

Trial Hearing
Witness: CAR-D04-PPPP-0045

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and
6 Judge Kuniko Ozaki
7 Trial Hearing
8 Friday, 15 March 2013
9 (The hearing starts in open session at 9.06 a.m.)
10 THE COURT USHER: All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE STEINER: Good morning.
14 Could, please, court officer call the case.
15 THE COURT OFFICER: Yes, Madam President. Situation in the Central African
16 Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo, case
17 reference ICC-01/05-01/08, and for the record we are in open session.
18 PRESIDING JUDGE STEINER: Thank you very much.
19 Good morning. I welcome the Prosecution team, legal representatives of victims,
20 Defence team, Mr Jean-Pierre Bemba Gombo. Good morning our interpreters and
21 court reporters.
22 We will continue today with the testimony of Witness D-45, but I was informed that
23 Mr Haynes would like to raise an issue and I ask whether it can be raised in open
24 session, or whether we should go into private?
25 MR HAYNES: I think it can be raised in open session.

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1 PRESIDING JUDGE STEINER: So you have the floor.

2 MR HAYNES: I just wanted to bring the Chamber up to date with some information
3 we received only yesterday afternoon that concerns the next witness, D-21, in an
4 endeavour perhaps to save you going to the trouble of preparing a decision in relation
5 to him.

6 Under Defence filing 2244 of 13 July, D-21 was one of the witnesses for whom we
7 sought in-court protective measures, but we were informed by him yesterday
8 afternoon that he wishes to give his evidence in open session with no protective
9 measures, subject only to the possibility of going into private session when he
10 mentions certain names. VWU have been informed and will factor that into any
11 assessment they make of him, and so I thought it was best to tell you that at the first
12 available opportunity.

13 If you so wish, we can put that information into a short filing, but it is on the record
14 and perhaps you could indicate whether that suffices that I've told you now? That's
15 the only matter I wish to raise.

16 PRESIDING JUDGE STEINER: Thank you, Mr Haynes. Unless my colleagues have
17 any objection, I think it suffices, the fact that it is on the record.
18 Thank you very much, Mr Haynes.

19 We are turning then into closed session for a while in order for the witness to be taken
20 into the courtroom.

21 Before that, good morning, Ms Toumaj.

22 THE COURT OFFICER (Redacted): (Interpretation) Good morning, your Honour.

23 PRESIDING JUDGE STEINER: And also for the record I wanted to apologise to the
24 Prosecution. Yesterday, when I made a proposal about suspending or adjourning
25 the hearing due to the technical problems, I heard the Defence and I decided before

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1 giving the opportunity to the Prosecution to give its views and it was a mistake of the
2 Presiding Judge and I apologise for that. It was not due to any lack of respect. It
3 was just a mistake.

4 Mr Iverson?

5 MR IVERSON: No apologies necessary, Madam President. We are toujours prêts.

6 PRESIDING JUDGE STEINER: Thank you, Mr Iverson.

7 So now, court officer, please turn into closed session for the witness to be brought into
8 the video-link room.

9 (Closed session at 9.11 a.m.) * Reclassified as Open session

10 THE COURT OFFICER: (Interpretation) Your Honour, we are in closed session.

11 The witness is now going to be brought into the transmission room.

12 PRESIDING JUDGE STEINER: We can turn into open session, please.

13 (Open session at 9.13 a.m.)

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

15 WITNESS: CAR-D04-PPPP-0045 (On former oath)

16 (The witness speaks Lingala)

17 (The witness gives evidence via video link)

18 PRESIDING JUDGE STEINER: Good morning, Mr Witness.

19 THE WITNESS: (Interpretation) Good morning, your Honour.

20 PRESIDING JUDGE STEINER: I hope you are feeling well and ready to continue
21 with your testimony, sir?

22 THE WITNESS: (Interpretation) I am well and I'm ready to continue with my
23 testimony.

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

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1 THE WITNESS: (Interpretation) I do, your Honour.

2 PRESIDING JUDGE STEINER: Mr Witness, I want also to remind you that you are
3 under protective measures, that your image and voice that are broadcast outside the
4 courtroom are being distorted so that the public cannot identify you. If you need to
5 review any information that could lead to your identification, please let us know in
6 advance and we can go into private session.

7 I also wanted to remind you that, because of the interpretation, you are expected to
8 speak slower than normal in order to facilitate our interpreters' job.

9 Is that fine with you, sir?

10 THE WITNESS: (Interpretation) It is, your Honour. I've fully understood.

11 PRESIDING JUDGE STEINER: Thank you, Mr Witness.

12 I will give back the floor to Defence counsel, Mr Haynes.

13 Mr Haynes, you have the floor.

14 MR HAYNES: Thank you, your Honour, and good morning to you. Good
15 morning to everybody.

16 QUESTIONED BY MR HAYNES: (Continuing)

17 Q. And good morning to you, Mr Witness.

18 A. Thank you, you too.

19 Q. Now, we are in open session and I'm going to see if we can stay there for a little
20 while, so try and avoid saying anything that tells anybody who you are. You
21 remember yesterday, before we finished, you were telling us about the arrival of the
22 28th Battalion at Camp Béal?

23 A. If I've understood your question, you're asking me to repeat how the 28th
24 Battalion crossed over? Is that what you're asking me?

25 Q. No, I'm just reminding you of the point we reached yesterday morning. I want

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1 to move on from Camp Béal, so the first question really is this: For how long did the
2 28th Battalion stay at Camp Béal before it moved somewhere else?

3 A. If I remember well, some of the people who had crossed over on the 28th in the
4 evening, or in the night, and if I remember the way in which the war started on the
5 30th and on the same day, the 30th therefore, the troops moved then and that took
6 more or less three days, from the time that the troops arrived at the camp on the 28th
7 until the 30th, and it was on the 30th that the war started and it was on that day that
8 they started moving.

9 Q. And where did they move to?

10 A. The -- well, this was done at the time when the war started on the 30th until
11 nightfall, and we advanced to PK4, where the enemy had fled to, and at that time the
12 unit was able to position itself there, so that means we left Camp Béal and went to
13 PK4.

14 Q. Who directed this advance?

15 A. We had the commander of operations, Seguin, who was responsible for
16 everything which was about military operations.

17 Q. I'm not clear whether you gave his name in that answer. Did you give a name?

18 A. Well, I gave you his name, but if you'd like me to repeat it we could go into
19 closed session and I could give you his name?

20 Q. Okay. Well, we'll leave that for a minute and we'll go into closed session a bit
21 later on, but the forces that advanced to PK4, how were they composed?

22 A. Where it concerns the first troops who had crossed over I know their number,
23 but when we go into closed session I will give you the number of troops, but we're
24 talking about two battalions. One battalion crossed over and the other followed.

25 Q. Okay. Was that force comprised only of MLC troops?

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1 A. There were also soldiers who were loyal to the president - the late
2 president - and so we were mixed with FACA troops as well.

3 Q. And how long did it take you to reach and secure PK4?

4 A. Well, we started at 14.30 in PK4. We arrived at PK4 around 2300 hours. It
5 was raining and we went from the 30th to the 31st.

6 Q. And how did all these soldiers reach PK4?

7 A. At the time that we mixed with the FACA persons, there were two major roads:
8 The first road which was an intermediary one, and there were also two sub-roads or
9 sub-axes, if you like. As we in the FACA people, we had come to an arrangement in
10 order to protect it so that it couldn't be taken through these roads that went from the
11 Camp Béal and went to the main road, so there was an intermediary road
12 which -- and there was another road as well, a parallel road. Part of it -- well, some
13 of the people remained to protect that place such that the enemy couldn't come from
14 behind and reoccupy that place.

15 Q. Okay, but was this an operation conducted on foot, or did you travel in any
16 vehicles to PK4?

17 A. The enemy had engaged us already. They were fighting us and it was at that
18 time we didn't have any vehicles, so these activities were practically carried out on
19 foot.

