

Trial Hearing
Witness: CAR-D04-PPPP-0007

(Closed Session)

ICC-01/05-01/08

- 1 International Criminal Court
- 2 Trial Chamber III - Courtroom 1
- 3 Situation: Central African Republic
- 4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
- 5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki
- 6 Trial Hearing
- 7 Friday, 21 September 2012
- 8 (The hearing starts in closed session at 9.07 a.m.) * Reclassified as Open session
- 9 THE COURT USHER: All rise.
- 10 The International Criminal Court is now in session.
- 11 Please be seated.
- 12 PRESIDING JUDGE STEINER: Good morning.
- 13 Could, please, court officer call the case.
- 14 THE COURT OFFICER: Thank you, Madam President. Situation in the Central African
- 15 Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo, ICC-01/05-01/08.
- 16 PRESIDING JUDGE STEINER: Thank you.
- 17 Good morning. I welcome the Prosecution team, legal representatives of victims, the
- 18 Defence team, Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters, court
- 19 reporters.
- 20 We will continue today with questioning of witness -- Defence Witness D-07 and I ask,
- 21 please, the court usher to bring the witness in.
- 22 (The witness enters the courtroom)
- 23 WITNESS: CAR-D04-PPPP-0007 (On former oath)
- 24 (The witness speaks French)
- 25 PRESIDING JUDGE STEINER: Court officer, please turn into open session.

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1 (Open session at 9.09 a.m.)

2 THE COURT OFFICER: We are in open session, your Honours.

3 PRESIDING JUDGE STEINER: Good morning, Mr Witness, and welcome back.

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

5 PRESIDING JUDGE STEINER: Are you feeling better and ready to continue with your
6 testimony, sir?

7 THE WITNESS: (Interpretation) Yes.

8 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that you are still under
9 oath; do you understand that, sir?

10 THE WITNESS: (Interpretation) Yes.

11 PRESIDING JUDGE STEINER: I also want to remind you that you are under protective
12 measures, that your image and voice broadcast outside the courtroom are being distorted
13 so that the public cannot identify you by your face or by your voice, but in order to keep
14 your identity protected you need to help us and avoid giving in public session any
15 information that could lead to your identification.

16 If you need to give such kind of information, your specific work or place of work, the
17 names of your chiefs or neighbours or family members, et cetera, please let us know in
18 advance and we go into private session. In private session you can feel free to speak
19 whatever you want because only the persons inside the courtroom will be able to listen to
20 what you say. And the persons inside this courtroom, Mr Witness, are under the duty of
21 keeping confidentiality on everything that is said in private sessions.

22 Do you understand the protective measures, sir?

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

24 PRESIDING JUDGE STEINER: And finally, Mr Witness, I would like to once again
25 remind you that you are expected to speak slower than normal and to give the five

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1 seconds gap after a question is put to you and before you start giving your answer in
2 order to allow our interpreters to do their job properly and to provide the Judges with a
3 real-time transcript that really reflects what you are saying.

4 Is that fine with you, sir?

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

6 PRESIDING JUDGE STEINER: Mr Witness, the Prosecution will continue questioning
7 you and if at any time you need a break please just let me know and we can have as many
8 breaks as you need. I'll give back the floor Ms Kneuer to continue the Prosecution
9 questioning.

10 Sorry, Ms Kneuer. Maître Kilolo?

11 MR KILOLO: (Interpretation) Thank you, your Honour. I would like to briefly
12 address the Court in closed session.

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

14 (Private session at 9.14 a.m.) * Reclassified as Open session

15 THE COURT OFFICER: We're in private session, your Honours.

16 PRESIDING JUDGE STEINER: Maître?

17 MR KILOLO: (Interpretation) Thank you, your Honour.

18 With your leave, the Defence would like to quickly return to what we believe to be
19 incidents during yesterday's hearing.

20 Of course we are very happy that you were able to remind the witness of his
21 requirements - his obligations - to answer all questions put to him by the Office of the
22 Prosecution. All the same, we wish to express our strong concerns regarding the way in
23 which the Prosecution is proceeding in their questions; the questions and the comments
24 that Ms Kneuer is adding to her questions.

25 We find her attitude is such that she is putting pressure on the witness. She is engaging

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1 in psychological harassment of the witness. I shall give you an example.
2 Yesterday, a question was put to the witness, and I refer to yesterday's transcript, 20
3 September 2012, page 61 of the French version, and in the English version once again the
4 transcript of 20 September, page 59 -- 58 and 59.
5 Ms Kneuer put the question. She said: "Witness, how did you know that it was General
6 Bombayake who made that decision?" He answered saying: "At Damara, it was
7 General Bombayake who was running the show. There was Colonel Twagende (phon)
8 as well, and the other officers."
9 Then she asked the question once again: "Were you present when he gave his orders?"
10 He answered saying: "I don't know quite what to say. I've told you that he was the one
11 running the show." Question: "But how did you know that he was the one in charge
12 who was running the show?" He answered, the witness answered: "He was in the field
13 to lead. Do I need another explanation that it was -- there's General Bombayake who's
14 making decisions? He was in the field. He was in the field with the Presidential Guard
15 and the MLC and the FACA."
16 Question: "Did you hear him give such orders with your own ears?"
17 Answer: I saw him in the field."
18 An additional question: "Do you know a person who was present when those orders
19 were given?" He answered: "I've told you that I was in the field. I saw him and he
20 was the leader. He was running the show."
21 And this is the comment that came from Ms Kneuer: "But I think you'll agree with me
22 that you absolutely have no idea what happened. Everything that you've told us so far
23 are just suppositions." And she insisted -- correction, the witness went on: "I told you I
24 worked in the field a lot. It was General Bombayake who was in charge of the mission in
25 Damara."

