this led to
20 discouragement on the part of the local soldiers.

21 So according to you, were these shoe-shiners recruited by the MLC
22 troops?

23 A. Thank you, Counsel. My answer to you is as follows: During that
24 conflict, the shoe-shiners were aware of the arrival of their brothers
25 from across the river, and as you know, those shoe-shiners had come to

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1 our country to carry out their activities related to shining shoes.

2 Those shoe-shiners spoke the same language as our brothers who crossed
3 over, and according to what I heard, these people had their own uniforms.

4 When one of them was captured, we would realise that there was a
5 difference. The uniforms were not the same, and based on that, one can
6 conclude that these were not real MLC soldiers.

7 Q. That being the case, Mr Witness, why did you say that they had
8 been recruited locally? It is that word "recruit" that is of interest to
9 me. Who recruited them locally and even gave them the uniforms they were
10 wearing?

11 A. It is difficult to answer your question. You will realise that
12 in our country the mercenaries or people tasked with recruiting soldiers
13 in any way, well, it is not easy to identify them. So I really do not
14 know who recruited those shoe-shiners.

15 PRESIDING JUDGE STEINER: Mr Witness, I'm still to find the
16 correct part of the -- of Friday's transcript, but I'm sure that on
17 Friday you said that these shoe-shiners, they were wearing the same
18 uniforms, and now you are saying that they were airing -- wearing their
19 own uniforms, different than you are. Are you changing your testimony or
20 is there any reason for you to -- to change your -- your answer?

21 THE WITNESS: (Interpretation) I have fully understood the
22 question put to me by the Presiding Judge. I would like to point out
23 that they were wearing the same uniforms as the other soldiers. However,
24 the difference that could be made is that there were slight differences
25 that could be seen. They could be wearing shoes that were different from

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1 the others. Sometimes these shoe-shiners would receive clothes from
2 their brothers which were identical to those of the other soldiers, so I
3 believe that it was their brothers, soldiers, who crossed over and then
4 gave them those uniforms. That is what I think, but I do not have any
5 proof for that.

6 PRESIDING JUDGE STEINER: Yes, Mr Witness, this part of the
7 testimony is a little bit confused for me, but in any case, let's
8 proceed.

9 Maître Zarambaud.

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

11 Q. Now, we really do not know who recruited those shoe-shiners, but
12 we know that they were mixed up with the armed forces, and I will quote
13 transcript 323, page 52, from lines 1 to 14, but I will not read out
14 everything.

15 You stated at line 4:

16 "These people, that is the shoe-shiners, this integrated
17 themselves into the armed forces and were wearing military uniforms.
18 Those shoe-shiners were from inside Bangui town."

19 So are you telling us that these shoe-shiners were openly
20 integrated into the armed forces?

21 A. At the risk of repeating myself, I would like to say that the
22 brothers from across the river and who were working as shoe-shiners,
23 well, this is just something that I thought about. I told myself that
24 these are people who had been living in Bangui, who knew Bangui inside
25 out, and these shoe-shiners, after pillaging were capable of finding

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1 their way back across the river. The soldiers who had just arrived in
2 the country would not have been able to find their way back to the river.
3 I do not know whether my answer is satisfactory to you.

4 Q. Partially, Mr Witness, because my problem is not about those
5 shoe-shiners looting and then finding their way back to the river in
6 order to cross over with their loot. My question is: They were
7 integrated or embedded within the friendly forces. So I want to know
8 whether they had openly become part of these friendly forces.

9 PRESIDING JUDGE STEINER: Mr Witness, before you answer, I think
10 there is a difference here between the French and the English transcript,
11 because I see Maître Zarambaud talking about friendly forces, and in
12 English transcript it was armed forces. So I think first I would like a
13 clarification on whether the shoe-shiners were incrustrated (* phon) in
14 the armed forces, the FACA, or the MLC forces.

15 THE WITNESS: (Interpretation) In answer to the question, what I
16 said was that where I was, I was with four soldiers of the MLC, but I
17 cannot tell you whether the shoe-shiners joined up with other MLC groups,
18 so I do not know what happened at other locations, but as far as my group
19 was concerned, those shoe-shiners did not integrate -- were not
20 integrated into my group.

