

Trial Hearing
Witness: CAR-OTP-PPPP-0047

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 2
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki
6 Trial Hearing
7 Tuesday, 1 November 2011
8 (The hearing starts in open session at 9.36 a.m.)
9 THE COURT USHER: All rise. The International Criminal Court is now in session.
10 Please be seated.
11 THE COURT OFFICER: Good morning, your Honours, Madam President. We are
12 in open session.
13 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the
14 case.
15 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
16 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
17 PRESIDING JUDGE STEINER: Thank you. Good morning and welcome
18 Prosecution team, legal representatives of victims, Defence team. New faces at the
19 Defence team?
20 MR HAYNES: Not strictly so, your Honour. I think we've just changed our
21 formation. Ms Helene Bolou has come to the forward line from the midfield.
22 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.
23 Good morning, Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters,
24 court reporters.
25 We will continue today with the questioning of Witness 47, and for that purpose I ask,

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- 1 please, court usher to bring the witness in.
- 2 (The witness enters the courtroom)
- 3 WITNESS: CAR-OTP-PPPP-0047 (On former oath)
- 4 (The witness speaks French)
- 5 PRESIDING JUDGE STEINER: Mr Witness, good morning.
- 6 THE WITNESS: (Interpretation) Good morning, your Honour. Good morning
- 7 the gentlemen of the Court.
- 8 PRESIDING JUDGE STEINER: Did you have a restful night?
- 9 THE WITNESS: (Interpretation) More or less.
- 10 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue giving
- 11 your testimony?
- 12 THE WITNESS: (Interpretation) Yes, your Honour. If I feel tired, I will of course
- 13 inform you.
- 14 PRESIDING JUDGE STEINER: That's the procedure. Thank you very much.
- 15 Before I give the floor to Mr Haynes, I need to remind you, Mr Witness, that you are
- 16 still under oath. Do you understand that?
- 17 THE WITNESS: (Interpretation) Yes, your Honour.
- 18 PRESIDING JUDGE STEINER: Mr Haynes, you have the floor.
- 19 MR HAYNES: Thank you very much, your Honour.
- 20 QUESTIONED BY MR HAYNES: (Continuing)
- 21 Q. And good morning to you, sir.
- 22 A. Good morning, sir.
- 23 Q. I don't propose to introduce myself again but, just so that we converse on an
- 24 acceptable level to you, can I just check what you would like me to call you? I can
- 25 call you "sir," if you like, or since we are in open session and your identity is known

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1 I can refer to you by your name. What would be your preference?

2 A. Just as you see fit.

3 Q. Well, thank you very much for that.

4 PRESIDING JUDGE STEINER: Mr Haynes, if I may give my opinion, I would prefer
5 that we continue calling the witness "sir."

6 MR HAYNES: Then that's what I shall do, your Honour.

7 Q. Sir, can I just check one thing with you? Do you recall a little over three years
8 ago that you attended a number of interviews with investigators from the Office of
9 the Prosecutor?

10 A. Yes, sir.

11 Q. And I just want to be clear that on each of the occasions you attended those
12 interviews you felt comfortable and well?

13 A. Not on every occasion. There were good days and bad days.

14 Q. Did you feel that you were able accurately and honestly to answer the questions
15 you were being asked during the course of those interviews?

16 A. Would you mind repeating your question so that I fully grasp the question?

17 Q. Well, perhaps I will go back to your last answer to make it easier for you.

18 What did you mean when you say "There were good days and there were bad days"?

19 A. What I mean by that is that each day differed from the next, and since I saw
20 what I saw I can tell you that physically and morally I still feel the weight of it on my
21 shoulders, and this is why I'm telling you that the days you are referring to differed
22 from one to the next.

23 Q. Okay. But did you ever have any doubt in your ability to answer the questions
24 you were being asked accurately?

25 THE INTERPRETER: The interpreter missed the beginning of the sentence.

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1 THE WITNESS: (Interpretation) It would be too much to say what you have
2 suggested.

3 THE INTERPRETER: But the interpreter missed the beginning of the sentence
4 because of the microphone.

5 MR HAYNES:

6 Q. I think if it's possible, you're going to have to try and answer that question
7 again, because some of the interpretation was missed. I'll put it slightly more
8 succinctly.

9 Did you answer all of the questions you were asked accurately?

10 A. Yes, sir. If you think that one or two points are not fully clear in your mind,
11 then ask me the question and we shall move forward.

12 Q. Thank you. How did it come about that you were interviewed by
13 investigators of the Office of the Prosecutor?

14 A. Would you mind restating your question so that I can fully understand?

15 Q. Of course, sir. Who put you in touch with the Office of the Prosecutor?

16 A. Nobody put me in touch with the Office of the Prosecutor.

17 Q. Then can you help us how it came to be that you were interviewed by them?

18 A. Yes, sir. If you want the entire history, I will provide you the necessary details.

19 I'm from the Central African Republic and all the events that took place during that

20 particularly -- particular rough ride in the history of the Central African Republic,

21 during that period I was used against my will to get involved in this very dirty

22 business. Once the hostilities ceased, I remember I was listening to the radio and

23 what I heard over the radio was that the Prosecutor, namely Mr Ocampo, had visited

24 the Central African Republic.

25 The purpose of his visit was the following: To focus upon the hostilities that the

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1 Central African Republic had experienced. This was broadcast over the radio and I
2 listened to that particular programme, and by listening to that radio programme I
3 said to myself, "If I can meet Mr Ocampo, then I will be able to at least tell him what I
4 myself experienced during that period of time."

5 That, sir, is the history that I can provide you with in response to your question.

6 Q. And did you meet Mr Ocampo?

7 A. Sir, I think I recall having told you in this courtroom that if at a given point in
8 time I could have met Mr Ocampo, I told you that he was actually visiting Bangui. I
9 didn't see him. I listened to him over the radio, and then he left. Then he came
10 back, but me, what I was seeking to do was to track the -- what was going on at the
11 ICC across the world. I knew full well that the Central African Republic had ratified
12 the Rome Statute. I can read. I know that my country has ratified the Rome Statute,
13 so I knew that at some point in time these incidents would come under the purview
14 of international justice.

15 Q. Well, we may have to come back to this, but can I ask you a rather simpler
16 question: Before you came to The Hague, had you met anybody who is currently in
17 this room?

18 A. No, sir.

19 Q. Not Mr Zarambaud or Ms Douzima-Lawson ever, who asked you questions
20 yesterday?

21 A. No, sir. Please don't try to get me to say something, or anything. If you ask
22 me a question I say "no," the "no" means no. Don't prompt me to say anything
23 different. Ask your question as you should be putting questions to me. I think that
24 you're trying to set me off tack and destabilise me.

25 Q. Now, I think you are 43 years of age and you work as a diamond miner; is that

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1 correct?

2 A. Sir, before this very courtroom, I can say that I am indeed 43. I was first a
3 technician navigating aboard the ships under the SOCATRAF, and subsequent to that
4 I was, yes --

5 PRESIDING JUDGE STEINER: Don't mention where you leave or your current
6 occupation, please. You can continue.

7 THE WITNESS: (Interpretation) Thank you, your Honour. You can see the type
8 of question he's putting to me. How can I answer his question without, you know,
9 giving him direct details?

10 PRESIDING JUDGE STEINER: Mr Witness, the question put to you is whether you
11 work as a diamond miner. You can answer yes or no. You don't need to say where
12 you live. Remember that the place you currently live is not known to the public.

13 THE WITNESS: (Interpretation) Yes. After, I did indeed acquire that knowledge,
14 and I'm indeed involved in the diamond activity that has been referred to.

15 MR HAYNES:

16 Q. And do you hold a licence to pursue that activity?

17 A. Yes, sir, I paid for a mining patent for -- as a craftsman.

18 Q. And by whom is that licence granted?

19 A. The mining ministry.

20 Q. Of the Central African government?

21 A. Of course.

22 Q. And how regularly does the licence have to be renewed?

23 PRESIDING JUDGE STEINER: Mr Iverson?

24 MR IVERSON: I'd like to object to the relevance of these questions.

25 PRESIDING JUDGE STEINER: Maybe Mr Haynes can advance to the Chamber as to

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1 the relevance of these questions?

2 MR HAYNES: Yes. It is, as will recur during this cross-examination, to indicate
3 what this man is and what he is not.

4 PRESIDING JUDGE STEINER: Mr Haynes, I will allow the question.

5 MR HAYNES: Thank you very much.

6 PRESIDING JUDGE STEINER: But I just recommend you that don't put any
7 question that forces the witness to refer to the place where he lives currently with his
8 family.

9 MR HAYNES: Of course.

10 Q. So the last question was: How regularly is your mining licence renewed?

11 A. On an annual basis.

12 Q. And does the licence cost a lot of money?

13 A. The mining patent? 35,000 francs when you start and then it goes up to 70,000
14 francs.

15 Q. Do you have any training, or education, in the trade of diamond mining?

16 A. Yes, I do.

17 Q. Could you enlighten us as to what training and education you have and when
18 you obtained it?

19 A. In the Central African capital, there is just one school. There's just one school
20 at Point Zero in the town of Bangui and I enrolled there. So I enrolled in that school,
21 I trained there, I completed my training, I received my qualification and I was
22 qualified as an expert in raw diamonds and gold.

23 Q. When was that?

24 A. I can't remember the exact date. It would be on my references and, if I could
25 see them, I could give you the date.

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1 Q. Well, we don't have to be exact. You're 43 now. How old were you when
2 you undertook this course?

3 A. Sir, I think I've already told you that I am indeed 43, but as to the exact dates
4 they are set down on the paper, on the document.

5 Q. But surely, sir, you can give us some idea of how old you were when you
6 studied to be a diamond miner?

7 A. Okay. Well, if that's what you want, I did tell you that it was after -- at the end
8 of the hostilities, and I realised that I'd been involved in a very dirty business and I
9 wanted a total change and that's why I enrolled in that school. If I'm not mistaken, it
10 was three years ago that I graduated from that school.

11 Q. So about 2008?

12 A. I said that it was about three years ago that I finished training at that
13 establishment in order to obtain my qualifications.

14 Q. We'll leave that to one side for a moment. I hope you don't mind me asking,
15 but is your father still alive?

16 A. Yes, he is.

17 Q. And what is his trade?

18 A. He is on the administrative staff for schools and universities, but he's now
19 retired.

20 Q. Thank you. And is your father's mother still alive?

21 A. Would you please repeat your question so that I am sure I've got it?

22 Q. Yes. Is your grandmother on your father's side still alive?

23 A. My paternal grandmother, no.

24 Q. When and how did she die?

25 A. Sir, I really don't understand the question you're putting to me. Your Honour,

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1 please, I really don't understand.