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1 Why am I saying that? Well, we find -- we find ourselves here with a situation. The
2 witness is giving clear answers, but along with the questions there seem to be these
3 comments that are intended to put him down, to make fun of him, to humiliate him, to
4 say that he is just providing us with suppositions, and we just want to set the record
5 straight here because I think this is about the respect - the respect that one owes a witness
6 who is giving testimony - and I think this respect in the courtroom has to be mutual.
7 Second example and my last. I make reference to the French language transcript of 20
8 September 2012, page 8. The English transcript is also of course from 20 September, page
9 8 as well.
10 The question was put as follows: "When the Defence counsel asked you what your
11 salary was as a FACA soldier, you replied saying it was 182,000 CFA francs. Let's take
12 one particular month, the month of August. How much did you earn that month?" The
13 witness answered: "Well, you know when it comes to business, when you're in business
14 there's no set rate that you receive at the end of the month, but in contrast a salary is
15 different. You know that at the end of the month you are going to receive a certain
16 amount, but when it comes to business you can't give a set amount."
17 Additional question: "What was the lowest amount of money that you might have
18 earned this year? So we're not talking about the month any more. We're talking about
19 the year. What is the lowest amount of money that you might have earned this year?"
20 And he answered: "3,850,000 CFA francs."
21 Later on, once again the OTP wants to make fun of the witness and he says -- they say:
22 "You have contradicted yourself. You're telling another story. First you say 3,850,000
23 per month and now -- and now you say that when you were a soldier you were earning
24 300,000, so you seem to be earning a lot more now. You are doing quite well for
25 yourself."

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- 1 So all these questions seem to be putting or giving the impression that the witness is lying,
2 but the question was clear, "... this year?" The question had to do with the year.
3 So there you have it, your Honour. Please intervene. When Prosecution witnesses,
4 there were similar incidents, and we saw -- and you're quite right to say that you need to
5 re-establish a certain balance, but there's also the respect that must be maintained.
6 So these are the concerns of the Defence. Thank you.
7 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo.
8 Ms Kneuer, any comment?
9 MS KNEUER: Thank you, Madam President, your Honours.
10 This is quite a harsh accusation to the Prosecution and I would strongly disagree with
11 Defence counsel.
12 First of all, at no time was I disrespectful or made fun of the witness. The Prosecution, as
13 always, expressed respect to the witness and behaved entirely professionally. Of course I
14 pointed out to the witness contradictions and I'm fully entitled to do so. It's, by the way,
15 the same thing that the Defence tried to do with the Prosecution witnesses.
16 I also disagree strongly with Defence counsel that the answers that the witness gave were
17 clear. I really do not want to engage in repeating all his answers and discussing now
18 before you Honourable Judges these issues, but I think there is a different perception and
19 there is an interpretation or a judgment of my style of questioning a witness, and again I
20 believe that I did not treat the witness in any way in an improper manner and I also trust
21 that, if that would have been the case, the Presiding Judge would have intervened.
22 It appears that with regard to the amount 3,000,000 or 3,000, there was a problem with the
23 transcript. To use that to argue that I'm mistreating the witness is really stretching the
24 limits.
25 I could go on, Madam President, but I really don't know what else to say because this

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1 could be a debate over days. I leave it in your hands.

2 Thank you, Madam President.

3 PRESIDING JUDGE STEINER: Well, I thank very much Maître Kilolo's observations and
4 the answer of Ms Kneuer. Just reminding the parties and participants that since the
5 beginning of this case the Chamber has adopted as a principle non-interference with
6 questioning by the parties, unless necessary in order to protect the best interests of the
7 witness.

8 In relation to questioning, I think yesterday Ms Kneuer said that it would not be for the
9 Defence to -- to impose a way of questioning, or not to use -- I don't want to use the word I
10 don't like, but let's say counter-questioning a Defence witness.

11 The fact is, Ms Kneuer, that sometimes - and I noticed that even in relation to
12 Mr Iverson - the Prosecution spends a lot of time insisting on a single point when it
13 appears that nothing else can come from the witness, so it's a kind of insistence that just
14 may bother the witness and make the victims -- the witness feel tired, or under stress.
15 So with just this recommendation, I don't -- I cannot agree that there was any instance in
16 the questioning by Ms Kneuer in which the Chamber noticed any kind of disrespect
17 towards the witness, but it is a fact that the questioning by the Prosecution is taking long,
18 long hours, much more than expected, and sometimes in some instances because the very
19 same question is put many times in the hope that the witness gives a different answer
20 when it appears clear that nothing else will come out of the witness.