20 Q. Thank you. After you had reached PK4, where did you go -- where did the
21 28th Battalion go after that?

22 A. When we arrived in PK4 with the FACA soldiers, they told us that the General
23 Staff of the rebels was positioned in PK12, and at the time which we were fighting
24 with them in PK4 the enemy had already started to harass the population, stealing
25 their property. And it was at that time we couldn't stay in PK4 and on foot we

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1 started moving off towards PK12. There was no war. We found that the rebels had
2 just been harassing the population. They had fled and that's the reason why we
3 stayed in PK12 for some time.

4 Q. Okay. I want to see if you can help us with, as it were, the route you took and
5 I'm going to show you a map, and so I'd be obliged if Ms Toumaj in Kinshasa and the
6 court officer here could place on the screen, or even place a hard copy before the
7 witness, of Defence document number 1; that is CAR-D04-0002-1801.

8 Can you tell me when you have the map in front of you, Mr Witness?

9 THE COURT OFFICER (Redacted): Maître Haynes, document CAR-D04-0002-1801 is
10 now before the witness.

11 MR HAYNES:

12 Q. Mr Witness, can you see that map clearly enough?

13 A. Yes, I can see the map, but I need a pair of glasses to be able to read the map
14 properly. I don't have a pair of glasses with me and it's a bit difficult for me to read
15 the map clearly.

16 MR HAYNES: Okay, well let's take it step-by-step. Can Ms Toumaj make it a bit
17 bigger?

18 PRESIDING JUDGE STEINER: Mr Haynes, just in the meantime, just for the sake of
19 the record, the ERN-number, final number, is not 1801, but rather 1081. It's just for
20 correction.

21 MR HAYNES: Thank you very much.

22 Q. Mr Witness, can you see at the very bottom of the map that it says "Zaire" and
23 above that "Ubangi" and there is a river on the map?

24 A. Yes, I can see that.

25 Q. And if you look at the left-hand side of the map, towards the top can you see

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1 there is an airport on the map?

2 A. Yes, I can see the airport.

3 Q. Did you know there was an airport at Bangui?

4 A. Yes, I know that there is an airport in Bangui. The airport was protected by the
5 loyalist Central African troops.

6 Q. Did the 28th Battalion go to the airport?

7 A. After PK4, the -- in fact, the unit you have just mentioned did not go beyond
8 PK4. When it got to the junction, the colleagues who were at the airport, as well as
9 the troops with whom we were, stated that if we got to the airport we would not be
10 able to go to PK12. That is why we took a turn at that junction and went straight
11 ahead to link up with our friends further up and then went to PK12.

12 Q. Okay. I don't know if you can see this, but due north of the centre of Bangui
13 are two districts called Fouh and Boy-Rabé. Can you see them?

14 A. Yes, I can see Boy-Rabé.

15 Q. Did the 28th Battalion pass through Boy-Rabé?

16 A. Well, let us agree on what we are talking about. We started fighting and not
17 only the 28th Battalion was involved in the fighting. Two battalions had come
18 together. There was a merger with the FACA troops and then we became two units
19 merged together; namely our troops and the FACA troops.
20 Now, the first group of the 28th Battalion went towards the left, on the left road,
21 towards the airport, and I've already told you that they did not go as far as the airport
22 because when they got to the junction they found FACA loyalist troops and when we
23 got there those FACA troops -- in fact, what I'm saying is the other group which
24 remained behind continued on the main road, on the main road, and let me say that
25 up until the end of the operations no one - nobody - went as far as Boy-Rabé because

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1 we continued on the main road and, when we got to PK12, FACA troops, because
2 they were able to easily communicate with the inhabitants or the Central African
3 members of the population, they informed us that the enemy had set up base at PK12
4 and that the enemy had deployed its units up to Boy-Rabé. We did not go as far as
5 Boy-Rabé. We stopped on the main road by the road that goes through the General
6 Assembly to PK12.

7 Q. Okay. Does the map help you recall precisely the routes on which you
8 advanced at that time?

9 A. Yes, it does help me somewhat, but I realise that some of the places or locations
10 do not appear on this map.

11 Q. Okay. Well, thank you. We're done with the map now. How long did it
12 take the units to reach PK12?

13 A. To get there you need to cover a distance of at least seven kilometres, and it took
14 us about one hour 45 minutes to two hours to get there because we were advancing
15 slowly.

16 Q. And do you recall the time and date when you got there?

17 A. We got there on the 31st, but I do not remember at what time exactly. In any
18 event, it was in the afternoon.

19 Q. Okay. And what was the situation at PK12 when you arrived?

20 A. When we arrived at PK12, our FACA colleagues who were able to communicate
21 with the civilians told us, that is the FACA troops had been informed that the rebels
22 had caused damage within the civilian population. They also pointed out to us
23 where the enemy was located, and so when we got there we secured the environment
24 and set up our defence lines.

25 Q. Were there any enemy units in PK12 when you arrived?

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1 A. The headquarters of the rebellion had been set up at PK12 and there were
2 enemy or rebel units all over the place as far as PK4 and we were able to drive them
3 out. However, before we attacked the enemy, they had already left PK12, but the
4 enemy had spent quite some time at PK12. They were set up at PK12, that is their
5 base was set up at PK12, but they were able to deploy units as far as PK4. However,
6 they were unable to fight us and therefore they fled.

7 Q. Okay. So was there any fighting at PK12?

8 A. We did not even fire a single gun-shot at PK12.

9 Q. Thank you. What was the condition of the civilian population at PK12 when
10 you arrived there?

11 A. Our Central African colleagues were fighting alongside our own troops, and
12 when they discussed or obtained information from the civilian population, they then
13 told us the following; namely that the rebels had set up their headquarters at PK12.
14 They pointed out to us two, three or four locations at which the rebels had set up their
15 PC. They went on to tell us that there had been a major clash at PK12 when the
16 rebels had set up their headquarters. The rebels had come from the north.
17 All the inhabitants of the north, who were close to President Patassé, had been
18 threatened, they had been tortured and had been mistreated, so there was a lot of
19 settlement of scores and so the civilian population was very happy when we arrived
20 along with the FACA troops. They told us that it was a new-found freedom that
21 they had got upon our arrival. This is the information we got.

22 THE COURT OFFICER (Redacted): (Interpretation) Madam President. Madam
23 President, I have just received information from the --

24 THE INTERPRETER: Inaudible, your Honour.

25 THE COURT OFFICER (Redacted): (Interpretation) -- I've just been informed that the

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1 witness's eyeglasses are available and, with your leave, I will step out for a second to
2 collect them.

3 PRESIDING JUDGE STEINER: For sure.

4 MR HAYNES:

5 Q. It's okay, Mr Witness, we're not going to be looking at any documents for a little
6 while yet, if at all, so don't worry about the glasses, okay?

7 After you arrived at PK12, was there a check done of the area to see whether there
8 were any enemy soldiers still in PK12?

9 A. The enemy had set up their headquarters at the centre of PK12, as well as its
10 command post or its various command posts. We dispatched some troops to search
11 those facilities. They were able to find some military uniforms, magazines and
12 personal weapons.

13 As I just told you, the Central African police was in charge of that task. Given that
14 there were no more clashes of fighting, Commander Mazi asked the Central African
15 police to conduct patrols in the area during the day and at night.

16 Q. Thank you. And who was it that gathered the information from the local
17 population about the enemy's situation?

18 A. Well, that was not difficult to do. The local inhabitants had suffered in the
19 hands of the rebels. Now, when they found freedom, it did not take much for
20 information to be gathered because it is those very local inhabitants who came
21 towards us to provide us with that information. We used to live together with them
22 and they were able to communicate with our FACA colleagues, who would then
23 provide us with that information. They told us how the rebels had inflicted
24 suffering on the civilians of the area. It is our colleagues of the FACA who provided
25 us with that information.

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1 Q. What sufferings had the rebels inflicted on the civilians in PK12?

2 A. I just told you that when we arrived, there was settlement of scores between
3 various tribes. The tribe that supported President Patassé -- or, I'm sorry, the tribe
4 that was loyal to Bozizé denounced some members of the tribe, as well as other
5 persons who were loyal to President Patassé. So we found situations where people
6 loyal to Patassé were tortured and beaten up at night, but we did not find that
7 happening when we arrived. It is simply through the other information that we
8 gathered that we became aware of these things, and the information was being
9 channelled to their authorities.