21 MR ZARAMBAUD: (Interpretation)

22 Q. Thank you, Mr Witness. Let us now move on to Damara to conclude.
23 In transcript 323, page 17, lines 11 to 21, you stated as follows:

24 "After arriving Damara, we met our brothers-in-arms who had
25 arrived there before. These were soldiers of the presidential security.

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1 We found them there. They were also Miskine's men as well as two white
2 men, if I'm not mistaken. I had seen those two white people on two
3 occasions in Damara. There was one white man called Paul Barril. He was
4 a Frenchman. And there was another white man with his men. If I'm not
5 mistaken, he was called Befio. These were the people leading the
6 fighting, because they were trusted at the highest level. We were not
7 fully trusted, because we were not very determined or fully involved in
8 the fighting."

9 My first question is this: You mentioned the presidential
10 security soldiers, Miskine's soldiers, and these two white men. Didn't
11 you see a large group of MLC troops at that location?

12 A. Yes. They were also present.

13 Q. You stated that you did not spend a lot of time in Damara. You
14 arrived in the morning, and you left again the morning of the day after.

15 Now, were you able to find out during that time where the MLC soldiers
16 were living and where their commander was living?

17 A. I do not know where the leader was living. I do not -- I did not
18 visit Damara neighbourhoods to know or to see where the MLC soldiers were
19 positioned.

20 Q. You spent only a short time in Damara. However, I -- as I have
21 just read out, you mentioned Miskine forces, the presidential security,
22 Barril's forces, and Befio's forces. You testified that these were the
23 people leading the fighting because they were trusted at the highest
24 level.

25 Now, considering the very short time that you spent in Damara and

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1 what you said on the same page, that is:

2 "When we were still in PK12, the Damara road had already been
3 liberated."

4 Now, how do you know that these people that you mentioned were
5 the ones leading the fighting?

6 A. Well, I've understood your question. By way of a reply, I would
7 say this: If I had not seen them, I wouldn't have said so here. I said
8 that they were leading the fighting, because they were on -- they were in
9 their vehicles with their soldiers, but I didn't see them actually
10 engaging in manoeuvres. I saw them surrounded by their men, and they
11 were moving about. I didn't know when they were moving about -- well, I
12 saw them, but I don't know how the actual hostilities or the fighting was
13 being conducted.

14 Q. So your statement is that -- well, it's really just an analysis,
15 the fact that you had seen them move about with their men, but as for the
16 direction or the leading of the fighting, in actual fact you have no
17 knowledge. Is that not so?

18 A. Yes, that's true, Counsel. I don't know anything about that.

19 Q. Witness, I had other questions about the incidents that occurred
20 at PK12 at the support regiment between the MLC troops and the FACA
21 troops, but, you see, during your testimony you have said that you went
22 from Boy-Rabé to PK12 by taking various dirt roads or paths, not the main
23 road, and those questions have been put to you already, and you said that
24 you were not informed, so I don't think I'll pursue these matters any
25 further.

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1 I wish to thank you for being so kind as to answer our questions.

2 MR ZARAMBAUD: (Interpretation) I have concluded my questioning
3 of this witness, your Honour. I have indeed finished, your Honour.

4 PRESIDING JUDGE STEINER: I'm so sorry, Maître Zarambaud. I was
5 trying to find the reference in yesterday's transcript. I'm really
6 sorry. I apologise.

7 Mr Witness, now Maître Douzima Lawson, legal representative of
8 victims, is going to put some questions to you. I give the floor to
9 Maître Douzima.

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

11 QUESTIONED BY MS DOUZIMA LAWSON:

12 Q. Good afternoon, Witness.

13 A. Good afternoon.

14 Q. Mr Witness, now, I am Marie-Edith Douzima Lawson, the legal
15 representative of a number of victims in these proceedings, and I am a
16 member of the CAR bar.

17 MS DOUZIMA LAWSON: (Interpretation) Now, your Honour, for my
18 first question I would like to ask if it would be possible for us to go
19 into private session, just for this one question.