2 PRESIDING JUDGE STEINER: This kind of question, Mr Witness, is admissible. If
3 you know the answer, you answer. If you don't know, you just say you don't know.
4 The Chamber is paying attention and will not allow questions that should not be
5 allowed. This is a valid question. You can answer.

6 THE WITNESS: (Interpretation) My grandmother died. My paternal
7 grandmother, who gave birth to my father, she died, but I just don't know how.
8 She's dead.

9 MR HAYNES:

10 Q. Was it a long time ago that she died?

11 A. She died a long time ago.

12 Q. Thank you. And do you mind if I ask about your mother's mother, your
13 maternal grandmother?

14 A. Yes, sir.

15 Q. Is she alive?

16 A. She is dead.

17 Q. And do you know anything about how and when she died?

18 A. No, I don't.

19 Q. Other than those two women, is there anybody else in your life you call
20 "grandmother"?

21 A. Please would you repeat the question so that I'm sure I've got it?

22 Q. Yes, I'll make it simpler. Did you only have two grandmothers?

23 A. On my paternal and maternal sides, there were only those two.

24 Q. Thank you very much. Now, during your evidence yesterday you were asked
25 by Mr Iverson: "Did anybody close to you die, or suffer any wounds?" And you

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1 replied: "One of my aunts was hit by a bullet. She was hit in the neck." Do you
2 remember saying that?

3 A. Yes, I do. It was my aunt. My aunt.

4 PRESIDING JUDGE STEINER: Mr Haynes, reference please.

5 MR HAYNES: Yes, it's the transcript of 31 October 2011, in the English page 29, line
6 16 to 18, and I think that's the real-time transcript.

7 Q. Did that aunt die, or merely suffer an injury?

8 A. That aunt was hit by a bullet and she died as a result.

9 Q. And were you there when she was killed?

10 A. No, I was not there.

11 Q. And what were the circumstances of her being shot, according to your
12 understanding?

13 A. In the 4th arrondissement, which was under the control of the militiamen at that
14 time, they were the ones who were in full charge of the 4th arrondissement. My
15 aunt was at home in her house, and there was exchange of gunfire and that's when
16 she was hit by a bullet and died.

17 Q. So it was a stray bullet?

18 A. As I have said, she was hit by a bullet, so who was firing at that time in the 4th
19 arrondissement?

20 Q. Thank you. Was she the only member of your family who was killed, or
21 injured?

22 A. She was the only one.

23 Q. Okay. Well, I'd just like to look therefore at something that you said during
24 the course of your interviews with the Office of the Prosecutor.

25 And for the witness, can we please have on his screen document 10 on the

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1 Defence list; that is CAR-OTP-0028-0409, and the page that the witness needs to look
2 at is page 0431. For those of us following the English, the last four numbers of the
3 ERN are 0125.

4 THE COURT OFFICER: Document CAR-OTP-0028-0409, first redacted version, at
5 page 0431, is available on your screens. It's available to the witness. It's a
6 confidential document and it would not be broadcast outside and the blinds will stay
7 up unless otherwise instructed.

8 MR HAYNES: And I think we probably need to start back a page, on page 0430, to
9 get the whole passage for the witness. We need to go down to the last four lines on
10 that page that start off with "Thank you very much indeed."

11 Q. Can you read the four lines on that page and indicate to me when you have
12 finished reading them so that we can go over to the next page?

13 Have you read those four lines, sir, because there's some more on the next page you'll
14 need to read?

15 A. Yes, I have. You went rather fast. Start at the first page.

16 Q. Well, I'm going to read through it in the English, and when we get to the bottom
17 of that page we'll go over. You were asked: "Was anyone from your family killed?"

18 And you said: "My grandmother got shot. Her brain was left covering a wall."

19 You were asked: "Where were you when she was killed?" And you said: "I
20 wasn't there myself." Can we go over the page, please.

21 And you were asked: "Where was she?" And you said: "At home." And you
22 were asked: "Who was she killed by?" And you said: "By the militiamen, because
23 they used to break down the doors to pillage. My car was parked at the place where
24 my grandmother was living. The militiamen came to demand the key."

25 Why did you tell the investigators of the Office of the Prosecutor that your

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1 grandmother had been killed by militiamen, if both of your grandmothers died in
2 circumstances you knew nothing about?

3 A. Okay. The events that you have just shown on the screen -- well, earlier when
4 you were asking your questions, I see where you're getting at now. My
5 grandmother, who was killed in these circumstances, I told you that in my family
6 there was my grandmother who had a sister, and this sister of my grandmother, well,
7 the only way I could refer to her was as "grandmother." And she was the one who
8 was there, at the compound, when the militiamen came to bash down the doors to
9 loot and pillage, and that's when she was hit by a bullet and died.

10 Q. So your aunt and your grandmother are the same person, is that what you are
11 telling us?

12 A. My aunt was in the 4th arrondissement; my grandmother was in the 3rd
13 arrondissement.

14 Q. Was your grandmother killed in cross-fire or was she killed because somebody
15 came to demand the keys to your car?

16 A. Those militiamen, when they came to the compound, well, I wasn't there. First
17 of all they broke down the gate. When they saw the car they asked for the car keys,
18 and that's when the facts occurred and my grandmother was hit by a bullet.

19 Q. Which grandmother was it?

20 A. The paternal grandmother.

21 Q. The one who you told us this morning died a long time ago in circumstances
22 you don't know about; is that her?

23 A. No, sir. No.

24 Q. Let's move on. What does SOCATRAF stand for?

25 A. I told you that the SOCATRAF is a company which is the Central African

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1 Company for River Transport.

2 Q. And when you worked for that organisation, as you say you did, who were you
3 paid by?

4 A. By the SOCATRAF.

5 Q. Where did you go to get your wages?

6 A. If I was in Bangui, I was paid in Bangui; if I was in Brazzaville, I was paid in
7 Brazzaville.

8 Q. Who gave you your instructions?

9 A. There was a technical director and a head of service.

10 Q. What were their names?

11 A. The technical director is called Christian Martin, and the head of service
12 Emmanuel Maya, and the -- on the boiler-making side, Mr Chaudra Mala, (phon)
13 Kolusuku (phon) at the mechanical workshop.

14 Q. Did SOCATRAF operate?

15 A. The SOCATRAF doesn't have any ferries, it just has pusher boats.

16 Q. I apologise. How many of those did it have?

17 A. About 15.

18 Q. And were they all in operation at the same time?

19 A. Not necessarily. Some might have been in the garage and other ones would
20 have been operating.

21 Q. And what routes were operated?

22 A. SOCATRAF *didn't operate on the roadways, but rather on the waterways. So
23 the boats of the company would leave Bangui, at the mouth of the Nzinga, the Lobaye,
24 the Ubangi River, the Congo river, all the way to Brazzaville, that is the itinerary that
25 these pusher boats would follow.

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1 Q. What was the address of the main office of SOCATRAF in Bangui?

2 A. SOCATRAF in Bangui has its head office there, and there are various local
3 offices in Brazzaville and in Kinshasa.

4 Q. I thought my question was clear, but where in Bangui was the main office?

5 A. Just facing the central market, right beside the office of the port police.

6 Q. Do you know what the address was?

7 A. The address of SOCATRAF?

8 Q. That's the one.

9 A. The address of that company? Well, it's marked in very large characters; that
10 is to say the address of the head office.

11 Q. Well, we'll move on from that. How many people were employed specifically
12 to pilot the push boats?

13 A. Each unit in movement would have a captain on board.

14 Q. So how many captains were there employed at SOCATRAF?

15 A. Some captains were operational. Others were on standby. If someone were
16 to fall ill, for example, those captains would be able to take over those particular
17 units.

18 Q. Well, how many of them did you meet?

19 A. I was working there and each day those in Bangui would say "Hello," or if
20 I were in Brazzaville we would say "Hello" to one another. If people were present,
21 we would say "Hello" to one another.

22 Q. Can you give us the names of any of the captains?

23 A. There was (Redacted)

24 (Redacted).

25 Q. Thank you. And were there other naval mechanics?

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- 1 A. Yes, there were mechanics.
- 2 Q. People who had the same role as you?
- 3 A. Well, within the workshop there would be mechanics and then team leaders.
- 4 Q. How many people were in the workshop?
- 5 A. About 50, or so.
- 6 Q. And is that where mechanics generally worked?
- 7 A. Well, within our garage there were *land-based mechanics, who worked on
- 8 shore. Then there were sea-going mechanics who worked on the boats, on the pusher
- 9 boats.
- 10 Q. According to you, how often did you in fact take trips on pusher boats?
- 11 A. Well, while sailing we would go along the shores of the river all the way to
- 12 Brazzaville, and if the water was low we would leave Kinshasa-Brazzaville up -- well,
- 13 up to 600 kilometres. So we would go along the shores of the Congo River. Others
- 14 would leave Bangui and travel 600 kilometres to ensure the relay.
- 15 Q. Was there a regular pusher boat service between Bangui and Zongo, operated
- 16 by SOCATRAF?
- 17 A. No, sir.
- 18 Q. How did people travel between the two places then?
- 19 A. Between the towns of Zongo and Bangui there were canoes that would go back
- 20 and forth, and officially there was only one ferry-boat that would cross the river
- 21 here.
- 22 Q. Thank you. And did the canoes pass between the same parts of the banks of
- 23 the river?
- 24 A. Yes, sir.
- 25 Q. And the word has been translated as "canoes," but were the people who

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1 operated those boats known as "piroguier"?

2 A. Well, someone who uses a boat like that is indeed called a piroguier.

3 Q. And approximately how many of them, according to you, operated in Bangui at
4 that time?

5 A. At that time, to ensure that civilians could cross the river at that period of
6 time -- well, what period of time are you talking about? Are you talking about
7 during the events?

8 Q. Yes, at the start of the events.

9 A. During those events, well, if a civilian person was to cross the river, Bangui was
10 experiencing tension and really only militiamen could cross over at that time.

11 Q. Well, immediately prior to the events, were you familiar -- did you know any of
12 the piroguier who operated between Bangui and Zongo?

13 A. No, I didn't know those piroguier. No.

14 Q. Was there a large fish merchant on the bank of the river in Bangui?

15 A. Could you repeat your question and be more specific so I can understand your
16 question? Which shore are you speaking of? Which bank are you speaking of?

17 Q. The bank in the Central African Republic in Bangui, was there a large fish
18 merchant there?

19 A. During the time of the events?

20 Q. At any time when you claim to have been working for SOCATRAF?

21 A. Sir, you said the time during which you claim you worked. The way you're
22 speaking, it's as if you're saying I didn't work for SOCATRAF.