10 Q. What orders did the battalion receive once it had arrived at PK12?

11 A. Those of us who were on the ground were together with the FACA troops,
12 including the operations commander, namely their leader, or the chief, and his
13 deputy; that is the deputy in charge of operations.
14 Now, before the operations proper, we had all been cautioned about matters of
15 discipline. We had to maintain discipline, particularly those of us who had crossed
16 over. We needed to remain loyal to the institution that had been set up. We had to
17 respect members of the civilian population and that is (Redacted)
18 were requested to comply strictly with these orders in order to protect the members
19 of the population and the institutions that had been set up. Commanders who were
20 in charge of the operation were supposed to provide guidance for the soldiers and to
21 ensure that the orders were strictly applied, or implemented.

22 Q. How long did the units remain at PK12?

23 A. I do not remember precisely, but we did not stay at that location for long. We
24 stayed long enough to organise ourselves. After the enemy fled we learned that they
25 had skirted the area and blocked the road to Cameroon, so in answer to your question

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1 we did not stay there for long.

2 Q. Can you estimate how long? Was it a matter of days, or weeks?

3 A. It took us a few weeks.

4 Q. And when you left PK12, on which axis did you advance?

5 A. We organised ourselves in such a way that we would find out how the rebels
6 had organised themselves. They had fled towards Damara, but this was a trick
7 because later on they deviated and went towards the road to Cameroon. We split up
8 into two combat units; that is two battalions made up by our soldiers and FACA
9 soldiers. One group went to block the road towards Damara, while the second unit
10 went to reopen the road that had been blocked by the rebels; that is the road to
11 Cameroon near the location known as Bossembélé.

12 MR HAYNES: Okay. I think we're going to try out how good your spectacles are
13 now, because I want to have a look at Defence document number 2 on the screen,
14 please, which is CAR-D04-0002-1286, please.

15 THE COURT OFFICER (Redacted): (Interpretation) Mr Haynes, document
16 CAR-D04-0002-1286 is now being shown to the witness.

17 MR HAYNES: Thank you very much.

18 Q. With or without your spectacles, Mr Witness, can you see that above Bangui
19 there is a junction point at which the road splits and the road to the right goes
20 towards Damara and the road to the left goes through Boali to Bossembélé?

21 A. Yes, I can see that.

22 Q. Just to clear this up, which units went towards Damara?

23 A. If you want me to answer that question, I would like
24 to request that we go into
25 private session.

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

2 (Private session at 10.08 a.m.) * Reclassified as Open session

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

4 PRESIDING JUDGE STEINER: You can answer the question, Mr Witness.

5 THE WITNESS: (Interpretation) There is the road on the right which goes towards

6 Damara. (Redacted)

7 (Redacted)

8 (Redacted)

9 MR HAYNES:

10 Q. (Redacted)

11 (Redacted)

12 A. (Redacted)

13 (Redacted)

14 (Redacted)

15 MR HAYNES: Okay, thank you very much. I'm going to back up a little bit now
16 and go back to PK12 and I think we ought to be able to deal with that in open session.

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

18 (Open session at 10.12 a.m.)

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

20 MR HAYNES:

21 Q. I just want to go back to PK12 for a little while. Where did the MLC soldiers
22 stay when they were in PK12?

23 A. At PK12, the orders were strict. No soldier was supposed to stay in a house.

24 It was during the dry season, so there was no rain. The soldiers had their guard post
25 so as to carry out the operation properly. (Redacted)

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1 (Redacted) but some soldiers had their own individual tents and they stayed inside those
2 tents. Each platoon had a tent for the platoon leader and his soldiers.

3 Q. Thank you. In the fighting leading up to PK12, had the MLC suffered any
4 losses?

5 A. Yes, there were both dead and injured.

6 Q. What happened to the injured soldiers? How and where were they treated?

7 A. Those who had light or small injuries were treated at Camp Béal. However,
8 those who sustained serious injuries were transported to Bangui where they received
9 treatment at the Bangui hospital.

10 Q. At the time the unit arrived in PK12, how was morale?

11 A. To be frank, morale was high.

12 Q. Okay. During the time you were at PK12, did you receive any visit from any
13 senior member of the MLC?

14 A. I would say that we received a visit once at PK12; that is from high-ranking
15 officers of the Central African Republic. They visited us to encourage us. There
16 was also our Chief of Staff, so it was only once that we received a visit.

17 Q. Well, let me be clear. I'm talking about Mr Bemba. Did he visit PK12?

18 A. Yes, on a single occasion. The ALC Chief of Staff and senior-ranking officers
19 from Bangui passed through there to encourage us and that was on a single occasion.
20 This means that I saw them only once.

21 Q. And how long had you been in the Central African Republic when that visit
22 took place?

23 A. I did not quite understand your question. The visit in question was a rather
24 brief one. I would say it lasted about ten minutes, and after that visit we went to
25 open up the road that had been blocked by the rebels.

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1 PRESIDING JUDGE STEINER: Mr Haynes, could you please clarify with the
2 witness, because on page 19, line 5, your question was, "Well, let me be clear. I'm
3 talking about Mr Bemba. Did he visit PK12?" And the answer was, "Yes, on a
4 single occasion. The ALC Chief of Staff and senior-ranking from Bangui passed
5 through." So could you just ask him to clarify if he's talking about Mr Bemba, or the
6 Chief of Staff?

7 MR HAYNES: Thank you, your Honour. Yes, of course.

8 Q. Was it Mr Bemba who visited PK12, or the Chief of Staff of the ALC, or both of
9 them?

10 A. The purpose of that visit was not actually to visit the soldiers at PK12. My
11 superior came by there to give us the congratulations of President Patassé. He was
12 accompanied by Chief of Staff Amuli and almost all the military authorities of the
13 Central African Republic. It was a brief visit and I would say that it lasted for less
14 than ten minutes. Our leader had come to thank us for the work that we had done,
15 so he had come to encourage the troops and also to congratulate us because the
16 population was happy.

17 Q. But who do you mean by "our leader"?

18 A. If I have understood you well, our leader is the leader of the movement, so he
19 was the one who came to convey the congratulations of the president.

20 Q. "The leader of the movement," do you mean Jean-Pierre Bemba?

21 A. Yes, it was indeed him who was the President of the MLC at that time.

22 Q. Thank you.

23 PRESIDING JUDGE STEINER: Mr Haynes, Judge Aluoch wants a clarification.

24 JUDGE ALUOCH: Mr Haynes, sorry, just one further clarification. It's page 20,
25 line 2, when the witness says, "The purpose of that visit was not actually to visit the

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1 soldiers at PK12. My superior came by there to give us the congratulations of
2 President Patassé."

3 So when he says, "The purpose of that visit was not actually to visit the soldiers at
4 PK12," Mr Witness, what do you mean, because you said the visit lasted ten minutes?
5 What happened? Did anything happen, because you said the purpose was not really
6 to visit there the soldiers? Can you clarify what you mean, please?

7 THE WITNESS: (Interpretation) I am repeating the same thing several times.
8 What I said was that the purpose of the visit of the MLC President was really not to
9 see the soldiers. He was just passing by there, but the President of the Central
10 African Republic had asked him to pass by and see those troops and thank them for
11 what they were doing. It was only at that time that we saw the president of the
12 movement at PK12.

13 MR HAYNES:

14 Q. So what happened during this visit?

15 A. When he arrived at our location, the operations commander and his
16 deputy -- well, he asked that the soldiers not involved in operations and the other
17 commanders should gather together so that he should convey the congratulations of
18 the President of the CAR. He had a talk with us and thanked the soldiers, but the
19 main thing is that he reminded us about what Operations Commander Mazi and his
20 deputy had told us; that is to stay motivated to keep our morale high.

21 He told us that, "You are under the military -- the command of the military
22 commanders of this other side," so he said two sentences in Lingala and then
23 translated the same sentences into French. So that is the message that he gave to us
24 and then he left.

25 Q. Okay. Whilst you were in PK12, how did the MLC soldiers interact with the

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1 civilian population?