21 So, bearing in mind that we have a witness in front of us that came voluntarily to testify
22 before this Court, the parties and participants are always reminded to treat the witness
23 with the most respectful way and avoid in any case to put the witness under stress, and
24 I'm sure that parties and participants will continue following these general principles
25 established by the Chamber. As a consequence, the Chamber will - and this Presiding

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1 Judge will - avoid as much as possible to interfere with questioning.

2 Ms Kneuer?

3 MS KNEUER: Madam President, with your leave, I would like to seek some guidance.

4 I agree with you that on certain points I insisted. The purpose was to serve justice, to
5 help determining the truth. Well, then at one point Defence counsel objected when I
6 moved on at a certain point. So when I insist it's a problem, but if I at one point, after the
7 third or fourth time when I do not get a clear answer and move on, then Defence counsel
8 is insisting or interfering, saying I should give the witness an opportunity to respond. So
9 I am somewhat in the doghouse.

10 On the one hand I agree entirely with your Honours that I need to move on but how can I
11 avoid that, in the future, if I move on that the Defence counsel is not again objecting and
12 inquiring that I should insist on the question? You see my problem? It's a Catch-22, if
13 I'm not wrong, right, but I think I got your message, Madam President, and I will do my
14 utmost to facilitate and expedite today's question.

15 PRESIDING JUDGE STEINER: Ms Kneuer, there is no way I think any Chamber in the
16 world can establish strict rules on the modes of questioning, it's not possible, so any
17 incidents are to be solved on a case-by-case basis.

18 I think the middle term is always the best way to be followed, and this is what I'm saying:
19 That I hope parties and participants have good sense and find a way to put the questions
20 they deem necessary in order to provide the Chamber with information that allows the
21 Chamber at the end of this case to find the truth, but the parties and participants do it in a
22 way that is not traumatising to the witnesses that come here.

23 And I have to remind everyone on a voluntary basis, and already because of the
24 circumstances under a certain stress, it's not easy to come to The Hague, in The
25 Netherlands, before this so imponent Court and give testimony.

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1 So taking all these factors into account, I'm sure the parties and participants will find the
2 best way of bringing the truth for the sake of the Chamber. And in any case, the
3 Chamber will intervene whenever the Chamber feels that any of the parties and
4 participants is -- let's say not corresponding to the Chamber's expectations in that respect.
5 Maître, you wanted to say something else or am I wrong?
6 MR KILOLO: (Interpretation) No, I have no further observation. I just hope that there
7 will be no more comments during the questioning.
8 Furthermore, when you look at the time taken by the parties, the Defence took two hours
9 55 minutes. The OTP has already taken two hours 48 minutes. So if we refer to the
10 exchange of mails on 28 August, the Prosecutor confirmed that they were going to take
11 about the same time as us, which means they would only have seven minutes left to
12 conclude their cross-examination now.
13 PRESIDING JUDGE STEINER: Maître, as you mentioned, the time given by Defence and
14 Prosecution are estimations. The Chamber even during the presentation of the
15 Prosecution evidence was never with a clock here on the table, just marking the minutes
16 of the questioning. Here again, good sense is what we expect from the parties.
17 Ms Kneuer?
18 MS KNEUER: Well, Madam President, I know I'm stretching your patience now but
19 since this came up I just have to submit the observations of the Prosecution on the issue of
20 timing.
21 Well, first of all, the Prosecution was never asked by the Chamber to submit any
22 estimation to the Chambers, to your Honours.
23 Secondly, it is correct that Defence counsel co-operated with the Prosecution and legal
24 representatives and inquired an estimate, and we provided one saying about the same
25 time, and it is about, approximately about. And as your Honours just mentioned and

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1 reiterated over the course of the Prosecution case, it is what it is; it's an estimation.
2 However, if witnesses are not co-operative, it takes longer.
3 In addition, we were provided with summaries that, in terms of content, are providing
4 titles. I would say bullets, from five to ten titles. We have topics. We have no idea
5 what the witness is really about to testify.
6 And if I may direct your Honour's attention to your decision 2293, paragraph 9, which
7 reads, "The Chamber agrees with Trial Chamber I in this regard and additionally notes the
8 particular benefit of such meetings may have for the interviewing party in cases where the
9 disclosed summaries of the issues on which the witnesses called by the other party will
10 testify provide insufficient detail for the interviewing party to effectively and efficiently
11 carry out any investigations."
12 Well, this ruling was in the context of setting up meetings prior to the testimony, but what
13 is essential is there is insufficient details for the Prosecution to either investigate or
14 prepare.
15 In addition, sadly enough, the Prosecution is not able to meet the witnesses of the Defence
16 prior to the testimony. If we would be able to do so, we could, as suggested by many
17 Chambers of this Court, assist in an efficient manner -- sorry, assist in the efficient
18 management of the proceedings and identify irrelevant lines of questioning and to clarify
19 disregarded lines of further inquiry.
20 Lastly, only the day before yesterday, we received a redacted version of filing 2222, and
21 when you compare what the Defence counsel had submitted in May to your Honours, in
22 terms of the content of the summaries and what was shared with the parties and
23 participants, there are differences.
24 There were more topics on the confidential version that was submitted to the Chamber.
25 So I think it's my duty as a Prosecutor to at least cross-check and verify with the witness if

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1 he knows anything on the topics that were on that list.