20 PRESIDING JUDGE STEINER: Court Officer, please turn briefly into
21 private session.

22 *(Private session at 3.36 p.m.) Reclassified as Open session

23 THE COURT OFFICER: Madam President, we're in private session.

24 MS DOUZIMA LAWSON: (Interpretation)

25 Q. Witness, I would like to revisit a number of statements that you

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1 made last week and I will begin with something you said on Friday.

2 Transcript 323, realtime, page 73, lines 2 to 3, (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 A. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 PRESIDING JUDGE STEINER: Maître Douzima, why it's relevant for
18 the line of questioning by legal representatives to know the reasons why
19 the witness (Redacted) or -- I cannot understand the
20 relevance of the questions related to the current location of the witness
21 and the reasons (Redacted)

22 MS DOUZIMA LAWSON: (Interpretation) I thank you, your Honour.
23 My following question, I think, will reveal exactly why I'm asking this.
24 In actual fact -- how should I put this? Well, I wouldn't want the
25 witness to know exactly what direction I'm going at, but I think when you

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1 hear the next question, you'll understand what I'm driving at. In actual
2 fact, it's not -- it really doesn't relate to -- to the place where he is
3 located, but by putting the question -- this question really is a lead-up
4 to the next question.

5 PRESIDING JUDGE STEINER: So I'm waiting for your next question
6 to analyse the relevance as well, Maître.

7 MS DOUZIMA LAWSON: (Interpretation)

8 Q. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 A. (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. Thank you, Witness.

20 MS DOUZIMA LAWSON: (Interpretation) Your Honour, I believe we
21 can go into open session now.

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

24 (Open session at 3.43 p.m.)

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

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1 MS DOUZIMA LAWSON: (Interpretation)

2 Q. Witness, what was the situation of the FACA before deployment of
3 the MLC troops in the Central African Republic?

4 A. Before the MLC soldiers arrived, before the town was taken,
5 things were difficult for us, and so that is why people withdrew. And
6 shortly thereafter many people learned that our brothers-in-arms had come
7 from the -- over from the other side, and that is when they had the
8 courage to move forward.

9 Q. Now, when you say that "things were difficult for us," what do
10 you mean exactly?

11 A. Well, what I meant was that things were over for us. The town
12 had been taken.

13 Q. How many FACA troops were there at the time?

14 A. It's a bit difficult for me to answer that question, Counsel.

15 Q. Well, then compared to the MLC, the soldiers who came to assist
16 you, well, which group was the largest? If we were to compare the MLC
17 and the FACA, which group was larger?

18 A. Well, from my point of view, the FACA were more numerous. One
19 could say in approximate terms -- well, the USP, the firefighters, the
20 other various units within the FACA, I would say that there were more
21 FACA than MLC.

22 Q. Do you know how many MLC fighters there were?

23 A. I can only give you an approximate number. Amongst ourselves,
24 people said that there was a thousand. Somewhere between 1.000 and
25 1.300. All I know is that there were many of them, at least a thousand,

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1 but I really couldn't give you an exact number.

2 Q. Who called upon the MLC?

3 A. It would be difficult for me to answer that question. Within the
4 hierarchy, I was not a high-ranked person, so I really can't give any
5 information here about the identity of the person who called upon them.

6 Q. But do you know at least why they were called in?

7 A. At that time, the authorities of our country saw that the FACA
8 were lacking in motivation, and these same authorities had absolutely no
9 trust in the CAR Army. Perhaps that is why the MLC forces came and
10 intervened. Personally, I'm not in a position to say exactly why those
11 soldiers were called in.

12 Q. Very well. Now, how were the soldiers dressed? What footgear
13 did they have when they arrived in the CAR?

14 A. Well, what I saw was this: They were wearing military uniforms,
15 the same uniforms as the ones that we used to wear. The uniforms were of
16 the same colour, as well as ranger boots, as I've already said. The
17 weapons that they had were brand new. They were the same weapons as the
18 ones used by the presidential security unit. I saw that these weapons
19 were brand new, these Kalashnikov rifles.