2 A. Communication was rather easy. Our FACA colleagues facilitated this. If
3 there was someone speaking Lingala and someone from the Central African Republic
4 was listening, they would realise that there were words that were similar. We didn't
5 have too many communication problems. We had the assistance of our FACA
6 colleagues. We had gone there to assist them and we wanted that FACA troops
7 should be integrated into the ALC group, so the fact that we were working together
8 helped us to familiarise ourselves with the FACA soldiers when it came to
9 communication and even with the local population.

10 Q. Were there any problems between the MLC troops and the civilian population
11 in PK12?

12 A. If I remember well, one of our troops, or some of our troops, I think it was two
13 soldiers in fact who were killed by arrows and that did not affect our morale, whether
14 it was the troops or the commanders, but we weren't able to identify the cause of the
15 killing of our troops and this event, or incident, did not affect the collaboration
16 between us and our counterparts.

17 Q. Were you aware of any cases of indiscipline by the troops towards the civilian
18 population?

19 A. No, I was never aware of that.

20 Q. In particular, did anyone ever complain to you that an MLC soldier had
21 committed rape in PK12?

22 A. No, I was never aware of that.

23 Q. And I'm sorry to particularise this, but it's important. Did anybody ever
24 complain to you that an MLC soldier had committed murder of a member of the
25 civilian population in PK12?

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1 A. Our troops who were victims were in a unit (Redacted)

2 THE INTERPRETER: The witness also said, "No, I was never aware of such a case.

3 The troops that (Redacted)

4 (Redacted)

5 MR HAYNES:

6 Q. Okay. And, lastly, did anybody ever complain to you that MLC soldiers had
7 looted goods from the civilian population?

8 A. No, I never witnessed that. I never heard anyone speak about that. Before
9 arriving in PK12, or when we arrived, the population complained that they had been
10 victims. There were scores being settled from the rebels. Tribal scores were being
11 settled, but personally I never saw anyone who came up to me to give me such
12 information.

13 PRESIDING JUDGE STEINER: Mr Haynes, if you allow me.

14 Court officer, please turn briefly into private session.

15 (Private session at 10.37 a.m.) * Reclassified as Open session

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

17 PRESIDING JUDGE STEINER: (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 MR HAYNES: (Redacted)

23 (Redacted)

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

25 (Open session at 10.39 a.m.)

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

2 MR HAYNES:

3 Q. What procedures, or measures, were in place at PK12 to prevent abuses of the
4 civilian population?

5 A. It wasn't complicated. In PK12, there was a battalion which protected the
6 Bossembélé road and this battalion had taken measures concerning security, and
7 there were permanent contacts. There were clear instructions. Their commander
8 was close to them. Every time we remarked that the person or the deputy, the
9 person in charge of operations on the other side and his superior were good at
10 leading their troops. The head of operations had set up -- well, put the troops into
11 place to deal with any kind of problem that could arise. If you're a leader and you're
12 hiding something, it's going to go right up to the commander of operations. That's
13 to say that there was a very good management or leadership of the whole thing.

14 Q. Thank you. Were there check-points on the roads around the areas that you
15 secured?

16 A. There weren't check-points. There were check-points in the interior. The
17 Chief of Operations had put police on the other side so that they could carry out
18 identification of people. We couldn't put our troops there. You couldn't put the
19 population there either. The person responsible for that was the Central African
20 police. We were protecting people and everyone who was using vehicles had to go
21 through there. There was a check-point where you had a toll booth. They
22 continued with the same procedure as the police before had used.
23 They also used the Civil Intelligence Service as well. That was a practice that was
24 there when we were in PK12. If there was a problem, a report would be written for
25 the commander of operations and the commander would then transmit that

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1 information to the commander, or to his deputy. That's the commander of
2 operations I'm talking about here. But at the time of the operations we weren't
3 controlling check-points.

4 Q. Thank you. And lastly on this topic, and be careful how you answer this
5 question because I am going to ask about you, you've told us what you heard from
6 the civilian population about how they had been treated by General Bozizé's rebels.
7 Did you actually see any evidence of abuses of the population by his men?

8 A. Personally I didn't witness any, but in terms of the General Staff there was
9 information, there were also cases which were reported by himself and by his men,
10 and that's where we got this information. And about the rebels, we heard that they
11 had found munitions and other property from among private individuals. That was
12 of interest to us. For the rest, it was the commander of operations and the other
13 authorities who received information with regard to the cases that they had seen
14 themselves, or acts that were committed in flagrante delicto.

15 Q. Thank you very much. Well, I think we are now going to leave PK12 behind
16 us. Do you remember the town of Boali?

17 A. (No audible response)

18 PRESIDING JUDGE STEINER: Mr Haynes, maybe you can repeat the question.

19 MR HAYNES:

20 Q. Do you remember how long it took the unit to reach Boali?

21 A. Yes. When I went by -- to Boali in a vehicle, on the road to Bossembélé, I didn't
22 stop there during the battle, but I do know the road that goes to Boali.

23 Q. Okay. How long did it take the unit to reach Bossembélé?

24 A. It's difficult for me to estimate the time that it took. At that time, it was
25 difficult to check. We didn't know the enemy position. We were advancing

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1 prudently. In order to give you an answer with regards to the distance and the time,
2 well, it's difficult to do so.

3 Q. Well, was there fighting all the way to Bossembélé?

4 A. There were major clashes. When we left Bangui towards Bossembélé, five
5 kilometres before arriving at the centre, at the cross-roads, that's where there was a
6 really heavy battle and there was also a toll service there.

7 Q. So can you estimate for us what month it was when you arrived in Bossembélé
8 with the units?

9 A. Well, a lot of time has passed since then. It's difficult for me to give you the
10 date. I don't remember.

11 Q. Okay. And after the units arrived at Bossembélé, what did they do then?

12 A. When the troops arrived in Bossembélé, we arrived at places where there was
13 no battle any more, but we saw that there were doors of buildings which were broken.
14 We clashed with them in a place where they had set an ambush, and when -- when
15 they saw that we had clashed in a very strong way with them, well, they fled. So I
16 would say that in Bossembélé the attack wasn't very strong.

17 Q. And after the unit arrived in Bossembélé, did it remain there for any time?

18 A. When we arrived in Bossembélé, the sector became bigger. We took time in
19 order to find out where the enemy was, in order also to find out what they were
20 doing. We stayed for a bit. We didn't stay in the town centre, but in the bush all
21 round the town.

22 Q. Did you -- did the unit have transport in order to get from Bangui to
23 Bossembélé?

24 A. We were with the commander of operations; the Central African general
25 commander of operations. All the needs with regards to troop transport were put to

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1 him. If you left PK12 to go to Bossembélé, you're looking at 90 kilometres.

2 Towards Boali it's even further. And he provided us with large lorries to transport
3 troops in, and to go 50 kilometres from Boali, and from there people got out and we
4 continued on foot.

5 Q. Thank you. What else were you provided with, other than transport?

6 A. When the sector became enlarged, we also received means of communication.

7 Q. What sort -- what sort of means of communication did you receive?

8 A. We received satellite telephones - Thuraya - and (Redacted)

9 because I was in a place where the cell phones had no signal. There was no network
10 there.

11 Q. Who gave you a Thuraya?

12 A. There were needs which were felt, so it was General Mazi, the commander of
13 operations, who provided them (Redacted). We didn't
14 have numbers, but they called us to give us information and also to give us
15 instructions. It was difficult for us to communicate with each other.

16 Q. Okay, last question before we take a break. When did General Mazi (Redacted)
17 (Redacted)

18 A. It was towards 8 o'clock. We called him and his deputy so that they could go
19 to the staff HQ. Towards 9 o'clock he came back (Redacted). He said the
20 following day that they had taken the Cameroon road, this is an important road in
21 economic terms for the Central African Republic, so the rebels prevented lorries from
22 circulating there and that was the reason why we were told we had to take our troops,
23 our units, our means of communication and go there in order to see what was
24 happening and that was how he gave (Redacted).

25 MR HAYNES: Thank you very much, Mr Witness. You can now have a break, I

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1 believe.