23 Q. Can you tell us the name of the fish merchant in Bangui or Zongo?

24 A. Well, I'm not a trader, or I don't sell fish. How am I -- how should I know?

25 Q. Shall I take that as a "no"?

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1 A. Be specific, sir. Ask me the question. A few moments ago you asked me
2 which bank. You weren't specific and now you're asking me the name of someone
3 selling fish? I don't know. You'll have to rephrase your question.

4 Q. I think you've answered it. I want to move on now, please, and I want you to
5 look at a document with us, which you handed over to the investigators, and it's
6 CAR-OTP-0028-0437.

7 PRESIDING JUDGE STEINER: That document is not to be displayed outside the
8 courtroom.

9 MR HAYNES: Then we might need to drop the blind down behind the witness.

10 THE COURT OFFICER: Document CAR-OTP-0028-0437 is available on your screens.
11 It's a confidential document and would not be broadcast outside this courtroom.

12 MR HAYNES:

13 Q. So can you take your time to read that document as best you're able, please.
14 It's not very well reproduced on the screen, but read through it and can you let me
15 know when you've finished?

16 (Pause in proceedings)

17 A. I have looked at the content of this document.

18 Q. Thank you very much. Do you recognise the document?

19 A. Recognise this document? This is controversial, a controversial document.

20 Q. Well, I might agree with you on that point but have you seen it before?

21 A. Yes, sir.

22 Q. Can you help us as to why this document was produced?

23 A. All right. Sir, since I told you that this is a controversial document, when I
24 finished all that dirty work during the events, well, I've told you that the ferry-boat
25 that was used for those purposes didn't belong to SOCATRAF, it belonged to the

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1 Ministry of Transport. My technical director, namely Christian Martin, the one who
2 (Redacted) on that ferry-boat which was not the property of
3 SOCATRAF, after all that dirty work was done (Redacted) see him and (Redacted)
4 (Redacted)
5 (Redacted), and when I was working within SOCATRAF, (Redacted)
6 (Redacted)
7 (Redacted) So where are we?
8 What advantage am I to draw for this? What can I draw from this?" And he said to
9 me: "Now, the assistant technical director, did he not receive an envelope? And if
10 one receives an envelope, does one have the right to ask some questions?" And he
11 said, well, he would go into town and he would speak to that particular person and
12 report back to me. And when he went to town -- now, I don't know what was said
13 there. At 1 in the afternoon I received this document saying that I needed to leave
14 SOCATRAF, and this is a document that was backdated merely because -- well, it was
15 to, so to speak, cover up these events.

16 Q. Well, you've led me into my next question: In what way was this document
17 intended to cover up events?

18 A. Could you repeat your question so I can understand?

19 Q. Well, I'm merely asking you to give us some further explanation of your last
20 answer, which was that "... this document is intended to cover up events," and I want
21 to know what you mean by that? How would this document cover up events?

22 PRESIDING JUDGE STEINER: Court officer, could we please turn into private
23 session.

24 *(Private session at 10.56 a.m.) Reclassified as Open session

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

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(Private Session)

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1 PRESIDING JUDGE STEINER: Mr Witness, this information related to (Redacted)
2 (Redacted) will be dealt with in private session. You can continue,
3 please. Sorry, please, Mr Haynes, you can please repeat the question for the witness.

4 MR HAYNES: I think that will be necessary, yes.

5 Q. So we're now in private session, sir. The question I asked you was how the
6 production of this certificat de travail would cover up events?

7 A. Sir, you see the person who placed his seal on the document was the assistant or
8 deputy general of SOCATRAF, the assistant general director. This gentleman is
9 related to Mr Patassé, the previous Head of State.

10 Q. Is that the end of your answer to the question?

11 A. Could you please repeat your question so that I can go into the details?

12 Q. I will, but I think after we've had a break.

13 PRESIDING JUDGE STEINER: Thank you, Mr Haynes. Let's turn into open
14 session, please.

15 (Open session at 11.00 a.m.)

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

17 PRESIDING JUDGE STEINER: Thank you. We'll have our half-an-hour break,
18 Mr Witness, in order for you to take some rest, and our interpreters and court
19 reporters. It's 11 o'clock, we will resume at 11.30. Please, court usher, take the
20 witness outside the courtroom.

21 (The witness stands down)

22 THE COURT OFFICER: All rise.

23 (Recess taken at 11.01 a.m.)

24 (Upon resuming in open session at 11.34 a.m.)

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

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(Open Session)

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1 PRESIDING JUDGE STEINER: Welcome back. Could, please, court usher bring
2 the witness in.

3 (The witness enters the courtroom)

4 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

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

6 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?

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

8 PRESIDING JUDGE STEINER: Mr Haynes, are you continuing with this set of
9 questions that we had before the break?

10 MR HAYNES: I am, but I'm going to ask two questions that don't require the
11 document to be on the screen to start off with, if that is the inquiry you were making
12 of me?

13 PRESIDING JUDGE STEINER: Yes, the first inquiry is about the document and the
14 second it's about having these questions in private session as we were before the
15 break.

16 MR HAYNES: Well, I don't think the first two questions need to be in private
17 session and we can play it by ear after that.

18 PRESIDING JUDGE STEINER: So you have the floor.

19 MR HAYNES: Thank you.

20 Q. And welcome back, sir.

21 A. Hello, sir.

22 Q. When you began giving your evidence last Thursday - and for those who want
23 to follow these things the English edited transcript reference is 27 October, page 15,
24 lines 24 to 25 - Mr Iverson asked you: "How many years did you work for
25 SOCATRAF?" And you said you spent 12 years working for SOCATRAF. Do you

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1 remember saying that?

2 A. Yes, sir. Now, you showed us a certificate on the screen and I said that it was a
3 subject of controversy.

4 Q. There's nothing you want to change about the answer you gave to Mr Iverson
5 last Thursday?

6 A. Why did I say what I said? And let me just tell you what I mean. Now, in the
7 first year and the second year I was involved in my apprenticeship. Then when I
8 worked in the said company, right the way through to the time when our -- when
9 there was a parting of the ways, this is because of what features on the document that
10 was on the screens and this is why I told you that this was a controversial subject. I
11 even tendered a complaint before the labour ministry at Bangui.

12 I won in the first trial proceedings. (Redacted)

13 (Redacted)

14 (Redacted) There was a loss in appeal proceedings and I said to

15 myself "Well, it's not the end of the world. I can go and try and trigger trial

16 proceedings in other realms, or I can go off on fresh horizons and turn my back on all
17 that." That's what I said in substance.

18 Q. Very well. You were answering questions from Ms Douzima-Lawson about
19 this yesterday, but approximately when in relation to the arrival of General Bozizé on
20 15 March 2003 did you stop working for SOCATRAF?

21 A. Your Honour, ladies and gentlemen of the Court, let me tell you this:

22 Mr Christian Martin, who was my technical director, and there was also -- it was the

23 (Redacted)

24 (Redacted)

25 (Redacted) so I told you

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1 that right up until the point when the general entered into that area on 15 March I
2 was still working at that point for SOCATRAF.

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

4 *(Private session at 11.42 a.m.) Reclassified as Open session

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

6 PRESIDING JUDGE STEINER: You can continue, Mr Haynes.

7 MR HAYNES: Thank you.

8 Q. We may come back to this later in a little more detail, but just for present
9 purposes when in relation to the arrival of General Bozizé were you given the
10 document that we've been looking at this morning?

11 A. After his arrival. After his coming to power.

12 Q. And when in relation to your ceasing working for SOCATRAF were you given
13 that document?

14 A. Well, this is the document. Well, I didn't receive this document first. First off
15 I received a letter of -- that was firing me, but then I received this document when I'd
16 left. Well, the general who had already entered into power and it was after that that
17 I left and then I was given my last payment and this is when they handed to me the
18 document that we saw.

19 Q. As I say, we may come back to this in more detail, but to take a shortcut, you
20 were not working for SOCATRAF until October 20, 2003, were you?

21 A. I've told you already that this is a document that was backdated by this
22 (Redacted) was responsible for all that. He knows this, because even (Redacted)
23 departure wasn't something that my technical director agreed with, so he knew full
24 well what he was doing.

25 Q. Do you agree that this document creates a false record of your employment by

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1 SOCATRAF?

2 A. In this document, now with regard to this document, what I have always
3 denied is the date at which I was recruited by SOCATRAF and the date at which
4 there was a parting of ways, and when I left SOCATRAF. Consequently, it's not that
5 that's right, because since the beginning I have said this at the trial proceedings that I
6 embarked upon in -- under the auspices of the labour ministry. I won the first trial
7 proceedings and the second trial proceedings. (Redacted) wanted to break the trial
8 proceedings and I said to myself, "Okay, I am wasting my time. It is not the end of
9 the world. I might as well just go off and do something else," and so that's why I got
10 into what I am doing now, which is being involved in the mining industry.

11 Q. I want to go back to the question of the cover-up. What was the advantage to
12 Mr Martin in the production of this document?

13 A. I told you that my technical director didn't agree with this. It is Christian
14 Martin who is my technical director, (Redacted) signed this document and I
15 clarified this, that (Redacted)
16 (Redacted), so he orchestrated all this business, if you like.

17 Q. Do you know why?

18 A. All right. Sir, the question you're putting to me, look, I told you that (Redacted)
19 (Redacted). When he used me, you can see,
20 look, SOCATRAF. When he used me to go on that particular ferry-boat and work
21 on that ferry boat, they knew full well that this wasn't standard practice. The fact
22 that I was taken from the SOCATRAF to put -- -- to work on that ferry-boat, this
23 wasn't something that was standard. And when I finished with that, I told you that
24 three times people, Lieutenant Colonel Ouadane, came late at night to take me, and
25 what was it for? Well, just to kill me, so that today I couldn't talk about what

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1 happened. And it's for that very reason that that man, (Redacted)
2 (Redacted), well, they tried by all
3 means possible to get things working for them, but it didn't work. And when I hid,
4 and when peace returned, I went back to the SOCATRAF to see my technical director,
5 who is Christian Martin, and I spoke to him of what had happened and he told me
6 and he confirmed the fact that the task that had been entrusted to me besmirched the
7 honour of SOCATRAF and it was a very, very, very delicate task and he
8 acknowledged what had happened, but with regard to an envelope, an envelope was
9 within the hands of (Redacted) to indemnify me for the work conducted and I said,
10 "Well, I didn't actually receive any indemnity" and he went straight into his car to go
11 off and see the deputy director-general in question and when he arrived, I don't know
12 what they said between themselves, but the letter of dismissal, the letter of dismissal,
13 was something that came to me. Me, I was staff representative, and I gathered the
14 staff together and I said, "Look, I've just found my letter of dismissal. I'm leaving
15 SOCATRAF. You know, chin up. It's not the end of the world. I'm going off to
16 different horizons" and that is how things happened. So you can see the
17 manipulation, if you like, that was used by the stratagems that was used by this
18 particular individual.