20 Q. Is it possible that you might have seen women and children
21 amongst the ranks of the MLC troops?

22 A. Well, when you mention children, indeed. There were young people
23 of 16 years of age. As for women, I really don't have much to say. I
24 saw women amongst them, and I thought that they were their wives, their
25 spouses, but to say that women were on the actual front, I don't think

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1 so. To say that they were children, I don't know. But they were not
2 very tall. But when you mention children, I don't know. I don't really
3 understand that part of your question.

4 Q. Now, the ones who were not very tall, did they have a name? Were
5 they designated in a particular way? Could you tell us if you know?

6 A. I don't know. That term that I know is Banyamulenge, the only
7 one I know. Now, as I've said, those people were short, about 1 metre
8 30, but they weren't children, because the weapons, they weighed a
9 certain amount, and a child couldn't have shot such weapons.

10 Q. Thank you, Witness. I would like to return to one of the other
11 statements you said last Friday, page 53, lines 18 to 20. You said that
12 the Congolese people who had settled in Bangui, you mentioned
13 shoe-shiners, that these Congolese people spoke Sango. On the other
14 hand, those who crossed over, the friendly forces, the MLC forces, did
15 not speak Sango. So do you remember which language was spoken by the
16 soldiers belonging to the friendly forces?

17 A. They spoke Lingala.

18 Q. Thank you. And now regarding these shoe-shiners who had settled
19 in Bangui, you said, page 57, lines 12 to 15, you said that they spoke
20 Sango, but it was easy to identify their Sango because they had an accent
21 and it was easy to identify that accent. What was that accent,
22 Mr Witness?

23 A. In response to your question, I'll give you an example, my own
24 case, just so you can understand how these shoe-shiners spoke Sango.
25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. (Redacted)

5 (Redacted) does this example apply in the Central Africa

6 Republic?

7 A. No, it's not similar. The example that I gave relates to accent.

8 THE INTERPRETER: The witness is speaking to the Sango

9 interpreter.

10 THE WITNESS: (Interpretation) (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 MS DOUZIMA LAWSON: (Interpretation)

15 Q. Precisely, Mr Witness. I'm asking you whether that example is
16 applicable in the CAR. That is, would any Central African Republic
17 citizen who hears a Congolese person speaking know that this person is
18 not from the CAR?

19 A. That is correct.

20 Q. Thank you, Mr Witness. I will now move on to pages 61 to 64 in
21 which you talked about your companions of the MLC who came from across
22 the river and with whom you worked together. Now, can you explain a
23 little bit how you organised yourselves to work together during that
24 period?

25 A. Yes. I can only testify to what happened in my group. I would

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1 like to point out that there were several sections, and I can only talk
2 about the location at which I found myself. As I have already said, the
3 brothers who were with me or with us when we were advancing, when we
4 reached PK12, we were working within the spirit of good collaboration,
5 hand-in-hand.

6 Q. Let us move on. Mr Witness, on page 76, lines 27 to 28, you said
7 it was Tutu Kuese who was commanding operations on the Damara road. Who
8 was he answerable to?

9 A. It would be difficult for me to give you an adequate answer to
10 that question, and this is because I am not privy to what is happening at
11 the higher levels. I was only a low-ranking soldier, so I could not know
12 who gave instructions to Tutu Kuese.

13 Q. At least you know who was the Chief of Staff of the army at the
14 time.

15 A. That is true. I know that during the events Betibangui was at
16 the head of the CAR Armed Forces.

17 Q. Do you know whether he took decisions within the framework of the
18 operations?

19 A. As I have just told you, it is difficult for me to know where the
20 orders or the instructions came from. I had no means of communication.
21 I did not have a Thuraya. I did not have a walkie-talkie. So it was
22 impossible for me to know the provenance of the instructions.

23 Q. I do understand you, Mr Witness. On page 76, that is during the
24 hearing of Friday, lines 6 to 7, you testified that you saw
25 Commander Moustapha, the commander of the MLC, for the first time in

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1 Damara. How did you know that he was the commander of the MLC unit, that
2 is, when you were in Damara?

3 A. Before meeting him physically, I had already heard about him.

4 Q. And were you told who he reported to?

5 A. I do not know where he received his instructions from. I do not
6 know who he reported to. I did not have any information about him. I
7 cannot tell you a lie.