2 THE WITNESS: (Interpretation) Thank you very much.

3 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

4 Mr Witness, it's 11 o'clock. We'll have half-an-hour break. You can take some rest,
5 have a coffee, a cup of tea. We'll be back at 11.30.

6 I ask, please, court officer to go into closed session in order for the witness to be taken
7 out of the video link room. In the meantime, we will suspend and resume at 11.30.

8 THE WITNESS: (Interpretation) Thank you.

9 (Closed session at 11.01 a.m.) * Reclassified as Open session

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

11 THE COURT USHER: All rise.

12 (Recess taken at 11.01 a.m.)

13 (Upon resuming in open session at 11.36 a.m.)

14 THE COURT USHER: All rise.

15 Please be seated.

16 PRESIDING JUDGE STEINER: Welcome. Welcome back. Before we continue
17 with the testimony of Witness 45, the Chamber has an oral decision. It's an oral
18 decision on the schedule of Witness D04-21's testimony and instruction for further
19 update on the witness's personal circumstances.

20 At the outset, the Chamber notes that the present decision refers to a confidential
21 filing. However, the Chamber is of the view that the decision itself does not reveal
22 any information warranting confidential treatment at this stage. It will therefore be
23 rendered in open session.

24 On 1 March 2013, the Chamber approved the order of appearance of witnesses
25 proposed by the Defence and decided to hear Witness D04-21 following Witness

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1 D04-45 between 18 and 20 March 2013 (Oral Decision Transcript 288, page 2, lines 8 to
2 13.)

3 On 11 March 2013, the Defence filed its confidential "Defence Motion for
4 authorisation to hear the testimony of Witness D04-21 via video link" (filing 2528), in
5 which it requests that the testimony of Witness D04-21 be heard via video link.

6 The Chamber notes that due to technical problems with the video link, yesterday's
7 hearing had to be prematurely suspended and that, therefore, the Defence is still far
8 from completing the eight hours it was granted for questioning Witness D04-45. In
9 addition, the witness still needs to be questioned by Prosecution and the legal
10 representatives of victims, and might also be questioned further by the Chamber and
11 the Defence.

12 The Chamber notes that no hearings will take place between 25 March 2013 and the
13 end of the spring recess, on 8 April 2013. In order to finish with the testimony of
14 Witness D04-45 and D04-21 before the recess, the Chamber intended to sit for
15 extended hours next week (six hours of hearing per day) but, due to scheduling
16 constraints, that possibility is limited to Tuesday and Friday only.

17 In these circumstances it appears that only the testimony of Witness D04-45 can be
18 completed before the recess.

19 In light of this situation, the Chamber hereby decides to postpone the commencement
20 of D04-21's testimony.

21 Taking into account the postponement of Witness D04-21's testimony, the Chamber
22 defers its decision on the Defence's request to hear Witness D04-21 via video link.

23 That notwithstanding, the Chamber orders the Victims and Witnesses Unit to provide
24 the Chamber on an update on Witness D04-21's ability to appear in person at the seat
25 of the Court by no later than 8 April 2013.

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1 The Chamber recalls its Oral Decision of 13 March 2013 on the order of Witnesses to
2 appear after the spring recess (Transcript 293, page 28, lines 2 to 24) according to
3 which Witness D04-39 is to be heard as of 8 April 2013. If the Defence intends to
4 hear Witness 21's testimony in a manner that would require the Chamber to alter this
5 order, the Defence shall submit a request to this effect in its next monthly witness
6 schedule.

7 I now ask, please, court officer to turn briefly into closed session in order for the
8 witness to be brought into the transmission room.

9 (Closed session at 11.42 a.m.) * Reclassified as Open session

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

11 (The witness enters the transmission room)

12 PRESIDING JUDGE STEINER: Court officer, please, we can turn back into open
13 session.

14 (Open session at 11.44 a.m.)

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

16 PRESIDING JUDGE STEINER: Thank you.

17 Mr Witness, welcome back.

18 THE WITNESS: (Interpretation) Thank you.

19 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony, sir?

20 THE WITNESS: (Interpretation) Yes, I am.

21 PRESIDING JUDGE STEINER: Then I give back the floor to Mr Haynes.

22 MR HAYNES: Your Honour, upon reflection, I think this sequence of questions
23 ought properly to be in private session.

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

25 (Private session at 11.45 a.m.) * Reclassified as Open session

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- 1 THE COURT OFFICER: We are in private session, Madam President.
- 2 MR HAYNES:
- 3 Q. (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 A. (Redacted)
- 7 Q. (Redacted)
- 8 A. (Redacted)
- 9 Q. (Redacted)
- 10 A. (Redacted)
- 11 (Redacted)
- 12 Q. Okay. And we're in private session, so for the record can we be clear who you
- 13 mean by (Redacted)?
- 14 A. (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 Q. (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 A. (Redacted)
- 23 Q. (Redacted)
- 24 A. (Redacted)
- 25 (Redacted)

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1 Q. You see, it was important to get the name. Now I'm going to ask you some
2 questions about communications systems.

3 PRESIDING JUDGE STEINER: Mr Witness, just to complete your answer, (Redacted)
4 (Redacted)

5 THE WITNESS: (Interpretation) If you want me to mention his name, I would
6 request that we go into private session once again.

7 PRESIDING JUDGE STEINER: Mr Witness, we are in private session. You can
8 mention the name, no problem.

9 THE WITNESS: (Interpretation) Thank you. (Redacted)
10 (Redacted)

11 PRESIDING JUDGE STEINER: Thank you very much.

12 MR HAYNES:

13 Q. Now, Mr Witness, I was just about to say I'm going to ask you some questions
14 about the communications system generally in the operations in the Central African
15 Republic, and I'm going to try and do that in open session. So please try and avoid
16 saying anything that reveals your identity; is that okay?

17 A. I have listened to you attentively.

18 MR HAYNES: Then, Madam President, can we go into open session please?

19 PRESIDING JUDGE STEINER: Court officer, please turn into open session.
20 (Open session at 11.54 a.m.)

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

22 MR HAYNES:

23 Q. Mr Witness, when the unit crossed over from the DRC to Central Africa, did it
24 take communications devices with it?

25 A. When the unit crossed over, it did not have any communication devices. The

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1 communications devices were provided to us when we arrived on the other side.

2 Q. What communication devices were provided and by whom?

3 A. When the first unit arrived on the ground, it is Colonel Thierry of the Central
4 African General Staff who provided the communications device. He gave us a radio
5 transmitter system called the phonie system, which we used.

6 Q. And how was the communications network organised during the operations in
7 the Central African Republic?

8 A. During the operations our Central African brothers whom we found on the
9 ground were those operating the radio system, but we also had our own signalling
10 operators. In any event, it was the Central African operators who managed the
11 network - the system - and they were the ones in charge of managing the system and
12 its codes.

13 Q. How was communication possible between Central African units and
14 Congolese units?

15 A. While in Camp Béal and up until we went to PK12, transmission or
16 communication was by sight, face-to-face. We did not use any instruments as such.
17 The operations commander and his entire team were by us, so it was face-to-face
18 communication.

19 Q. And after PK12?

20 A. After PK12, and as I said before, I had to travel to a distant place and (Redacted)
21 (Redacted) Then, subsequently, the operations commander
22 provided me with a radio system which I used for transmitting messages.

23 Q. To whom did the battalion commander report?

24 A. The battalion commander reported to the operations commander. The radio
25 set did not have any other frequency other than that of the operations commander.

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1 Q. And how often did the battalion commander report to the operations
2 commander?

3 A. Those reports were sent from time to time, but he could also send in daily
4 reports. The operations commander was informed on a daily basis regarding the
5 situation of the troops, but if there was a particular incident, it would be reported.
6 So the report was sent in from time to time or regularly, but there was a daily briefing.
7 Sometimes the phonie -- the phonie's battery was not charged and therefore it would
8 be impossible to send a report.

9 Q. Did the battalion commander report to anybody other than the operations
10 commander?

11 A. It was strictly forbidden to send reports to anyone other than the operations
12 commander. All reports were sent to the operations commander, who was
13 responsible for everyone.