19 Q. Well, I'll leave that for the moment, but what was the advantage to you in
20 having a document which created a false record of your employment with
21 SOCATRAF?

22 A. I told you and you even put the question to me, you know, what do I get out of
23 it? Bearing in mind everything that had happened, now that man, that man knew
24 full well that -- and it was only him or my colleagues that fled during the events in
25 question. They all knew that I was the person that was used to convey those

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1 militiamen. To cover up the facts that person thought, well, by dismissing me from
2 the SOCATRAF it was a way of killing me, if you like, but I didn't die as he had
3 hoped. I went off to work in other areas.

4 Q. Why did you keep this document?

5 A. I told you -- I told you that this document -- well, I wasn't given it the same day.
6 When I left SOCATRAF, it wasn't on the very same day that I was handed this
7 document. I was handed this document after the fact. When I went off to the
8 accounting department at head office to see -- to see that my legal entitlements, well,
9 it was at that particular point that they slipped it into an envelope, that document,
10 and when I understood the content, or learned the content, of this document, I didn't
11 want to -- well, the HR manager wasn't -- wasn't ready. I mean, they readied
12 something and then they sent it out, but for me what was important was to go to -- go
13 down the legal avenue and I told you that I had this document, I took this document
14 with me when I went to the labour tribunal in Central African Republic. In the first
15 trial proceedings, the decision handed down was that it was an abusive dismissal.
16 That was the first trial proceedings. (Redacted)
17 (Redacted) left, but then he broke the
18 decision and (Redacted) and then I set indemnity figure that
19 should be disbursed to me, but I still haven't received those payments and I say that
20 there's no point in wasting my time because I'm just wasting my time. I said to
21 myself "Well, I have to cast my mind on something else to feed my family," and that's
22 why I changed tack and I changed strategy, if you like, and I embarked upon my
23 career in the mining industry.

24 Q. Where is the notice of your termination of employment with SOCATRAF?

25 A. I have it. I don't know whether I've got it among the documents I have with

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1 me. I don't know. I'd have to look. I'd have to check through those documents.

2 Q. The document we were looking at, the certificate of work, why did you take
3 that along to your first interview with the Office of the Prosecutor?

4 A. Well, even earlier on in what you said, you yourself said that you supposed that
5 I worked in that capacity, isn't that true? But to prove that I was a mechanic in that
6 company, employed by the company, there had to be a paper attesting to that fact
7 and that's why I brought it.

8 MR HAYNES: Thank you.

9 I think, Madam President, we can now go back into open session.

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

11 (Open session at 11.58 a.m.)

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

13 MR HAYNES:

14 Q. In October of 2002 your home was in PK5, wasn't it?

15 A. Yes, sir.

16 Q. Was the area in which you lived known by any other name?

17 A. The PK5 there's a district called Mbaiki-Biareksa (phon) so it was that particular
18 district or quartier.

19 Q. And how far, or -- how far is that place from Boy-Rabé or Fouh?

20 A. From PK5, well, there are seven kilometres between Fouh and PK5. About
21 seven.

22 Q. Okay, that's obviously my misunderstanding. And how far was where you
23 lived from the river where the ferry was operated?

24 A. To go from my home to Point Zero in the centre of the town, well, it's five
25 kilometres. From PK0 in the town to the ferry, on average it's two-and-a-half to

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1 three kilometres.

2 Q. So in total seven-and-a-half to eight kilometres; is that right?

3 A. Yes.

4 Q. Now, if we take the night when men came to your house as our focus -- focal
5 point, how long before then had there been disorder in the area in which you lived?

6 A. I told you that at that particular time, when they came, the capital was already
7 panic stricken.

8 Q. Other than panic, what else was going on?

9 A. There was the movement of the military and everybody was just trying to save
10 their skin.

11 Q. Were any crimes or abuses being committed against the civilian population in
12 your area?

13 A. They took me at night. I don't know what sort of movements were occurring
14 in different sectors.

15 Q. Very well. How long had you been at home before these men arrived?

16 A. A few hours, because when I arrived from Brazzaville I rested for a bit and then
17 some hours after that they arrived. I was still feeling tired.

18 Q. Thank you. And amongst the men who came to the house, was there anybody
19 who would have known where you lived?

20 A. The person who knows my house is my technical director, Christian Martin.

21 Q. And was he armed when he came to your house?

22 A. I told you that that gentleman, Christian Martin, had a Kalashnikov.

23 Q. I apologise if I'd forgotten that, but the men with him, were they also armed and
24 in what language were they speaking?

25 A. They were military soldiers. They were wearing military clothing. When

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1 they knocked on the door, they knocked very brutally to break the door and the
2 person who spoke spoke in Sango.

3 Q. Thank you. Were their uniforms marked in any way which indicated any
4 particular army unit they were part of?

5 A. At night, when I came out, I saw men wearing military clothing, but to see
6 whether they belonged to a particular unit I couldn't see. When we arrived at the
7 place where they had parked their vehicle, I saw that they were from the Presidential
8 Guard.

9 Q. Thank you. And did you see or come to know how they were behaving in the
10 general area at that time?

11 A. To make sure that I got that, would you please repeat the question?

12 Q. Yes. You've told us that they banged on your door very hard. What else
13 were they doing in the area at that time?

14 A. I was inside my house. I didn't know what was happening on the other side,
15 or elsewhere.

16 Q. Well, I don't unnecessarily want to put a document on the screen, so see if I can
17 refresh your memory. Did you come to know that they were stealing or breaking
18 into cars in the area?

19 A. That night, when they came to get me, how shall I put this? Too much time
20 has gone by, really. It's difficult for me to remember.

21 PRESIDING JUDGE STEINER: Mr Haynes, can you please repeat the question to
22 the witness.

23 MR HAYNES: Yes.

24 Q. Did you come to know that the soldiers who came to your door were stealing
25 from or stealing cars?

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1 A. No, no.

2 Q. Well, I will therefore have to ask you to just to remind yourself of what you said
3 in the course of your interviews with the Office of the Prosecutor, and for your benefit
4 we will need to look at Defence document number 7, at page 322, and for those
5 reading the English the last four numbers of the ERN is 0026 to 27.

6 THE COURT OFFICER: Document CAR-OTP-0028-0306, first redacted version, at
7 page 0322 is available on the screens. It's a confidential document and would not be
8 broadcasted.

9 PRESIDING JUDGE STEINER: So please lower the blinds.

10 MR HAYNES:

11 Q. Sir, I don't want to read this out aloud to you, but can you just read the first
12 eight or nine lines of that interview. Your responses are "TEM" and the questions
13 you were being asked are "ENQ." Tell me when we've got down to, for example,
14 "Continuez je vous prie."

15 A. Okay. Your Honour, ladies and gentlemen of the Court, I want for us to be
16 clear on a number of things. This version here is when we came to the banks of the
17 river, you see? He's taking the events from there and mixing them up, so we've got
18 a mix-up of different versions and I am really quite disturbed by this and that's why
19 I'm somewhat at a loss.

20 These are events which took place opposite the ferry, opposite the French Embassy.
21 Just before we were at PK5, and then here we are somewhere else and I think that
22 these questions are to trap me and I don't think that is standard practice. This is
23 something that happened opposite the place where the ferry-boat was, you see?
24 When the soldiers turned up opposite the French Embassy, can you imagine what
25 was happening? I don't know. I think we have to clarify things so as to make it

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1 easier for me to give you the answers.

2 Q. Sir, that's absolutely correct and that's all I want you to do. Who were the
3 soldiers who brought you the batteries?

4 A. Well, you see, bearing in mind the geographical situation of the capital, Bangui,
5 just before we were leaving from the 3rd arrondissement going down to the banks of
6 the river, and that wasn't the question you were asking me just before. I said that
7 the military - the soldiers - when we arrived, well, this was the diagnosis that I made
8 when the technical director came to get me. That's part of my diagnosis, and when I
9 came back from work that's where the soldiers were breaking down the doors. That
10 concerned all of the French coopérants working in Bangui. All of the French
11 nationals took refuge in the French Embassy. The compound of the French Embassy
12 was saturated. It was impossible even to park a vehicle at the embassy, so all of the
13 cars, all of the vehicles, were parked by the side of the road and that's when the
14 soldiers went to look for batteries, went to get batteries from the cars so that I could
15 then work on them in parallel.

16 Q. Thank you. So, so that we're clear, who were the soldiers who were breaking
17 into cars?

18 A. They were soldiers from the Presidential Guard who brought me there.

19 Q. Thank you very much. And when was that taking place?

20 A. Well, I'm sure you'd agree with me when I say that they brought me there,
21 down to the ferry, and I made my diagnosis. Now, the technical director,
22 Mr Christian Martin, gave me the keys to the garage that was in Kolongo and in that
23 way they accompanied me to the base to get the parts that I could use following the
24 diagnosis that I had made.

25 Q. And what was the diagnosis that you made?

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1 A. The upshot of my diagnosis was that there was no starter on the electrovalves,
2 certain parts of the batteries and certain belts, they were missing.

3 Q. And did that appear to you to have been, as it were, because of the age of the
4 boat or because of some act of sabotage?

5 A. It was the result of sabotage.

6 Q. Thank you. Now, we're moving now into the period of 19 days that you have
7 told us about, and I want to ask you during that period of 19 days did you go home
8 again?

9 A. No.

10 Q. And where did you sleep?

11 A. Lately, at the naval base.

12 Q. Did you have the opportunity to take anything with you when you were taken
13 from your home?

14 A. A few keys, some clothing that I had.

15 Q. Nothing else?

16 A. Perhaps there was something else, but I don't recall. I know that I quickly
17 picked up some keys, some clothes. These were soldiers. It wasn't times of peace
18 like now when you are asking this sort of question. I can tell you when there are
19 soldiers, even something like that I don't honestly think that the soldiers even respect
20 the five-minute rule.

21 MR HAYNES: We can take this document off the screen now, which will enable us
22 to raise the blind again, your Honour.

23 PRESIDING JUDGE STEINER: Court officer, please.

24 MR HAYNES:

25 Q. When you spent the night at or the nights at the naval base, was there anybody

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1 with you?