8 Q. Very well. I understand you, Mr Witness, and thank you for
9 answering all my questions.

10 MS DOUZIMA LAWSON: (Interpretation) Madam President, I have no
11 further questions.

12 PRESIDING JUDGE STEINER: Thank you very much, Maître Douzima.

13 So first, for the record, I would like to make a correction on a
14 comment that I made in the beginning of today's -- this afternoon's
15 hearing when I mentioned that on Friday the witness said the shoe-shiners
16 were wearing the same uniforms as the FACA. As a matter of fact and I
17 see on transcript 323, page 40, lines 18 to 22, and page 41, lines 8 to
18 15, the witness said:

19 "The people who committed the looting in the neighbourhoods were
20 the shoe-shiners, those who had settled in the town of Bangui. These
21 people had managed to get into the friendly forces and were wearing
22 military uniforms. These shoe-shiners were familiar with the town of
23 Bangui."

24 And then it proceeds:

25 "We didn't know them well, nor did we know how they got the

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1 military uniforms."

2 So it's a correction, Mr Witness, that as a matter of fact you
3 didn't say that they were wearing the same uniforms, although we could
4 from that -- the transcript conclude in that direction. So now I ask you
5 again just for -- for clarity, the MLC soldiers were wearing the same
6 uniforms as the FACA; is that correct?

7 THE WITNESS: (Interpretation) That is correct.

8 PRESIDING JUDGE STEINER: And the shoe-shiners were wearing the
9 same uniforms or different uniforms?

10 THE WITNESS: (Interpretation) The shoe-shiners had the same
11 uniforms as their brothers.

12 PRESIDING JUDGE STEINER: And their brothers had the same
13 uniforms as the FACA. Am I correct?

14 THE WITNESS: (Interpretation) Yes. They were wearing the same
15 uniforms as ourselves.

16 PRESIDING JUDGE STEINER: So now it's clear.

17 Mr Witness, I have just one more question to complete the series
18 of clarifications.

19 We heard in this court a long time ago that the reason why the
20 FACA soldiers were demotivated, as you mentioned this afternoon, was
21 because they were not receiving their salaries or soldas (* phon); is
22 that correct?

23 THE WITNESS: (Interpretation) Yes. That was the main reason for
24 * the demotivation of the FACA.

25 THE INTERPRETER: Says the Sango interpreter.

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1 THE WITNESS: (Interpretation) At that time we were not eating
2 well and we were not receiving our salaries regularly. That is why we
3 lacked motivation.

4 PRESIDING JUDGE STEINER: And during the events when you were --
5 your unit or section was together with some MLC soldiers, do you know
6 whether the MLC soldiers were receiving salaries or any kind of payment?

7 THE WITNESS: (Interpretation) In answer to your question, I can
8 say that when we started carrying out manoeuvres together, we received
9 food rations together, all of us. Regarding the daily subsistence
10 allowances, I do not know what happened to them, but when it came to
11 food, we received the same rations. If we were given a tin of sardine or
12 a piece of bread, all of us would receive the same thing. But as
13 regarding the payments, I do not know what happened to them.

14 PRESIDING JUDGE STEINER: If I understood, these food rations
15 that you received daily were given in food or in money to buy food. Make
16 it clear for me, please.

17 THE WITNESS: (Interpretation) There was a vehicle that would
18 distribute food to the soldiers on the ground.

19 PRESIDING JUDGE STEINER: Thank you for the clarification,
20 Mr Witness.

21 Mr Haynes, my question is whether Defence intends to redirect.

22 MR HAYNES: Two questions, I think.

23 QUESTIONED BY MR HAYNES:

24 Q. Mr Witness, you told us, I think, that you arrested the
25 shoe-shiners; is that correct?

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1 A. That is true. I said that we arrested one shoe-shiner, but it
2 was not one. Two shoe-shiners were arrested. That is what I said.

3 Q. Was it your responsibility to do that?

4 A. As I have already said before, at the location where we conducted
5 our operations, we were supposed to intervene in case of a deplorable
6 situation in the neighbourhood. That is how come we intervened and we
7 were able to capture those people.