14 Q. Thank you. I want to move on to weaponry now. What sort of weaponry
15 was used in the battle for Bossembélé, for example?

16 A. During the battle for Bossembélé, given that the rebels had put up resistance
17 and those rebels had RPGs and other types of heavy weaponry, the battalion
18 commander requested reinforcements in weapons from the operations commander.
19 The battalion commander received other weapons from the staff headquarters of the
20 Central African army. This is because when the commander went there, he did not
21 take along any heavy weapons. The battle started at 11 a.m. There was strong
22 resistance and the enemy was in possession of heavy weapons. Considering that the
23 operations commander called to inquire about the situation on the ground, the
24 battalion commander requested the delivery of more weapons and they received
25 81-inch mortars, as well as RPGs, or rocket launchers, so as to face up to the rebels.

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1 But all those weapons came from the Central African Republic staff headquarters.

2 Q. Thank you. And from time to time in the operations, did you run out of or run
3 low on ammunition?

4 A. What is the role of the operations commander? That is his duty. The
5 commander and his deputy had to be responsible for that, alongside the logistics
6 commander. Sometimes soldiers could grab ammunition that had been abandoned
7 by the enemy, and whenever the soldiers were short of ammunition, the operations
8 commander was in permanent contact with the battalion commander and the
9 battalion commander could ask for reinforcements. It was possible for the
10 operations commander to send his deputy in charge of logistics and administration to
11 answer our request.

12 Q. Thank you. How were the MLC soldiers fed during the operations?

13 A. Thank you for that question. The deputy operations commander was a
14 high-ranking Central African authority. He was responsible for providing our food
15 rations on a daily basis. Sometimes he would send us rations for two or three days,
16 and later on he could also send us food rations for three to four days.

17 Q. What did the rations consist of?

18 A. The basic ration was made up of beef and rice. Sometimes we also received
19 fish from the sea, so those were the food items that were sent to us.

20 PRESIDING JUDGE STEINER: Sorry, Mr Haynes, just to check whether this was
21 really the answer given by the witness. On page 38, line 20, he says, "Thank you for
22 that question. The deputy operations commander was a high-ranking Central
23 African authority." Mr Witness, the deputy was a Central African authority? Is
24 that what you said?

25 THE WITNESS: (Interpretation) Yes. Yesterday, when a question was put to me

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1 on the organisation of the operational command team, I said the following: The
2 operations commander was General Mazi of Central African nationality. His deputy,
3 who was in charge of operations, I gave you his name. He had another deputy. He
4 had two deputies. There was another deputy in charge of administration and
5 logistics, and he was also a high-ranking officer of Central African Republic
6 nationality.

7 I believe that I even mentioned his name in private session.

8 PRESIDING JUDGE STEINER: Mr Witness, the names of high-ranking authorities
9 that were part of the command of the operations, et cetera, these names can be
10 mentioned in open session. They have been mentioned many times. And now you
11 are talking about the second deputy, and it's important for the record that we know
12 the name of this second deputy.

13 THE WITNESS: (Interpretation) Thank you, Madam President. This is what I
14 said: The deputy of the operations commander who was in charge of logistics was
15 known as Colonel Ouragan.

16 PRESIDING JUDGE STEINER: Thank you very much.

17 MR HAYNES: Thank you.

18 Q. When the unit wanted intelligence on the deployment or strength of the enemy,
19 where did it go to find that out?

20 A. Thank you for that question. We did not have any difficulties regarding
21 intelligence. Quite frequently, information was sent to us from the staff
22 headquarters of the Central African Republic army. The information was sent to the
23 operations commander. They had their officers. There were even members of the
24 population living in areas occupied by the rebels. Sometimes low-level intelligence
25 could be given to us by our Central African Republic colleagues who were fighting

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1 alongside us, and given that we had a good relationship with the local inhabitants,
2 they also provided information to us.

3 Whenever the CAR soldiers received any information, our operators, since they were
4 under the authority of the Central Africans, they were able to encode this information
5 in their language and send the information to the operations commander. The
6 information would be processed and cross-checked with other information at their
7 disposal. After that, they would send us the orders that we had to follow on the
8 battle-field.

9 Q. Thank you very much. Now, when you arrived at Bossembélé, was the civilian
10 population still living in the town?

11 A. Yes. Many of them were hiding in their houses, while others had fled because
12 of the gun-fire. As you know, the rebels were using heavy weapons. When we
13 arrived at Bossembélé, we advanced over a certain distance and stopped. The
14 following day our Central African friends started sensitising the population, giving
15 them information, and when the gun-fire stopped, the members of the population
16 came out. After just one or two days, vehicles could travel to Cameroon and the
17 local inhabitants could move about freely because they trusted us.

18 Q. Thank you. How long did the units remain in Bossembélé?

19 A. It would be difficult for me to give you a precise date. As you know, there
20 were several roads there, but we stayed there for quite some time, and given that
21 there were vehicles moving about freely, we were waiting to find out whether those
22 vehicles were not being attacked by the rebels because the rebels who had fled went
23 in the direction of Bossangoa, while others went in the direction of Cameroon, so
24 I cannot give you any precise information about the dates or the time that we spent
25 there, but we spent a relatively long period of time there.

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1 Q. Thank you. And during that period of time, how were relations between the
2 MLC soldiers and the civilian population of Bossembélé?

3 A. Thank you for that question. Soldiers are like children. As you know, if you
4 take a child who is speaking French and another child who speaks Lingala and you
5 put them together, after only two days they would be able to communicate with each
6 other. Some members of the civilian population spoke French, and those ones were
7 able to communicate with our soldiers. There were some MLC soldiers who also
8 spoke their language. In fact, there are certain Sango words in Lingala, so if you
9 have someone speaking Sango and another person speaking Lingala, they could
10 understand some of the words. This means that we could understand each other
11 easily, and sometimes people communicated using signs or gestures.

12 Q. Whilst you were in Bossembélé, did you ever see any MLC soldier behaving
13 badly towards a member of the civilian population?

14 A. We did not receive any report about any inappropriate behaviour of our
15 soldiers. As you know, Bossembélé was at the centre. If there was any misconduct
16 there, even if a report was not sent to Bangui, the information will still be received. I
17 never received any report about inappropriate conduct on the part of our soldiers.
18 In fact, our soldiers were not at the centre of the town because, as you know, all the
19 services were functioning normally.

20 Q. Thank you. And you were telling us earlier that the strategic importance of
21 Bossembélé to the Central African government was that it was a toll on the road from
22 Cameroon. After you had taken the town, who manned the toll?

23 A. Thank you for that question. Let me say that before the enemy occupied
24 Bossembélé -- in fact, when they were there, I do not know what was happening, but
25 when the government soldiers occupied Bossembélé, all the staff of the toll gates

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1 resumed work normally, just as has been the case -- had been the case in the past.

2 The soldiers were busy with other things. It was the Central African police which
3 organised patrols during the day and managed the life of the population on a daily
4 basis.

5 MR HAYNES: Thank you very much. Now, I'm just going to ask that we look
6 again at the map which is Defence document number 2, CAR-D04-0002-1286.

7 THE COURT OFFICER (Redacted): (Interpretation) Mr Haynes, document
8 CAR-D04-0002-1286 is now being shown to the witness.

9 MR HAYNES: Ms Toumaj, I don't know what capabilities you have there, but I'd
10 like the witness to look at the top right-hand corner of the map; that is starting at
11 Bossembélé and then looking north and northwest from there, if that's possible.

12 THE COURT OFFICER (Redacted): (Interpretation) Yes, Mr Haynes, the north area,
13 that is north of Bossembélé, has been shown to the witness.

14 MR HAYNES: And with your assistance, Ms Toumaj:

15 Q. Mr Witness, can you see that there are two towns: One to the north-west of
16 Bossembélé called Bozoum and one due north of Bossembélé called Bossangoa?

17 A. Yes, I can see those two towns.

18 Q. And when you were talking earlier about the road to Cameroon, is that the road
19 that goes to the north-west towards Bozoum?