2 I could go on and on and show how difficult it is for the Prosecution with almost no

3 information to conduct questioning that may be helpful to your Honours.

4 We need to be clear that the Defence counsel, the Defence team, had for many years the

5 entire case docket, comprehensive witness statements. We have nothing, your Honours.

6 And if I may make one last comment: Statistics, if I'm not mistaken, I can pull it out, say

7 that -- for example, for the ICTY, where witness proofing is allowed, for the Prosecution's

8 case the Defence usually is conducting a cross-examination with 80 per cent of the time of

9 the Prosecution. However, if the Prosecution is conducting a cross-examination on

10 Defence witnesses, it's 120 per cent.

11 We are trying to be faster. We are trying to be as fast as possible but it is, by the end of

12 the day, very difficult for us, and I -- I just would like to bring this to your attention. We

13 make all the efforts possible but there are some hurdles.

14 Thank you, Madam President.

15 PRESIDING JUDGE STEINER: This last point raised by Ms Kneuer, I'm forced to agree

16 with the Prosecution, that the fact that the summaries provided by Defence in relation to

17 its witnesses don't bring more than very brief and essential list of topics on which the

18 witness may be required to testify; and contrary to the facilities that were given to the

19 Defence to prepare its questioning of Prosecution witnesses, on the basis of the statements,

20 the Defence received well in advance.

21 I understand that on the basis of the summaries provided, the very concise summaries

22 provided by the Defence, it is true that Prosecution in its questioning needs to prepare on

23 the spot, on the basis of the Defence questioning, and that takes more time than would be

24 considered as ideal, and this was one of the reasons why the Chamber always

25 insentivated (sic) the previous meetings of the Prosecution with Defence witnesses, and

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- 1 vice-versa. It's in order to help avoiding long questionings and a little bit, as now in the
2 case of the Prosecution, a little bit in the dark, but we just started with the presentation of
3 Defence case and I'm sure that it will improve with time. I'm sure.
4 Court officer, turn back into open session, please.
5 (Open session at 9.40 a.m.)
6 THE COURT OFFICER: We are in open session, your Honours.
7 PRESIDING JUDGE STEINER: Mr Witness, we apologise for making you wait while we
8 have this discussion on procedural matters.
9 I will now give the floor to Ms Kneuer for the continuation of your questioning by the
10 Prosecution.
11 Ms Kneuer, you have the floor.
12 MS KNEUER: Thank you, Madam President.
13 QUESTIONED BY MS KNEUER: (Continuing)
14 Q. Good morning, sir.
15 A. Good morning, Counsel.
16 Q. How are you feeling this morning?
17 A. A bit okay, but I'm fine.
18 Q. Sir, if you need a break please let me know and also if there are any difficulties with
19 interpretation just tell us.
20 MS KNEUER: Madam President, before I start with my questioning, I owe the Bench
21 some references with regard to the information of Commander Moustapha's location
22 being in the public domain.
23 I'm referring to transcript 33, confidential English version, edited version, page 27, lines 14
24 to 19. Same transcript, lines 20 to 50. Transcript 151, English corrected version, page 12,
25 line 9 to line 17. Transcript 156, confidential English edited version, page 16, lines 1 to 6.

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1 Transcript 182, confidential English edited version, page 41, lines 1 to 5 as well as
2 CAR-OTP-0013-0118.

3 Madam President, since it's in the public domain I just provide limited sources.

4 Madam President, I would like to ask two or three questions to the witness in private
5 session, please.

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

7 (Private session at 9.43 a.m.) * Reclassified as Open session

8 THE COURT OFFICER: We are in private session, your Honours.

9 MS KNEUER:

10 Q. Mr Witness, we are in private session, which means nobody outside the courtroom
11 can hear you and your identity is protected. I would like to come back to some names.

12 Does the name (Redacted) sound familiar to you?

13 A. No.

14 Q. Do you know a person by the name (Redacted)?

15 A. No.

16 Q. And what about (Redacted)?

17 A. No.

18 PRESIDING JUDGE STEINER: Ms Kneuer.

19 JUDGE ALUOCH: Ms Kneuer, can you maybe spell those names because your
20 translation, your pronunciation, might not be what the witness is used to. Thank you.

21 MS KNEUER: I'm happy to do so, your Honour.

22 Q. Sir, Honourable Judge Aluoch asked me to spell the names for you because perhaps
23 my pronunciation, or the voice in your ear from the interpreters, may not reflect the full

24 pronunciation of the name that you are used to so I will go back through the three names.

25 The first one was (Redacted).

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1 A. No.