8 Q. When you say "we," you mean the Central African Army, do you?

9 A. Yes. I was referring to the FACA.

10 MR HAYNES: Thank you very much. I have no further questions.

11 PRESIDING JUDGE STEINER: Mr Witness, that concludes your
12 evidence. Before you leave your current location, I want, as with all
13 other witnesses in this case, to express the thanks of the Judges and of
14 the Court for the time you have taken to give evidence in this trial. In
15 order for Judges to find the truth, it's crucial, Mr Witness, that
16 witnesses such as yourself are willing and prepared to give evidence and
17 to assist us on the relevant issues of the case. We are aware that this
18 may have been inconvenient for you, and you therefore leave us now with
19 our thanks.

20 Before you leave, Mr Witness, I would like to ask you whether
21 there is anything that you would like to address to this Chamber. If you
22 so wish, now it's your opportunity, and you have the floor.

23 THE WITNESS: (Interpretation) I would like to thank the
24 Presiding Judge, because today I have appeared before the Court to assist
25 it in advancing its task. I would like to seize this opportunity to

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1 express my concerns to the Presiding Judge.

2 PRESIDING JUDGE STEINER: If you intend to talk anything about
3 security concerns, we go into private session, Mr Witness. Is that what
4 you want -- is that what you want to say, Mr Witness, anything about
5 security concerns?

6 THE WITNESS: (Interpretation) Yes, your Honour. That is what I
7 wanted to talk about.

8 PRESIDING JUDGE STEINER: Then I ask, please, Court Officer, to
9 turn into private session.

10 *(Private session at 4.22 p.m.) Reclassified as Open session

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

12 PRESIDING JUDGE STEINER: Now you can speak freely, Mr Witness.
13 We are in private session.

14 THE WITNESS: (Interpretation) I would like to thank the
15 Presiding Judge. I wanted to speak to you about my situation. (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted) That is what I wanted to
22 tell the Presiding Judge.

23 PRESIDING JUDGE STEINER: Mr Witness, you probably was assisted
24 by the representative of Victims and Witnesses Unit. Victims and
25 Witnesses Unit, they have a security officer in charge of make an

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1 assessment on your security before and after your testimony. So I please
2 ask you, as soon as you leave the video link room, to ask VWU to call the
3 security officer in order for him or her to make an assessment on your
4 security since you finish, you concluded, your testimony. You can
5 express to him or her all your concerns, and the security officer will
6 provide the relevant organs of the court with the security assessment and
7 the decision to be taken by VWU in relation to your concerns. This is
8 the procedure, Mr Witness, and I hope you are able to express your
9 concerns in a way that the security officer can make an appropriate
10 assessment.

11 THE WITNESS: (* No interpretation)

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

14 THE WITNESS: (* No interpretation)

15 (Open session at 4.26 p.m.)

16 THE COURT OFFICER: Madam President, we're in open session.

17 PRESIDING JUDGE STEINER: I think the witness said "Singula," and
18 we have no interpretation for that.

19 THE WITNESS: (Interpretation) Thank you, Madam President. I had
20 just said thank you to the Presiding Judge.

21 PRESIDING JUDGE STEINER: We thank you very much, Mr Witness.

22 I would like to thank very much the Prosecution team, the legal
23 representatives of victims, the Defence team, to thank very much our
24 interpreters, our court reporters. Thank you very much, Mr Rojas.

25 Mr Rojas? Mr Rojas, can you hear me?

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1 THE COURT OFFICER (Via video link): I can hear you now,

2 Madam President.

3 PRESIDING JUDGE STEINER: I was just thanking you very much,
4 saying thank you very much.

5 We will adjourn for today and resume tomorrow morning at 9.00
6 with the testimony of Defence Witness number 0003.

7 This hearing is adjourned.

8 THE COURT USHER: All rise.

9 (The hearing ends in open session at 4.29 p.m.)

10 CORRECTION REPORT

11 The Court Interpretation and Translation Section has made the following
12 correction in the transcript:

13 *Page 19 line 24

14 "the demobilisation" is corrected by "the demotivation"

15 RECLASSIFICATION REPORT

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

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