20 A. That's correct. If you look well, the road continues and there is a crossing on
21 the right. It's the road which goes towards Cameroon. So the road that goes
22 towards Bozoum also has a road which continues and that goes to Cameroon.

23 Q. Thank you very much. Now, did the units receive any further instructions in
24 Bossembélé to go to other places?

25 A. Yes. When the rebels fled from Bossembélé, the rebels they divided up and

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1 they dispersed and they set up their staff HQ in Bossangoa. They continued towards
2 the north to Bozoum, where they carried out pillaging. At that time, the sector
3 became larger. We asked the deputy to consider the reality in the field and the
4 commander of operations made a report. Later there were reinforcements to go and
5 see what was happening in Bozoum. With regard to the taking of Bossembélé from
6 the hands of the rebels, that only concerned the Bossangoa road.

7 Q. So after Bossembélé, did those units go in one direction, or more than one
8 direction?

9 A. Where it concerns the rebels, we learned from members of the population that
10 the main part of their forces had taken the Bossangoa road and some had fled
11 towards Bozoum.

12 Q. So what instructions did the units receive?

13 A. At the time that the front closed, some of the enemy were in Damara. I just
14 said that as the front had been opened we received a report, according to which it was
15 necessary to reinforce around Bozoum in order to send another unit and another
16 group of troops had to look after the Bossangoa road.

17 Q. Where did the reinforcements come from?

18 A. Where it concerns the reinforcements, the commander of operations,
19 particularly with regard to the Central African army, well, it was they who sent
20 reinforcements, so -- as well as some of our troops had crossed over.

21 Q. Okay. Do you know how many reinforcements were sent?

22 A. A whole battalion was sent by way of reinforcement, but I couldn't tell you how
23 many they were.

24 Q. Do you know what proportion of them were Central African and what
25 proportion were Congolese?

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1 A. The battalion in question was composed for the most part of Central Africans.

2 A small group of it was composed of troops who had crossed the border. The
3 battalion commander was Congolese. His deputy was Central African.

4 Q. And what was the particular report that required for them to be sent to
5 Bozoum?

6 A. It wasn't -- or there was no question of a report. The commander of operations
7 and his deputy responsible for operations were in contact with us. They came
8 personally and they noticed, or they saw, how the fighting was being carried out.
9 They saw the reality in the field and they got the information from the Central African
10 staff HQ. They were well-informed with regard to all the operations of the enemy in
11 the field, and that's how they came to meet us in order to find a solution given that
12 the sector of combat had got bigger. With regarding a report to be sent, well, that
13 was something that would be dealt with by the operational commander and his
14 deputy.

15 Q. Thank you. Can you help us as to what month and year it was that the units
16 arrived in Bossangoa?

17 A. I don't want to put something forward. I don't want to tell lies. I can't
18 remember the date, nor the month.

19 Q. Okay, but let's look at it another way. By the time the units got to Bossangoa,
20 how long had they been in the Central African Republic by then?

21 A. I would like to be very clear. When you leave Bossembélé to go to Bossangoa,
22 the clashes were taking place 20 kilometres before Bossangoa. The enemy had fled
23 and a group of the enemy troops went towards Damara. With regard to us, we
24 didn't stay in Bossangoa for a long time.

25 There was a hill which was just next to Bossangoa. The police, as well as some of the

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1 FACA troops who were with us, carried out patrols in order to get information
2 concerning the rebels. We didn't stay in Bossangoa for a long time. I would say
3 less than two weeks.

4 Q. Why did you not stay in Bossangoa for a long time?

5 A. We stayed in Bossangoa. Well, the commander of operations asked that the
6 troops who had come from the other side go back. Some of the FACA stayed there
7 in order to occupy that position and to ensure the protection of that territory.

8 Q. The troops that came from the other side, do you mean MLC troops?

9 A. Yes. They were MLC soldiers, as well as some of the soldiers who were
10 carrying out the protection of the Central African president. When we went to
11 Bossangoa, they came by way of reinforcement. They sent a platoon from the force
12 which was responsible for the protection of the Central African president, so there
13 were FACA troops and some of our troops, but when this operation ended it was only
14 the Central African troops who remained in Bossangoa.

15 Q. And when you said that the commander of operations asked for those troops to
16 go back, go back where?

17 A. The orders, according to the orders we had to go back slowly, to return slowly.
18 Personally, when I saw that there was no more fighting, we decided to leave the
19 Central Africans there so that they could ensure the security of their country.

20 Q. Okay. How did you go back?

21 A. Well, this is how our return was planned: The commander of operations sent
22 three lorries, and it's thanks to these lorries that we were able to go back to
23 Bossembélé and from Bossembélé we had to return to Bangui and then cross the
24 border.

25 Q. How long did it take to return to Bossembélé in the lorries?

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1 A. As the road is in a good condition it took us a day.

2 Q. And how did you travel from Bossembélé to Bangui?

3 A. We went from Bossembélé to Bangui on the orders of the commander of
4 operations and the unit went to PK12.

5 Q. Okay. But did you go from Bossembélé to Bangui in motor vehicles or by foot?

6 A. By lorry.

7 Q. And how long did that journey take?

8 A. More or less two days.

9 Q. What happened at PK12 when you got back there?

10 A. As the commander of operations had already prepared all the troops who that
11 had crossed over, the commander of operations wanted that the crossing be done by
12 boat. The crossing had to be done in small numbers, in order to ensure that the
13 enemy couldn't attack us, so we had to go one at a time to the other side.

14 Q. Was the retreat without problems, or were there problems during the retreat?

15 A. The retreat was carried out when we withdrew. Well, when we left
16 Bossembélé, those who were in Bozoum came down and those who came to
17 Bossembélé, they joined others who came from Bossangoa in order to go to PK12.
18 The rebels had started to attack us because they received this information. We went
19 down to PK12 in lorries and it was only a small group of troops who had problems.

20 Q. Okay. How long did it take the units to cross the river back to the DRC?

21 A. The crossing took one day. We started at 9 a.m. and it continued to 1600 hours.
22 Only a small group of our troops had difficulties in crossing.

23 Q. Okay. I want just to go back to the map again, Mr Witness, if we can, and this
24 time, Ms Toumaj, if you could make sure the witness is looking at the area south of
25 Bangui. So I'd like him to see Bangui to Mongoumba, really. And that's

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1 Defence document 2, CAR-D04-0002-1286.

2 THE COURT OFFICER (Redacted): (Interpretation) Counsel, Haynes, the southern part
3 of Bangui --

4 THE INTERPRETER: Inaudible.

5 MR HAYNES:

6 Q. Now, I know, like me, Mr Witness, you have difficulty reading without glasses,
7 but can you see Bangui in that map there?

8 A. Yes, I can see Bangui on the map. I can also see Mongoumba on the map.

9 Q. That's saved me one question. This one's going to be really difficult. Can you
10 see just below and to the right of Bangui, Zongo?

11 A. Yes, I can see Bangui. I can also see Zongo.

12 Q. That's excellent. And was it to Zongo that you crossed when you crossed the
13 river back into the Democratic Republic of Congo?

14 A. Yes. That's where we crossed. The enemy was in Bangui, so we crossed over
15 at Zongo.

16 Q. Can you still see Mongoumba on the screen?

17 A. Yes, I can see Mongoumba on my screen.

18 Q. And can you see that it's -- well, I won't give evidence, but it's some distance
19 south of Bangui, isn't it?

20 A. Yes, there's a good distance.

21 Q. Did any of (Redacted)?

22 A. I didn't understand your question, Counsel.

23 Q. Well, Mr Witness, you've described the movement of the units from Bangui to
24 PK12, to Bossembélé, to Bossangoa and Bozoum, and then back to Bangui and across
25 the river. What I want to know is, did any of (Redacted) units ever go to the town of

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1 Mongoumba, many kilometres south of Bangui?

2 A. No unit went to Mongoumba.

3 Q. Thank you. I want now to come on to the enemy. Did you see the enemy
4 during the time that you were in the Central African Republic?

5 A. Yes. From PK4, the front did not raise too many problems. We were quite
6 visible in Bossembélé, which is 20 kilometres from Bossangoa, and the same thing
7 applied to Bozoum. It was possible to see the enemy, and the enemy could see us as
8 well.