2 Q. Second name: (Redacted)

3 A. No.

4 Q. Third name: (Redacted)

5 A. No.

6 Q. Mr Witness, are you still working (Redacted) today?

7 A. I am here to testify on what happened in Bangui when I was still performing those
8 duties.

9 Q. I assume there may have been an interpretation problem, so I repeat my question:
10 Are you today still working (Redacted)?

11 A. I have told you that I am no longer a soldier; (Redacted).

12 Q. Do I understand you correctly that you're currently not working in a capacity as an
13 (Redacted)

14 A. Ever since 2003 I am no longer performing those duties. I am a civilian. I am no
15 longer a soldier, ever since 2003.

16 Q. Sir, I will ask the Presiding Judge to turn back into public session, and I believe that
17 for most of the time during my questioning we can stay in public session. (Redacted)
18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 A. (Redacted)

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

25 (Open session at 9.50 a.m.)

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1 MS KNEUER:

2 Q. Sir, can you please remind us what the --

3 THE COURT OFFICER: We are in open session, your Honours.

4 MS KNEUER: I really apologise, I want to be extremely fast today and do not observe
5 principal standard rules.

6 Q. Sir, can you please remind us what the size of a battalion is? How many soldiers
7 compose a battalion?

8 A. A battalion, well, that would depend on the sections.

9 Q. The day before yesterday you stated, and I quote from real-time transcript 248, page
10 53, lines 10 onwards: "A battalion is a regiment. If you wish, I'll describe this for you.
11 For example, if you're talking about a section, a battalion is a regiment. You might have
12 500 to 1,000 soldiers in a battalion, to give you an example, and then you have the
13 section."

14 Does this mean that a battalion has roughly 500 between 1,000 soldiers?

15 A. I have told you that a battalion, as you have just said, could be four to 5,000 soldiers.

16 Q. Four thousand to 5,000 soldiers; correct?

17 A. I said 400 to 1,000.

18 Q. There was an interpretation problem, sir. Thank you for having clarified this for us.

19 And what would be the size of a brigade? How many soldiers could we find there?

20 A. A brigade, well, it's a post. When I'm -- if I'm there, and I command the brigade of
21 here, I can have 15 or 30 soldiers. It depends.

22 Q. Sir, from your perspective as a soldier, soldiers are following orders; correct?

23 A. Yes, that is discipline.

24 Q. So if a commander is instructing you to go tomorrow to Damara, you would do so
25 as a soldier; right?

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1 A. Yes, you have to obey the orders of your boss.

2 Q. And am I correct that it's not up to you as a soldier to deviate from that instruction,
3 that you say, "Well, I go two later days later to Damara than the instructions from my
4 commander"?

5 A. In the army, discipline is very important.

6 THE INTERPRETER: Could the witness be asked to repeat the last part of his answer,
7 please?

8 MS KNEUER:

9 Q. Sir, I have to ask you to first speak a little bit slower, and secondly, can you please
10 repeat the last part of your answer because the interpreter was not able to catch it.
11 Mr Witness, can you please repeat your question for us -- your answer for us?

12 A. Can you ask the question again?

13 Q. If a soldier is receiving instructions, it's not up to the soldier to decide otherwise,
14 and deviate from the instructions of his commander; correct?

15 A. The soldier must obey the order of his commander.

16 Q. Sir, do you know that Mr Bemba is the President and Commander-in-Chief of the
17 MLC?

18 A. I beg your pardon?

19 Q. Are you aware that Mr Jean-Pierre Bemba Gombo is the President and
20 Commander-in-Chief of the MLC troops?

21 A. Yes.

22 Q. Sir, two days ago you stated that Bozizé -- Bozizé's troops arrived in Bangui on
23 25 October 2002; correct?

24 A. 25 October 2002, yes.

25 Q. And you testified that the MLC troops arrived four or five days later; is that correct?

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1 A. That's correct.

2 Q. So that would be 29 or 30 October 2002; correct?

3 A. If I say four to five days after, it would be from 29th, 28th, 29th or thereabouts.

4 Q. Is it possible that the MLC troops arrived already on 27 October 2002?

5 A. No, no, no.

6 MS KNEUER: I kindly ask the court officer to display CAR-OTP-0017-0360, which is
7 document number 3 on the list of documents.

8 THE COURT OFFICER: Could you please confirm the level of confidentiality?

9 MS KNEUER: It's confidential.

10 PRESIDING JUDGE STEINER: Ms Kneuer, is there any reason for this document to
11 continue to be classified as confidential?

12 MS KNEUER: If the Defence doesn't have any objections, from our perspective it could
13 be reclassified.

14 PRESIDING JUDGE STEINER: Maître?

15 MR KILOLO: (Interpretation) No problem, as far as we are concerned. I think at the
16 time we disclosed a public version of the same letter.

17 PRESIDING JUDGE STEINER: I think we can -- there is no objection from the parties.
18 The document is reclassified as public, containing no information that could put at risk
19 witnesses, or any -- doesn't appear to contain any information that should be for other
20 reasons protected.