2 A. For the whole time that I was at the naval base, the person in charge of the base,
3 the colonel --

4 THE INTERPRETER: Whose name the interpreter didn't catch, unfortunately.

5 THE WITNESS: (Interpretation) -- was always present.

6 MR HAYNES:

7 Q. Is that Colonel Danjito?

8 A. Yes.

9 Q. And did you and he do anything at night, or did you just go to sleep in the
10 naval base?

11 A. It was very late at night. If there's no longer any means of communication, I
12 just slept on the ground, on the cement. I didn't even have a mattress and he gave
13 me a raincoat that I could lie down on and spend the night.

14 Q. Thanks very much. Can we come on to what you have to say about the
15 crossings you conducted. Each crossing of the river took about 20 minutes; is that
16 right?

17 A. Yes, sir.

18 Q. And how long did boarding of the boat take?

19 A. Sir, let me say that we're now in times of peace and when people -- well, when
20 the soldiers come from a lorry to cross to the other side of the river, in Bangui, when
21 it happened like that it was a great hurry. Everything was rushed. As civilians we
22 speak our own specific language, but soldiers - the militia - they have their own
23 language as well that civilians can't always follow. Everything was really fast.

24 Q. Thank you. And what about disembarkations? How long did they take.?

25 A. Disembarkation is always the opposite of the boarding.

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1 Q. I think we all understand that and it may be a translation problem. How long
2 did it take for the push boat to be emptied of passengers, to use a neutral word?

3 A. Sir, let me say that here you see me drinking from a glass of water. I'm
4 drinking because we're at peace, but in times of tension, to pick up the glass to take it
5 to my mouth you need a certain amount of time. Everything was hurried, rushed.
6 If you'd been in my shoes, I don't think you could have stood it. It was very, very
7 difficult at that time.

8 Q. Well, perhaps we'll approach it a different way. What process took place
9 when the push boat arrived in Bangui?

10 A. Could you please repeat your question so I can understand?

11 Q. Yes, I'll try and simplify it. Where did the men go from the boat?

12 A. Once we had reached the dock, they would quickly get off the boat and they
13 would unload the crates of ammunition. Everything that they had brought from their
14 country, they would unload and they would take it to the naval base, which was not
15 far away. So they would go there on foot and there at the naval base that's when
16 they would get into lorries and head off to the battle-field.

17 Q. What about the provision of uniforms? Did that take place and in which case
18 where?

19 A. At the naval base.

20 Q. Thank you. And did you see that process, or had you turned round and gone
21 back to Zongo by the time that was going on?

22 A. Well, you see, sir, this process that you're asking me about, even being offshore
23 because of the position where I was I was able to see. I was taking people, these
24 militiamen, and later when I moved the boat this way, even if I put the machinery in
25 that direction I would turn behind and others already were starting to put on

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1 uniforms.

2 Q. And who was present at the naval base to hand out these uniforms and direct
3 the troops to the lorries?

4 A. I can tell you that the boss of the naval base during those entire 19 days, who
5 was Colonel Danjito, never left the base. Everything occurred under his control, and
6 the people who came they were all under his control.

7 Q. Thank you very much. And just to clear things up, Colonel Danjito is a colonel
8 in the Central African Army; is that right?

9 A. He was a colonel and he belonged to the navy, and during that time he was the
10 one who was in charge of the naval base of the Central African Republic.

11 THE INTERPRETER: Interpreter's correction: In an earlier reply the witness did
12 mention that the men coming off the boat were wearing tattered clothing.

13 MR HAYNES:

14 Q. Could you actually see the naval base from the point where the boat docked?

15 A. Yes, sir.

16 Q. And can you help us as to whether Colonel Danjito was alone, or he had other
17 men under his command from the Central African marine unit?

18 A. During those events the colonel, the one who was in charge of the naval base, he
19 was always there. On the ferry-boat, three other men were there: Odon, Ilemala
20 and a corporal.

21 Q. Okay. How many trips across the river to transport men did you make each
22 day?

23 A. Could you repeat that question so I can understand properly?

24 Q. Yes. How many trips across the river did you make each day during the 19
25 days?

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1 A. Well, in shipping terms we talk about rotations. I have told you -- I'm telling
2 you that there was not a moment when we could stay still. As soon as they arrived
3 from the other side, automatically I would cross the river. I would have them board,
4 cross, have them get off and then go back again right away, so in other words I was
5 constantly going back and forth.

6 Q. Okay. Well, without losing the time to put a document on the screen, do you
7 agree you went back and across the river four to five times a day during the 19 days?

8 A. You were saying something about a document on the screen? I'm not quite
9 following you.

10 Q. Well, I was going to show you your interview. I can, if you want, but see if
11 you can do it from memory. Do you say that you made four to five rotations a day
12 to transport men?

13 A. I told you a few moments ago that it was rotations, or round-trips. In the
14 world of shipping, that's what we say. One went over and then back. That's what I
15 was doing, round-trips. The number five? So the number -- well, I'm talking about
16 round-trips.

17 Q. Do you agree it was about five a day?

18 A. That would be the average.

19 Q. And do you agree that you transported on each of those occasions 150 to 200
20 men?

21 A. Sir, that's an average.

22 Q. But do you agree it's an accurate average?

23 A. I think you'll agree with me, sir, that -- well, I'm telling you that right now we're
24 in peacetime. Even you, during those times of difficulty, imagine these soldiers and
25 would you count them? I have a way of quickly counting and when they came in

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1 like that, well, I'm telling you that -- I'll telling you this is an average. It might have
2 been more, so I'm talking about an average number.

3 Q. Thank you. But so that we're clear, is it your evidence that you transported
4 somewhere between 750 and 1,000 men a day for 19 days?

5 A. Sir, I think your math is correct and the number of these militiamen was -- well,
6 it wasn't just one person or ten people coming.

7 Q. Was there a liaison officer who travelled with the troops who came across from
8 Zongo on each trip?

9 A. Yes, the ones that -- the one that they listened to the most was there.

10 Q. And did he come across with the troops and then go back on the empty boat
11 with you?

12 A. No, he would get off the boat with his militiamen.

13 Q. But didn't he escort every boat-load from Zongo to Bangui?

14 A. Could you repeat your question so I can understand properly?

15 Q. Yes. I thought we agreed that there was a liaison officer that accompanied
16 every boat-load of militiamen from Zongo to Bangui. Do you agree with that?

17 A. Well, when you say "an officer," that implies that it's a soldier with a rank,
18 someone with his, you know, stripes on his shoulder, but I told you at the head of
19 these men we had this person who was listened to the most.

20 Q. And did he accompany the men across on the push boat?

21 A. A few moments ago I told you that, when he would go with them, he would get
22 off the boat with them in Bangui.

23 Q. And how did he get back to Zongo?

24 A. Sir, I'm telling you that the one who they listened to the most, he would get off
25 with his soldiers and he would go to the naval base and would go immediately to the

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1 battlefield. Each -- each load of people had someone in charge, someone that was
2 listened to the most. I think I've answered your question.

3 Q. Well, a couple of questions about that. What was his name?

4 A. That's a very good question. I can tell you that I don't know that gentleman's
5 name.

6 Q. I just want to ask you about somebody else you referred to, an American. Do
7 you remember an American on the boat?

8 A. Not an American. Not an American. I said that during those difficult days
9 the Central African Republic was divided and the Bangui M'Poko Airport was
10 already -- you see, the Americans came to protect their embassy and since they
11 couldn't land at the Bangui M'Poko Airport they landed on the other side of the river
12 in Zongo and they used the ferry-boat so that I could take them to the dock in Bangui.

13 Q. I'm sorry, that might be my fault. Perhaps not an American, but somebody
14 who was trained by the Americans who accompanied every boatload of men?

15 THE INTERPRETER: Interpreters correction: In the previous reply the witness
16 mentioned that the airport had been seized.

17 THE WITNESS: (Interpretation) Sir, please, please, don't upset me like this. I
18 believe that we have to proceed properly. You are getting things all mixed up. I
19 really don't know.

20 MR HAYNES:

21 Q. Let me see if I can just refresh your memory by showing you your interview
22 with the OTP, and the document that will need to be on screen for the witness --

23 A. Please, please, please, before you show that document on the screen, I do
24 remember quite well that I said that amongst those militiamen there was a Congolese
25 person who was different from all those militiamen. He was a gentleman

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1 with -- well, he was a career soldier. He was a squarely-built fellow and -- well,
2 none of those militiamen wore the same kind of uniform as the one he was wearing,
3 so judging by his Ranger boots and by his clothing you could see that he had a sort of
4 an American style of dressing and he spoke English and the kind of English he spoke
5 was American English. So that's what I'm telling you. I think I have given you the
6 details -- the details about that gentleman.

7 Q. Thank you. And how many times did he cross the river with you, according to
8 you?

9 A. When that gentleman left Zongo, he crossed by way of the ferry-boat. He left
10 for the battlefield.

11 Q. Very well. I want to just briefly, before we break for lunch, deal with the
12 geography of the port in Bangui. Where in relation to where the boat docked was
13 the naval base?

14 A. The place where the ferry-boat was moored, well, the naval base is not far from
15 that place, the spot where the ferry-boat was moored.

16 Q. Thank you. And who generally was to be found at the naval base?

17 A. Sir, I believe that I have said here several times that the person in charge of the
18 naval base, the colonel, was always there. He was always to be found at that base.

19 Q. Who else was always to be found there?

20 A. Well, there was the boss, there was one gentleman who was in charge of their
21 garage, Warrant Officer Odon, Staff Sergeant Ilemala and the corporal. Those were
22 the soldiers who were there at the naval base during that period of time.

23 Q. And how far from that point was the French Embassy?

24 A. Well, from the place where the ferry-boat was moored, the French Embassy was
25 only 20 metres from there; 20 or 25 metres from that point.

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1 Q. And what sort of security was there at the French Embassy?

2 A. Well, you could see the French soldiers who were within or who were on the
3 grounds of the embassy and they had a kind of camera. I don't know if it's the same
4 sort of thing. A kind of camera that was trained upon various spots to film the
5 various events that were going on.

6 Q. The Chadian Embassy?

7 A. The Chadian Embassy was not far from where the ferry-boat was moored.
8 From inside their compound, they could see the shore, the bank, so they were able to
9 see all the various movements on the shore, along the banks of the river.

10 Q. The gendarmerie?

11 A. The gendarmerie that you've mentioned just now, I'm telling you that the
12 gendarmerie was within the naval base, on the grounds of the naval base, and during
13 those events I did not see any gendarmes standing, but the gendarmerie was indeed
14 inside the naval base.