9 Q. Did you ever take any enemy soldiers prisoner?

10 A. At PK4 we took four prisoners, and they were sent to the Central African
11 Intelligence Office for them to determine whether they were rebels or Central
12 Africans, and then to decide whether to release them or to arrest them. Whenever
13 we took any such cases as we advanced, it was our FACA colleagues who were in a
14 better position to try them or to deal with them. So from PK4 what I can say is that
15 we did not take any prisoners of war as such.

16 Q. Okay. A point I'm really trying to establish with you is whether you were able
17 to ascertain where these rebel soldiers came from.

18 A. Now, let us return to the map. If you look at the map, you will see that the
19 enemy fled to the north, towards Chad. I can say that the headquarters of the rebels
20 was in Chad.

21 Q. Okay. Well, that's a start. Did they all come from Chad, or was there a
22 component of this force that was from somewhere else?

23 A. There are two problems here, the rebels and then the others. So I'm talking
24 about the rebels who were in the country and others who came from elsewhere, such
25 as Chadians and some from Brazzaville, and there were the Central Africans as well.

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1 These people fled. For example, those from the Congo fled back to Brazzaville.

2 There were also some rebels who spoke the same language as mine, so the rebels also
3 included people from different countries or different backgrounds.

4 Q. The Central Africans you mentioned, how did they come to join this force; do
5 you know?

6 A. Now, regarding the Central Africans, this is what I would say: When and if
7 rebels were captured as prisoners of war, they may have taken them on or integrated
8 them, but if you look at the way the rebellion started in the Central African Republic,
9 you would see that the Chief of General Staff of the then-president, who is now
10 current president, rose up against the president and took part of the army with him
11 and part of the Central African authorities with him, in order to start his rebellion,
12 and this information came to us through the civilian population.

13 Q. Thank you very much indeed. The members of the Central African army who
14 joined General Bozizé, what sort of uniform did they wear?

15 A. Some of them died from gun-shot wounds, those who were wearing Chadian
16 uniforms, and some of them were also wearing French or Central African uniforms.
17 So there were three different sets of uniforms involved.

18 Q. The Central African uniforms that components of Mr Bozizé's forces were
19 wearing, were they the same uniforms that the Central Africans loyal to President
20 Patassé were wearing?

21 A. Most of the uniforms were identical. The uniforms worn by the Central
22 African soldiers resembled the uniforms worn by the Chadian soldiers quite strongly.

23 Q. And did they also resemble the uniforms that were given to MLC soldiers by
24 the Central African authorities?

25 A. Yes, that is correct, most of the uniforms were similar, the uniforms that had

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1 been given to the troops.

2 Q. And what about the weapons used by the enemy, what sort of light weaponry
3 did they have?

4 A. The weapons used by the enemy were Kalashnikovs. They had some heavy
5 weaponry as well. I do recall that we took some of their heavy weapons,
6 15-millimetre equipment that could be mounted. So when the enemies fled, we
7 collected their weaponry, including 21-millimetre mortars. So when they fled, they
8 left such weapons, as well as individual weapons behind, which we collected and
9 handed over to the Central African authorities. And they also used jeep vehicles.

10 Q. I'm sorry, a Kalashnikov and an AKA, are they the same thing, or are they
11 different weapons?

12 A. It is the same weapon. Russians call it the Kalashnikov, which is used
13 universally, and it is also referred to as the AKA.

14 Q. So just that we're clear, so that we're clear, a soldier wearing a Central African
15 uniform and carrying a Kalashnikov could have been fighting for the MLC, the FACA,
16 or General Bozizé?

17 A. Counsel, it wasn't difficult to distinguish between the forces. Even Colonel
18 Thierry, who welcomed us, did his level best. He was one of the loyalists to the
19 regime. When we fought at PK4 Colonel Thierry fled and crossed over to the enemy,
20 to the rebels, so it was easy for us to distinguish between the uniforms because we
21 were fighting alongside the loyalists. There were Central Africans, Chadians, all
22 mixed up.

23 Q. Who were the rebels who spoke your language that you referred to?

24 A. I think what I'm saying is very clear. The rebels fighting on Bozizé's side
25 included people who spoke the language in which I am speaking to you now.

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1 Q. Okay, thank you very much. I've just got one more sequence of questions to
2 ask you. (Redacted) -- can we go into private session, please?

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

4 (Private session at 1.18 p.m.) * Reclassified as Open session

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

6 MR HAYNES:

7 Q. I'm very sorry, Mr Witness. That was my mistake. (Redacted)

8 (Redacted)

9 (Redacted)

10 A. (Redacted)

11 Q. (Redacted)

12 (Redacted)

13 A. (Redacted)

14 Q. (Redacted)

15 (Redacted)

16 (Redacted)

17 A. (Redacted)

18 (Redacted)

19 MR HAYNES: Okay. Well, I'm going to leave it there because I think the evidence
20 is clear that you've given.

21 Mr Witness, I've finished asking you questions. Can I thank you for listening to me
22 so carefully and answering so concisely. Others will ask you questions now, but I'm
23 guessing not today.

24 THE WITNESS: (Interpretation) I want to thank you too, Counsel.

25 PRESIDING JUDGE STEINER: Court officer, please could we turn into open

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1 session.

2 (Open session at 1.22 p.m.)

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

4 PRESIDING JUDGE STEINER: Thank you very much, Mr Haynes. I understand
5 that Defence finished with the questioning of the witness?

6 MR HAYNES: Your Honour, yes, I confirm that in open session. We have finished.

7 PRESIDING JUDGE STEINER: Mr Iverson?

8 MR IVERSON: Thank you, Madam President. I don't intend to get into too many
9 questions, but I would just like to introduce myself and ask a few preliminary
10 questions so that on Monday that I can start right away without having to ask those.
11 Those can be in open session, Madam President.

12 PRESIDING JUDGE STEINER: If you feel able to do it in four minutes you have the
13 floor, Mr Iverson.

14 QUESTIONED BY MR IVERSON:

15 Q. Good afternoon, sir. My name is Eric Iverson and I will be asking you
16 questions on behalf of the Office of the Prosecutor. I just want to ask you if on
17 Monday you could please bring your eyeglasses, because I don't want to go through
18 the trouble of trying to make you read documents without your eyeglasses and we
19 will be going through a number of documents.

20 And, sir, I wanted to ask are you able to read and write in French?

21 A. I can read and write well.

22 MR IVERSON: Okay. Well, those are my only questions and points for the time
23 being and we'll continue on Monday.

24 Thank you, Madam President.

25 PRESIDING JUDGE STEINER: Thank you, Mr Iverson.

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1 Mr Witness, it's almost 1.30. It's time for us to adjourn. We wish you have a very
2 restful weekend. We will continue with your testimony on Monday morning, at
3 9 o'clock, and this time it will be the Office of the Prosecution in the person of
4 Mr Iverson, who is in charge of questioning you. So we wish you a wonderful
5 weekend and we see you again on Monday morning.

6 I would like to thank very much the Prosecution team, the legal representatives of
7 victims, the Defence team, Mr Jean-Pierre Bemba Gombo. I thank very much our
8 interpreters and our court reporters. I thank very much our court officer in the field,
9 Ms Toumaj.

10 THE COURT OFFICER (Redacted): (Interpretation) Thank you, Madam President.

11 PRESIDING JUDGE STEINER: And thank you very much, Mr Witness.

12 I will ask now the court officer to turn into closed session in order for the witness to
13 be taken outside the transmission room.

14 In the meantime, we will adjourn. Thanks for our interpreters, court reporters,
15 wishing you all a wonderful weekend as well, and we will resume on Monday at
16 9 o'clock.

17 The hearing is adjourned.

18 (Closed session at 1.30 p.m.) * Reclassified as Open session

19 THE COURT OFFICER: We are in closed session, Madam President.

20 THE COURT USHER: All rise.

21 (The hearing ends in closed session at 1.30 p.m.) * Reclassified as Open session

22 RECLASSIFICATION REPORT

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

24 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public