21 Ms Kneuer.

22 MS KNEUER:

23 Q. Sir, can you please take a moment and read through this first page of the document
24 and let me know when you've finished?

25 A. Yes.

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(Open Session)

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1 Q. Do you agree that this is a letter from the President of the MLC, dated
2 4 January 2003, to General Cissé from the UN?

3 A. Well, I don't know how to answer that. I don't know this document. I don't know
4 how to answer that to you.

5 MS KNEUER: Court usher, can you please move to the last page, to the second page of
6 this document, lower part?

7 Q. Do you see the signature of Jean-Pierre Bemba?

8 A. Yes, I've seen a signature, but I don't know his signature.

9 Q. Can you please read the first paragraph of this letter, starting at "A la demande de
10 Son Excellence"?

11 Can the court usher please go back to the first page? Sir, can you please read out loud
12 for us the first paragraph?

13 A. The page?

14 Q. Sir, if you look at your screen, do you see a paragraph that starts with "A la
15 demande ..."?

16 A. I can read it, "At the request of His Excellency, Mr Ange-Félix Patassé, elected
17 President of the Central African Republic, MLC troops intervened in this country from
18 27 October 2002 in order to protect the institutions that were threatened with
19 destabilisation by an attempted coup and to save an elected president and members of his
20 family who were in a dangerous situation.

21 Without wishing to interfere in the internal matters of a sovereign country ..." --

22 Q. I apologise for interrupting you, but it's fine. I just needed the first paragraph. I
23 didn't mean to be disrespectful to you. Looking at this first paragraph, would you agree
24 that the person who signed this letter, Mr Bemba, stated that the MLC troops arrived in
25 the Central African Republic on 27 October 2002?

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1 A. No, the MLC troops arrived in Bangui from the 29th, four to five days after the
2 arrival of Bozizé's troops beforehand.

3 PRESIDING JUDGE STEINER: Maître?

4 MR KILOLO: (Interpretation) The witness has already replied, but I just had a question
5 with regards to the fair nature of such a question given that the witness has already said
6 that he didn't know this letter. He did not know. He can see a signature, he didn't
7 know Mr Bemba's signature, so how can we ask him to answer, assuming that it is indeed
8 Mr Bemba? From his perspective, I don't think this is fair.

9 PRESIDING JUDGE STEINER: It's just the form of putting the question. We could
10 have said, "The person who allegedly signed this letter," but in any case the witness
11 already answered. So I don't see the unfairness of the question, but --

12 MS KNEUER: Madam President, do you want me to move on?

13 Q. Sir, I'm putting a proposition to you. Mr Bemba ordered his MLC troops to go to
14 the Central African Republic on 27 October 2002. Do you agree with that proposition?

15 A. No, I don't agree.

16 Q. If Mr Bemba would have given this order, would there have been a possibility for
17 his soldiers to disobey this order?

18 PRESIDING JUDGE STEINER: Maître?

19 MR KILOLO: (Interpretation) I think that here we are really going into speculation
20 here.

21 PRESIDING JUDGE STEINER: Maître, the witness is a soldier, the witness is a soldier,
22 so this question is whether soldiers could have disobeyed an order given by a military
23 chief. I don't see the problem with the question.

24 MS KNEUER: Thank you, Madam President.

25 Q. Sir, I will repeat my question. You as a soldier do you think that, if Mr Bemba

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1 would have given the order to his troops to arrive at the Central African Republic on
2 27 October 2002, the soldiers would have had the possibility to disobey?

3 A. It depends. It depends on the discipline. They could also be soldiers who are
4 indisciplined as well. Not all the soldiers are disciplined. In the army, there are
5 indisciplined soldiers. There are also soldiers who are disciplined. That is
6 something -- well, I don't know how to answer that.

7 Q. Sir, you as a soldier, have you ever experienced a situation where an entire battalion
8 disobeyed an order?

9 A. It depends. It depends on the chief, the person who is leading. It depends on the
10 leader, because if -- or as far as I'm concerned, if I'm in the field, I am for example the
11 leader of a section, well, then the troops who are under my orders must follow what I say
12 then. It depends, because there's also what we call the reality on the ground. To my
13 knowledge, that's it.

14 PRESIDING JUDGE STEINER: Maître?

15 MR KILOLO: (Interpretation) Your Honour, unless my memory fails me, I don't
16 remember having seen in the case record a single document, any type of order, that
17 Mr Bemba would have given to an MLC battalion to cross into the Central African
18 Republic on 27 October 2002, so I think the Office of the Prosecutor would have to
19 produce such an order and then that would help the witness understand where we are
20 going in this regard.

21 PRESIDING JUDGE STEINER: Ms Kneuer?

22 MS KNEUER: It appears to me -- no, let me start differently. There must be a
23 translation issue, because all the interventions from my learned colleague are not related
24 to my questions. I never said these things. Also before he made interventions and there
25 must have been a misunderstanding. I'm not -- I'm driving at something completely

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1 different. My answer was -- my question was simply if an entire battalion can disobey
2 an order, if he ever experienced that.