15 Q. The anti-banditry unit?

16 A. The national office for putting an end to banditry, that is to say a crime unit, is
17 upstream on the banks of the river, and they can -- to look at the river, 500/600 metres.

18 Q. And the customs post?

19 A. The customs post was at the beach.

20 MR HAYNES: Thank you. I think we'll probably have to break for lunch there.

21 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

22 Mr Witness, it's 1 o'clock. We'll have our lunch break. You can not only have lunch,
23 but take some rest. We will resume at 2.30.

24 I ask, please, court usher to take the witness outside the courtroom. In the meantime,
25 we will suspend to resume at 2.30.

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- 1 (The witness stands down)
- 2 THE COURT OFFICER: All rise.
- 3 (Recess taken at 1.00 p.m.)
- 4 (Upon resuming in open session at 2.34 p.m.)
- 5 THE COURT USHER: All rise. Please be seated.
- 6 PRESIDING JUDGE STEINER: Good afternoon, and welcome back. Could, please,
- 7 court usher bring the witness in.
- 8 (The witness enters the courtroom)
- 9 PRESIDING JUDGE STEINER: Good afternoon, Mr Witness, and welcome back.
- 10 THE WITNESS: (Interpretation) Good afternoon, your Honour.
- 11 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?
- 12 THE WITNESS: (Interpretation) Yes, your Honour, except that I would like to inform
- 13 you of the following: During the lunch-break I made a telephone call. I was provided
- 14 with the information, the source of information --
- 15 PRESIDING JUDGE STEINER: Mr Witness, one second. Court officer, please turn into
- 16 private session.
- 17 *(Private session at 2.36 p.m.) Reclassified as Open session
- 18 THE COURT OFFICER: We are in private session, Madam President.
- 19 PRESIDING JUDGE STEINER: I'm sorry to interrupt you. You can continue,
- 20 Mr Witness. We are in private session.
- 21 THE WITNESS: (Interpretation) The source of the information was over the internet.
- 22 I received this information on Saturday. This was over the internet. (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted) That is the latest

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1 information that I was able to receive and I was -- wanted to make a point of informing
2 you of that.

3 PRESIDING JUDGE STEINER: Mr Witness, since the first day you've been testifying in
4 public session because this is what you wanted. If you testify in public session, the
5 public can follow your testimony here and in Central African Republic, in any place. Do
6 you have any concern, now that you know that even in the internet your name is there as
7 being testifying for the Prosecution?

8 THE WITNESS: (Interpretation) It was just a point of information that I wanted to
9 provide you with. Thank you.

10 PRESIDING JUDGE STEINER: This information brought any kind of concern to
11 yourself?

12 THE WITNESS: (Interpretation) Not at all.

13 PRESIDING JUDGE STEINER: So are you willing to continue giving your testimony in
14 open session, as you chose in the beginning?

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

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

17 (Open session at 2.40 p.m.)

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

19 PRESIDING JUDGE STEINER: Mr Haynes, you have the floor.

20 MR HAYNES: Thank you, your Honour, and good afternoon.

21 Q. And good afternoon to you, sir.

22 A. Good afternoon, sir.

23 Q. We've got a little over one-and-a-quarter hours before we finish for the day, so let's
24 see if we can make some progress, subject of course to your comfort. You do understand
25 if you do feel tired at any stage you can say so, don't you?

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1 PRESIDING JUDGE STEINER: Mr Haynes, I think you could maybe repeat what you
2 just said. Apparently --

3 MR HAYNES: Yes, okay. Thank you, your Honour. Sorry, that was a bit abrupt.

4 Q. Do tell us if you feel tired or uncomfortable in any way, won't you, sir? Okay.

5 Well, before we --

6 PRESIDING JUDGE STEINER: Mr Haynes, give me a moment, please. Mr Witness, are
7 you receiving interpretation?

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

9 PRESIDING JUDGE STEINER: Did you understand that counsel told you that if you feel
10 tired, if you feel tired, you can just let us know; is that fine with you?

11 THE WITNESS: (Interpretation) Yes, this is what's established by the rules.

12 PRESIDING JUDGE STEINER: Thank you. Mr Haynes, you can proceed.

13 MR HAYNES: Thank you for your help, your Honour.

14 Q. Sir, I just want to go back to a few things we were talking about this morning before
15 we move on, and firstly I want to ask you just a couple of questions about the night that
16 you were taken from your home. Do you know what I'm talking about?

17 A. Yes, sir.

18 Q. And I want to see if you can help us as to precisely where you were taken that night.
19 Can you tell us that, please?

20 A. Sir, it wasn't in the evening but at night. I was driven to the naval base, and from
21 the naval base we went down on to the ferry.

22 Q. Okay. And this might sound like a stupid question, but the naval base wasn't a
23 place where you normally worked, was it?

24 A. That is correct, sir.

25 Q. And, accordingly, it wasn't a place where you had any personal possessions?

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1 A. No.

2 Q. Now, I think you've told us that the boat you went to look at did not belong to

3 SOCATRAF. Was it therefore not a boat you had been on to, or inside, before?

4 A. That is correct.

5 Q. And, accordingly, none of your personal possessions were to be found there either?

6 A. That is correct.

7 Q. Thanks very much. Now, just before we broke we were talking about the various

8 establishments that were situated at the beach, close to the point where the boat docked,

9 and I just want to complete the picture. There was also, wasn't there, a police beach

10 post?

11 A. Would you mind repeating your question so I can fully understand it, because it

12 was too long-winded and there were some interruptions and then you started up again to

13 ask your question?

14 Q. Absolutely. Did the police have a post at the beach?

15 A. A police post at the beach? Maybe in normal circumstances, but not during the

16 time when the crossings were made. There wasn't any police presence during that

17 particular period.

18 Q. Okay, but wasn't there also a FACA office at the beach? To help you with its

19 location, I think it is now an office of the garde présidentielle?

20 A. There isn't a Presidential Guard office, no. The Presidential Guard came and went,

21 but they don't have an office per se at the beach, nor within the naval base for that matter.

22 Q. That might be my fault. It is an office of the Presidential Guard now. In 2002, it

23 would have been an office of the FACA. Does that help you?

24 A. The FACA's office, well, then the navy belongs to the Central African armed forces,

25 so there were only staff of the naval base who were actually in that place during the

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1 period in question.

2 Q. And lastly this: You were telling us earlier about a large number of cars around the
3 French Embassy. Do you know why there were a large number of cars around the
4 French Embassy at this time?

5 A. All the cars that were parked on that particular day during the upheavals in the
6 capital of the Central African Republic, all those cars that were parked belonged to French
7 nationals; French nationals who had taken refuge in their embassy.

8 Q. Thank you very much for that. Right. I want to leave Bangui now and go across
9 to Zongo, if we may. Did you at any time disembark at Zongo and go into the town?

10 A. No, sir.

11 Q. I don't limit that question to the period of 19 days that we're talking about. Have
12 you at any time in your recent life been into the town of Zongo?

13 A. Would you mind repeating the question? For me it wasn't clear.

14 Q. Yes. I just wanted to make it clear that I wasn't limiting that question to the time,
15 or the period of 19 days. Have you at any time in your life been into Zongo?

16 THE INTERPRETER: The interpreter missed the answer. Message from the English
17 booth: The interpreter didn't get the answer because of the microphone.

18 MR HAYNES:

19 Q. The interpreter didn't get the answer. Did you say you had never been into Zongo?

20 A. You asked me whether subsequent to these events did I ever go to Zongo. Wasn't
21 that your question?

22 Q. Sir, yes, and I think you answered it. It's just that the interpreters missed it, so
23 would you mind saying it again?

24 A. I never went to Zongo after these events.

25 Q. Sir, I apologise if sometimes you have to answer the same question twice, but we

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1 need to make sure that what you say is recorded on our written transcript and sometimes
2 there's a break in communication. It's not your fault, you understand?

3 A. All this is part of the golden rule that we've been using from the outset.

4 Q. Okay. I want us to have a look, please, at a photograph that you've already seen,
5 so that we can understand the geography, and it is CAR-OTP-0028-0398.

6 THE COURT OFFICER: The document as referenced by counsel is available on the
7 screens and it's a public document.

8 MR HAYNES:

9 Q. Sir, where was that photograph taken?

10 A. On the Bangui wharf. I told you in this very courtroom the last time that I had a
11 135 boat. There is a delay -- a camera, rather. There's a delay function and the delay
12 function can delay the actual taking of the photo to the tune of five to ten seconds, so I had
13 this particular camera.

14 Q. Well, we'll come on to that in a minute. I'm really only interested about what we
15 can see in the background. In the middle of the top of the picture, is the hill or the two
16 hills we can see the hill of Zongo?

17 A. Yes, sir.

18 Q. And can you also help us, if we look to the right of the hill of Zongo there's another
19 piece of land that's slightly flatter. Where is that? It's directly behind the bridge of the
20 boat.

21 A. That's the other side of Zongo.

22 Q. Okay. It appears from what we see of Zongo - the hill - that the terrain rises quite
23 sharply from the water. Would you agree with that?

24 A. Would you mind repeating so that I can understand your question better?

25 Q. Yes. The land at Zongo rises up from the water quite sharply to form a hill, doesn't

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1 it?

2 A. Well, the geographical situation of Zongo, when you enter Zongo, well, when I was
3 coming into Zongo from where I was, on my left-hand side there rises up a very big
4 mountain and that's the hill that you can see on the photo. Now, that particular hill, it's a
5 very, very high hill, and then directly in front there's a plain. So in front there's a plain
6 which extends right the way over to the market and the administrative section of the
7 town.

8 Q. Thank you. Since you have never been into Zongo, I don't suppose you know
9 where the airfield is, do you?

10 A. Could you repeat that, because I couldn't make out what it was you were saying?

11 Q. Yes. Have you ever seen the airfield at Zongo?

12 A. I have not seen the airfield of Zongo. It's some distance away. It's not really the
13 airport; it's the airfield, yes, the airfield. In Zongo they just have an airfield. It's not an
14 airport.

15 Q. Thank you. In the circumstances, I think that's all I can ask you about that. Now,
16 I want to come on to the camera and the photographs, please. What make of camera did
17 you have?

18 A. It's an Olympus.

19 Q. And what colour was it?

20 A. I think it was black in colour.

21 Q. And was it automatic or did you have to wind the film on after you'd taken each
22 shot?

23 A. It was an electronic camera.

24 Q. When did you acquire it?

25 A. It's a camera that I bought. I purchased it in Brazzaville.

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1 Q. How did it come to be with you on the boat?

2 A. I told you that I was a sailor, I was navigating, and wherever I went I always had my
3 camera with me. Even here in The Hague I got hold of a camera. I went to buy a
4 camera.

5 Q. What sort of film did it take?

6 A. It was -- it took roll films of 36 shots.

7 Q. And how often did you buy film?

8 A. I told you that I bought the camera in Brazzaville and I had reserves of film.

9 Q. How much reserves of film did you have?

10 A. I had at least two or three. At least two or three.

11 Q. But not 20?

12 A. Would you repeat, please? What did you say?

13 Q. You didn't have a reserve of 20 rolls of film?

14 A. What I had in the way of reserves at that time is what I had. It's what I said.

15 Q. Right. Can we just zoom out a little bit so we can see a bit more of this photograph,
16 please. Is that you that we can see in the middle of the photograph?

17 A. It is indeed me.

18 Q. What have you got in your hands?

19 A. It's the rope in order to dock this small berth.

20 Q. Do you have a glove on your left hand?

21 A. No, I don't have a glove.

22 Q. And what do you have in your right hand?

23 A. It's a cloth.

24 Q. Are you left or right-handed?

25 A. I'm ambidextrous.

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1 Q. Okay. Where did you place the camera to use it on self-timer?

2 A. On the small bollard to which I had tied the first -- the small cable, the first cable,
3 and I told you that that's where I was. I went down first and I pulled the cable of the
4 ferry to tie it up, and that's where I put the camera on the delay device, and then I came
5 back because otherwise it wouldn't have been possible to film, so I had to go about it
6 intelligently.

7 Q. Was it on five or ten seconds?

8 A. Ten seconds.

9 Q. Okay. So after you put it on top of the bollard and you set it on self-timer, what
10 did you do?

11 A. Well, the self-timer, before I came down off the bridge, I'd already set the self-timer
12 because I really had to use every single second, and that's how I did it, because I'd already
13 sort of tested -- I'd taken a look to see what sort of shot I could take when coming off the
14 ferry, so the time it took for me to put the camera into the prepared position I had time to
15 run down so that the photo could then be taken.

16 Q. And also time to pick up the rope with your left hand?

17 A. Sir, what I'm saying is that you have to be intelligent, and I used my brain quickly.
18 I said there was a delay of ten seconds and every second was calculated. It's not very far,
19 the bollard isn't very far, so I had time quickly to pick up the rope, which is what I had to
20 do in order to get this photo.

21 Q. And time to pick up whatever you had in your right hand, which is what?

22 A. It was the rope and the cloth that I was holding.

23 Q. Can we pan out a bit, please. A bit more, please. Can you see the black and
24 orange obstruction on the left-hand side of that photograph?

25 A. Okay, let me explain the obstruction here. Well, I had a cloth so as not to attract

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1 their attention, because if the flash had gone off they would have seen. So I hid the flash,
2 I obstructed it, so that they wouldn't see that somebody was filming because I'd already
3 taken risks anyhow.

4 Q. What, they couldn't see that somebody was placing a camera on a bollard? Is that
5 what you're saying?

6 A. Yes, sir.

7 Q. The obstruction in the left-hand side of that photograph is somebody's finger, isn't it,
8 across the lens?

9 A. No, sir. I've told you it's a cloth, or a rag, that I used to block the flash so as not to
10 attract attention.

11 Q. Okay. Well, I just want to see if we can examine a few other features of this
12 photograph to help us place it perhaps in a sequence. Can you see above the hill of
13 Zongo there's a big puffy white cloud?

14 A. Yes.

15 Q. And immediately to the right of it a slightly smaller puffy white cloud?

16 A. Yes.

17 Q. And slightly to the right of that a yet smaller puffy white cloud?

18 A. Yes.

19 Q. And underneath those three clouds there's a bank of cloud running horizontally
20 between the two land masses, the hill of Zongo and the other side. Can you see that?

21 A. Yes.

22 Q. Can you see that on the deck of the push boat, to the left just by the arrows, there's a
23 group of about four or five men standing around some boxes?

24 A. Yes.

25 Q. And on the right-hand side of the deck a much larger group standing close to the

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1 edge of the boat?

2 A. Yes.

3 MR HAYNES: Can we have a look at the next photograph in the sequence, please, the
4 one that has the last ERN numbers 399 -- I'm sorry, 400?

5 THE COURT OFFICER: The document CAR-OTP-0028-0400 is available on the screens
6 and it's a public document.

7 MR HAYNES:

8 Q. Where is that taken?

9 A. In Zongo.

10 Q. Really? Middle of the photograph, on the left-hand side, isn't that the hill of Zongo
11 that we were just looking at from Bangui?

12 A. It's in Zongo.

13 Q. And in the sky there, the three puffy clouds, the big one, the medium-sized one and
14 the little one with the bank of -- line of cloud underneath them, aren't they the same
15 clouds?

16 A. Let me say that the clouds, about which you're asking me questions, as far as I'm
17 concerned are of no interest. For me, what was important was to film the militiamen and
18 the surrounding space is of no interest to me. So this photo, well, you can see if you go
19 back to the one you've just seen before there was the question of the flash, and those who
20 did see it they were not happy and that's why it was necessary for me to conceal the flash
21 because I was taking risks.

22 Q. And can we have a look at the men on board? Do we see on the left-hand side, at
23 the front, four or five men around some boxes?

24 A. Yes, I've seen them.

25 Q. And on the right-hand side a large group of men standing near to the edge of the

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1 boat?

2 A. Yes.

3 Q. It's exactly the same scene, isn't it, just taken with the next photograph?

4 A. Sir, I can tell you that the photos I took here -- well, I'm not a specialist when it
5 comes to photos and photo-mapping, nor are you because I know you're a lawyer, but
6 what I was concerned with here was to take photos of the militiamen. I wasn't filming
7 the mountain, or the hill. I mean, if that's what I was doing then you'd be saying to me,
8 "That's the hill," but that's nothing to do with what you're asking me about here. I filmed
9 the militiamen. It was the militiamen who were of interest to me. I could have taken a
10 photo of a mango tree and shown it to you, but that would have been pointless, so I had to
11 take photos of the militiamen.

12 Q. Well, perhaps since you're owning this photograph you can tell us how you took
13 this one?

14 A. As I've already told you, this is a picture I took. I shot the photo quickly to have a
15 photo of the militiamen. I think if I hadn't done so, then today you wouldn't be able to
16 see them and I was running risks in so doing.

17 Q. Well, let's simplify it. Are you telling us that you took this photograph in Zongo
18 before you crossed the river with the militiamen by pointing the camera straight at them
19 and taking the photograph?

20 A. Would you please repeat your question?

21 Q. Well, I'll break it down. Are you still maintaining this is a photograph taken in
22 Zongo and not Bangui?

23 A. The question you've just put to me, for me - and I'm the owner of these photos that
24 you can see - my concern was the militiamen. I filmed them in Zongo in the interests of
25 the history that we're going through here and now.

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1 Q. Thank you. Are you saying you took this photograph with a timing device, or by
2 pointing the camera at your subjects?

3 A. The self-timer could be used, or I could take the photos, but ultimately what I was
4 after was to have these photos.

5 Q. But in which way did you take this one, with the self-timer or normally?

6 A. Sir, I used a camera that I was familiar with. I was very fond of my camera.

7 Whether it was with a self-timer, or taking the shots manually, my concern was to take
8 photos of the militiamen.

9 Q. Okay. So is it the case that you don't remember whether you took this photograph
10 normally, or with the self-timer?

11 A. Sir, I'm telling you that these are historical events that occurred, and right now we're
12 in a time of peace but, you see, myself, my objective was to take photographs of the
13 militiamen, be it with a self-timer or without. What I wanted to show, and this is really
14 for future generations, this is what I wanted to show: Here's a picture of the militiamen
15 who came to the Central African Republic on to its territory, on to its soil.

16 MR HAYNES: We'll move on and have a look, please, at CAR-OTP-0028-0400. Sorry,
17 that's the one we're looking at. 399.

18 THE COURT OFFICER: The document as referenced by counsel is available on the
19 screens and it's a public document.

20 MR HAYNES:

21 Q. Again, sir, help us to get our bearings. We're looking straight down the boat
22 towards the bridge and on the left there are four or five men around a couple of boxes,
23 aren't there, just like in the other two photographs?

24 A. Yes, sir.

25 Q. And if we look over the shoulders of those men, is that the hill of Zongo we can see?

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1 A. Yes, that's what you see on the other side there, the hill of Zongo.

2 Q. Just a few more things about this photograph. Do we see again a row of men
3 standing near to the edge of the boat on the right-hand side, just like we saw on the other
4 two photographs?

5 (Pause in proceedings)

6 Perhaps that wasn't translated for you. I was asking you to confirm that there were a
7 larger number of men on the right-hand side close to the edge of the boat; do you agree?

8 A. Yes, sir. Let me explain the details of this photograph. When I came down from
9 the bridge I spoke quickly to the warrant officer and you see him in the middle, he's
10 wearing a uniform, and beside Warrant Officer Odon you see the gentleman with his
11 helmet, that was the person who was listened to the most within the group. So, you see,
12 they were there with the guy just, just to have these photographs.

13 Q. Well, a couple more things about what we can see on the photograph before I move
14 on to the next point. What is the circular metal item we see in the middle of the deck?

15 A. That metal circle that you see, that's -- those circles are manholes.

16 Q. And what diameter was it?

17 A. Well, judging by my size, I would say this manhole -- I could go down that manhole
18 and that would go to the hold, and you see the boat would take water, either starboard or
19 port, and depending on that you could open up the manholes and see whether the front of
20 the vessel was taking on water and then you would turn on the pump so as to drain the
21 water out of that part of the boat.

22 Q. Thank you. But you're quite good with measurements. You've given
23 measurements on a number of occasions. What diameter would you say it was in
24 centimetres?

25 A. Could you repeat that question so I can understand it properly?

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1 Q. Yes. What would be the diameter of the manhole in centimetres?

2 A. On average perhaps 45 centimetres across, and a circumference of --

3 THE INTERPRETER: The interpreter regrets he did not hear the second figure given by
4 the witness.

5 MR HAYNES:

6 Q. And are the boxes of ammunition, according to you, those things which are between
7 the four or five men on the left of the picture?

8 A. Could you repeat that question for a better understanding?

9 THE INTERPRETER: Interpreter's correction: In the previous reply, the witness said
10 that the circumference of that manhole was at least 90 centimetres.

11 MR HAYNES:

12 Q. Yes. What were the dimensions of the boxes of ammunition, according to you?

13 A. The dimensions? I would say the length might have been 1 metre, 1 metre 40, or 60
14 and it would have been 0.50, or 0.55, a height of 0.50 or 0.55.