3 PRESIDING JUDGE STEINER: You can proceed, Ms Kneuer.

4 MS KNEUER: Thank you, Madam President.

5 I kindly ask the court officer to display CAR-D0P -- sorry, D04-0002-1514 at 1637.

6 PRESIDING JUDGE STEINER: In the meantime, could please court officer turn briefly
7 into private session.

8 (Private session at 10.13 a.m.) * Reclassified as Open session

9 THE COURT OFFICER: We are in private session, your Honours.

10 PRESIDING JUDGE STEINER: Ms Kneuer, in relation to the previous document that
11 with the agreement of the parties the Chamber authorised the reclassification, I noticed
12 that in the top and in the bottom of the page there are reference to -- probably to the
13 person that sent the document. It's a Prosecution document.
14 Usually, this information is not made public, so I just want a confirmation on whether the
15 order of reclassification should be kept or reviewed?

16 MS KNEUER: It appears to me that your Honour's is correct. It was an oversight on
17 my side. It should remain confidential for the moment.

18 PRESIDING JUDGE STEINER: Has the Defence any objection that the Chamber reviews
19 its order and keep the document confidential, in order to protect the source name and
20 telephone of the source?

21 MR KILOLO: (Interpretation) We leave that to your wisdom, your Honour.

22 PRESIDING JUDGE STEINER: So the Chamber reviews its previous order and the
23 document remains confidential. The Prosecution is invited to file a public redacted
24 version of the document.

25 MS KNEUER: Certainly, Madam President.

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

2 (Open session at 10.16 a.m.)

3 MS KNEUER: Madam President --

4 THE COURT OFFICER: We are in open session, your Honours.

5 MS KNEUER: Madam President, I withdraw my request to have document

6 CAR-D04-0002-1514 being displayed. I will do it without that document.

7 Q. Sir, do you know when Colonel Moustapha arrived in Bangui with his troops?

8 A. I told you that it was from 29 or 30, around then, October 2002.

9 Q. From your testimony two days ago, and I'm referring to transcript real-time 248,
10 page 16, lines 2 to 5 and page 19, lines 8 to 11, I understand that the MLC arrived to assist
11 the regime in power; correct?

12 A. Of course.

13 Q. And you also stated that the MLC troops and FACA troops worked together and
14 co-operated. That is transcript 248 real-time, page 20, lines 9 to 11. Is that correct?

15 A. I told you that the MLC troops arrived in Bangui and they worked in co-operation
16 with the FACA.

17 Q. Considering the mutual goal of MLC and FACA troops to defeat Bozizé rebels,
18 would it be fair to say that it could be expected that all forces, all allied forces, worked
19 together and co-operated with each other?

20 A. Yes.

21 Q. Again, two days ago, you stated - it's transcript 248 real-time, page 16, lines 10 to
22 13 - that the MLC was provided with FACA uniforms and Rangers; do you recall that?

23 A. Yes, that's right.

24 Q. Did all MLC soldiers receive the FACA uniforms and Ranger boots?

25 A. Yes.

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1 Q. Mr Witness, are you aware that the MLC crossed over from the DRC with their own
2 communication devices?

3 A. No.

4 Q. Do you agree with this proposition, that the MLC brought their own radio sets, et
5 cetera?

6 A. Well, I told you that MLC troops worked on the same frequency as the FACA.

7 Q. Would you be surprised to hear that Colonel Lengbe testified in public session that
8 the MLC crossed over with communication devices? And I'm referring to transcript 182,
9 page 31, line 16 to page 32, line 10.

10 A. I told you that the MLC troops worked on the same frequency as the FACA.

11 Q. Did you use radio?

12 A. What, what radio, please?

13 Q. Did you operate the radios for which the MLC and the FACA used the same
14 frequency?

15 A. I was working with a Thuraya, but I told you that the FACA and the MLC had the
16 same frequency.

17 Q. And how do you know that, sir?

18 A. I don't know how I'll be able to tell you. Well, I haven't told you enough. I am a
19 soldier. I wasn't outside Bangui at the time that there were the events in Bangui. I told
20 you that the MLC and the FACA were working in collaboration with each other and on
21 the same frequency.

22 Q. In which language did they communicate?

23 A. In French, of course.

24 Q. How do you know that?

25 A. Well, I'm tired. I don't know how to answer you. I told you that I was in the field.

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1 I'm a soldier. What do you want? I don't know. I'm not a civilian. I'm a soldier, so I
2 have to know how things work. Please.

3 MS KNEUER: Madam President, is it fine with your Honours if I don't insist and move
4 on or do your Honours want to have a clear answer on this issue?

5 PRESIDING JUDGE STEINER: So, I have difficulties in understanding what was the
6 answer of the witness, on whether the MLC troops brought to CAR their own equipments,
7 their own radios. The fact that they work on the same frequency is one thing, so you
8 didn't answer to the specific questions on whether you know if MLC troops brought their
9 own equipments.

10 THE WITNESS: (Interpretation) I -- I don't know. What I do know is that the MLC
11 and the FACA worked on the same frequency. I can't lie. I don't know.