15 Q. So, too big to go down the manhole?

16 A. No. Sir, I'm telling you that, look, you can see where they are, you can certainly see.
17 The manhole that you see is different from the other one which is on the other side. You
18 see, on starboard they're one size; on the port side, they're a different size.

19 Q. Do you say you took this photograph?

20 A. Yes, sir.

21 Q. Where were you standing when you took it?

22 A. I was towards the bow. Towards part of the -- the part of the boat where the
23 pushing is done.

24 Q. Were you on the boat itself?

25 A. Yes, sir. I came down from the bridge, I was towards the bow, quite close to the

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1 genoux de pousée.

2 Q. Did anybody seem to mind the fact that you were taking this photograph?

3 A. I'm telling you that I spoke to Warrant Officer Odon, who was beside -- the person
4 within the group who was listened to the most, and I got this particular shot.

5 Q. Was this taken on the same day as the photograph of you holding the rope to the
6 small boat in Bangui?

7 A. Well, what you're asking me, what I know is that when I came my aim in my mind
8 was to get these photographs. I wasn't trying to figure things out. My objective was
9 really to -- I was focusing on these militiamen.

10 THE INTERPRETER: Interpreter correction: The genoux de poussée that were
11 mentioned earlier are *pusher knees.

12 MR HAYNES:

13 Q. Sir, who's on the bridge in this photograph?

14 A. On the bridge? Well, these are militiamen. These are militiamen that you see, and
15 inside there was only Ilemala, the staff sergeant. If I went down on to the deck he would
16 be there, but the others couldn't go into the bridge -- on to the bridge rather.

17 Q. Can you see any soldier on that boat carrying a weapon?

18 A. On this photograph you can see somewhat on the other side, if you go down a bit on
19 the other side, there is one weapon that was placed on the ground. You see right there?
20 That's a weapon. Can you see? It was put down there. This is a weapon and the
21 person who was listened to the most had a weapon as well. He was holding one.

22 Warrant Officer Odon was holding a weapon that was provided to him by one of his
23 militiamen. He went up to the bridge. Before he went up there, you see, not everyone
24 could have a weapon. They couldn't hold a weapon when they came up to the bridge.

25 Q. Where were these militiamen's weapons then?

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1 A. Well, do you see the pillar? The pillar? The person who was holding the cane,
2 that is the person who was responsible for the various weapons that were behind them.

3 Q. I think you told us earlier that they were weapons of all different calibres; is that
4 right?

5 A. Yes. You can even see the weapon on the bridge here is not the same as the one
6 that is in the hands of the person within the group who was listened to the most.

7 Q. And the ammunition, was that in boxes of same calibre ammunition?

8 A. Could you repeat that question exactly the way you just put it?

9 Q. Did you see the sort of ammunition you say was on board this boat?

10 A. I don't know what was within those crates of ammunition, military coloured.
11 Behind that, each one -- I meant to say each one would gather his own ammunition. The
12 ones who had hats would gather them and stockpile them, so the ones might have been
13 this size, others were bigger, this size, others were -- might have been the size of -- well,
14 look over there, the tube, this support for the camera. Twelve centimetres and six -- six
15 centimetres high.

16 Q. Well, we may come back to that tomorrow morning, but I just want to finish this
17 section which is about the camera and the films. Sir, I asked you this morning what you
18 took with you, when the soldiers came to take you from your home, and you said some
19 clothes and your keys. Where did you get a camera from, during these 19 days, if you
20 didn't take your camera with you from home?

21 A. Well, I've told you that the camera -- I had come back from Brazzaville and the
22 camera, I still have it in my pocket. I still have it in my pocket. And when I got up, the
23 clothing -- you see, the camera was in the pocket of my clothing. It was a portable
24 camera, so I could take it wherever I went.

25 Q. Thank you. How many printed photographs did you have that you were able to

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1 hand over to the investigators in total?

2 A. The number? The duration? Well, I know that I gave them some prints, but the
3 exact number I really couldn't tell you right now.

4 Q. On how many different days do you say the photographs we have been looking at
5 with you were taken?

6 A. It depends. It would depend on the crossings. Sometimes I was able to take
7 photographs. Other times, no. It depended on the atmosphere on the boat, on the
8 vessel, on the ferry-boat.

9 Q. How many rolls of film did you take during these crossings, do you say?

10 A. I believe that I told you earlier that they were rolls of film with 36-exposures.
11 Thirty-six exposures.

12 Q. How many rolls of film do you say you took?

13 A. Well, if I finished 36 I would reload and, if I didn't, I wasn't in a position to reload.

14 Q. Well, let's short-circuit this and have a look at what you told the Office of the
15 Prosecutor in interview. We'll need to look at Defence document 9 for the witness.

16 That's CAR-OTP-0028-0369, at page 0394. For those following in the English, the last
17 four digits of the English translation are 0099.

18 PRESIDING JUDGE STEINER: Court officer, the blinds need to be lowered, please.

19 THE COURT OFFICER: Document CAR-OTP-0028-0369, first redacted version at page
20 0394, is available on your screens and it's a confidential document.

21 MR HAYNES:

22 Q. Sir, do you see you're asked: "How many have you had printed out on paper?",
23 that's photographs, and you gave the answer: "12." And you were then asked: "How
24 many negatives do you have altogether?" And you said: "20 rolls of film as negatives
25 taken during the crossings." Have you read that?

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1 A. Yes. Yes, sir. Yes.

2 Q. Well firstly, step-by-step, is it correct that the total number of photographic prints
3 you had was 12?

4 A. Yes.

5 Q. And do you say to this Court today that you took 20 rolls of film during the
6 crossings?

7 A. I'll explain. If I had done 20 films or 20 rolls at the laboratory, to develop the films
8 and print them on to paper that would require money; and to go from an image to an
9 actual print, that meant money. So I don't see why I would make those expenditures, so
10 why would I do that?

11 Q. Well, did you or did you not take 20 rolls of film during the crossings?

12 A. Yes, yes.

13 PRESIDING JUDGE STEINER: Mr Haynes, I think we need here clarification from the
14 witness because it appears that the English translation talks about rolls of film. The
15 French version talks about "20 film sur clichés prises." I don't know whether the -- they
16 mean the same thing. Could you please explain to the Chamber, Mr Witness, what
17 exactly means "20 film sur clichés prises pendant ces traversées"?

18 THE WITNESS: (Interpretation) All right. Well, from a technical point of view, you
19 see, the old films were in tubes, like this, and once the photographs had been shot you
20 would take the camera to a laboratory and the technician at the laboratory would put the
21 camera into a dark-room and then he would pull the film out; and once he had finished
22 doing that he would -- and then he would put it into a machine so that the images could
23 fall upon the paper and make a print.

24 And once the images were on the print you, the owner, you would take the print and put
25 it under some light, and then you would choose which shots you wanted. You would

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1 check a little box to indicate which one you wanted and then he would put the images on
2 to the paper.

3 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. You can proceed.

4 MR HAYNES: I've got two questions which will finish this topic, if I can crave
5 everybody's indulgence.

6 Q. Where did you get 20 rolls of film from during that 19 days?

7 A. Would you mind repeating your question so I can understand it fully?

8 Q. Yes. You told us you had a reserve of perhaps two or three films. Where did you
9 get 20 films from while you were apparently conducting these operations for 19 days?

10 A. Here you're talking about 20 reels. Can you see what it looks like, 20 reels of film?
11 Can you just see that in your mind's eye, 20? Are you talking about film, because a film
12 for me is each picture that features on the strip. Do you see what I mean? So, no, let's
13 not get things confused. I think I've been pretty clear on this point, and if you're not
14 familiar with photography there's no point whatsoever in you asking me questions such
15 as those you're putting to me.

16 Q. During that interview the Office of the Prosecutor asked you if you would provide
17 them with further negatives. Did you ever do so?

18 A. I answered "yes," and I believe that I brought these negatives. I believe that I
19 brought these negatives to the investigators, I brought it before them, and it's because of
20 that that these negatives went off to the lab to be developed, because I couldn't pay, or I
21 couldn't sink money into that. And every negative in our country, I think it's 200, 220
22 francs, so you just multiply that by an X number. So to go from negative to a print, that's
23 320 francs. So, you see, just total up the figures and you can see it's expensive.

24 MR HAYNES: Thank you very much, sir.

25 PRESIDING JUDGE STEINER: Thank you, Mr Haynes. And I start by apologising to

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- 1 the interpreters for extending the time allocated for this part of the hearing.
- 2 Mr Witness, thank you very much. We will adjourn for today. You can take now some
- 3 time to take some rest. We will continue tomorrow morning starting at 9.30 in the
- 4 morning.
- 5 Thank you to the Prosecution team, the legal representatives of victims. Thank you to
- 6 the Defence team, Mr Jean-Pierre Bemba Gombo. Thank you very, very much again for
- 7 our interpreters and court reporters for their patience and indulgence towards the
- 8 Chamber.
- 9 We will adjourn. I ask, please, the court usher to take the witness outside the courtroom.
- 10 We will resume tomorrow morning at 9.30.
- 11 THE WITNESS: Can I have some water?
- 12 (The witness stands down)
- 13 THE COURT OFFICER: All rise.
- 14 (The hearing ends in open session at 4.07 p.m.)
- 15 CORRECTIONS REPORT:
- 16 The Court Interpretation and Translation Section has made the following corrections
- 17 in the transcript:
- 18 *Page 13 lines 22 to 23
- 19 "A. SOCATRAF doesn't work really on the river, but rather within the navigable
- 20 waterways. So the boats of the company would leave Bangui, and then at the
- 21 Zinga - the mouth of the Zinga - or the Lobaye,..." Is corrected by "A. SOCATRAF
- 22 didn't operate on the roadways, but rather on the waterways. So the boats of the
- 23 company would leave Bangui, at the mouth of the Nzinga, the Lobaye,..."
- 24 *Page 15 lines 7 to 8
- 25 A. Well, within our garage there were terrien, ground-based mechanics, or

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1 shore-based mechanics rather, and then mechanics who worked on the boats,..."

2 Is corrected by "A. Well, within our garage there were land-based mechanics, who

3 worked on shore. Then there were sea-going mechanics who worked on the boats,..."

4 *Page 55 line 11

5 "...mentioned earlier are thrust units." Is corrected by "...mentioned earlier are pusher

6 knees."

7 RECLASSIFICATION REPORT

8 Pursuant to Trial Chamber III 's Second Order, ICC-01/05-01/08-2223, dated 4 June

9 2012, and the instructions in the email dated 4 June 2014, the version of the transcript

10 with its redactions becomes Public