12 PRESIDING JUDGE STEINER: So, you see, that it would have been easier if you just
13 answered to the Prosecution "I don't know." That would have been easier.

14 But you can move forward, Ms Kneuer.

15 MS KNEUER:

16 Q. When you interacted with MLC soldiers, which language did you use?

17 A. I'm sorry?

18 Q. Sir, do you have difficulties with the interpretation?

19 A. It's more your way of asking the question that isn't really clear. You saw a moment
20 ago the president asked me a question, Presiding Judge, it was clear, easy and it was easy
21 for me to answer the question. It's the way in which you ask the questions that confuses
22 me somewhat.

23 Q. Sir, with all due respect, I suggest you listen to my questions carefully.

24 I asked you if you have difficulties with the interpretation?

25 A. No.

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1 Q. What did you understand my question to be?

2 A. I wasn't able to understand it because it was put badly.

3 Q. Sir, have you ever spoken to an MLC soldier?

4 A. Yes, yes.

5 Q. In which language did you speak with that soldier?

6 A. In French.

7 Q. Which language did the MLC soldiers use amongst themselves?

8 A. They spoke French. They spoke their language, Lingala.

9 Q. Sir, if, as you say, the MLC and FACA soldiers worked together, and if the MLC, as
10 you suggest, received communication devices from -- sorry. If the MLC soldiers didn't
11 bring their own communication devices, why wouldn't then the MLC use the FACA
12 soldiers to communicate? Why would the MLC have to operate the radios themselves?

13 PRESIDING JUDGE STEINER: Ms Kneuer, this time I didn't understand the question.

14 THE WITNESS: (Interpretation) I have no idea.

15 MS KNEUER: I will rephrase it.

16 PRESIDING JUDGE STEINER: And in relation to received communication devices, the
17 answer of the witness is that he doesn't know from whom they received devices.

18 MS KNEUER: Well, two days ago the witness testified that the MLC soldiers received
19 them from Bombayake but, in any event, I will rephrase.

20 Q. If the MLC was integrated in the FACA, why would then the MLC need to use the
21 frequency of the FACA and didn't just ask the FACA soldiers to communicate? I've told
22 you, General Bombayake, the General Staff gave to the MLC Thurayas, Motorolas,
23 walkie-talkies. The walkie-talkies, if the MLC had the walkie-talkies, they work on
24 certain frequencies. I told you that the CAR forces used the same frequencies as the MLC.
25 Do you want me to tell you that again, please, Madam Prosecutor?

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1 Q. Sir, what I would like you to explain to us, how you knew that they used the same
2 frequency, except referring to you being a soldier; you didn't operate the radio, so how
3 did you obtain this knowledge? That is my question. Were you present? Did you
4 hear it?

5 A. If already the MLC troops were able to converse, an officer of the CAR army, how
6 would the conversation occur? It would be over the frequency.

7 MS KNEUER: Madam President, for the record, the witness is not answering my
8 question and with your leave, I would move on.

9 Q. Sir, you told this Chamber about a mission you undertook to Damara as a soldier,
10 and that it lasted four to five days. It's transcript 248, edited version, page 35, line 6
11 onwards. Do you remember when you were in Damara?

12 A. Yes.

13 Q. Can you please share that with us?

14 A. Yes, because at -- when Bozizé's troops had taken Damara, that was when, because
15 the MLC, rather, Bozizé's troops, Damara, and the loyalists were still 50 kilometres
16 between Damara, the distance. That is, that is when I went into Damara to work, to get
17 information, to reconnoitre, have a look at the terrain, the field, determine their positions,
18 their troop strength, their positions, all of that. That allowed the loyalist forces to direct
19 Bozizé's forces, Damara.

20 Q. And what they --

21 A. Drive out of Damara.

22 Q. And what date or time frame was that? Can you provide us with a month and a
23 year?

24 A. Well, for the date, I -- I wouldn't want to get it wrong, it was ten years ago. I
25 wouldn't want to get it wrong or tell a lie. It was in the month -- the month, November.

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1 20 November 2002, as of that date.

2 Q. Was General Bombayake there as well at that time?

3 A. He was the one who was leading the fighting in Damara.

4 Q. So is your answer that General Bombayake was in Damara on 22 November 2002?

5 A. Yes.

6 Q. Was General Moustapha there as well?

7 A. They were all together, and the other CAR officers.

8 Q. Sir, would you agree that Bozizé rebels had to retreat, which led the MLC movement
9 towards areas such as PK12, Damara, and Sibut?

10 A. When Bozizé's troops fell back to PK12, they only withdrew, fell back. Each time
11 the loyalists move ahead and gained ground, as that was happening, Bozizé's troops
12 withdrew. The loyalists understood the MLC troops.

13 THE INTERPRETER: Correction: The loyalist troops included the MLC troops.

14 MS KNEUER:

15 Q. Would you agree that MLC and Bozizé rebels were not in the same area at the same
16 time?

17 A. Your answer is not -- your question is not clear. Please try to rephrase it.

18 Q. Have you seen that the MLC troops and that the Bozizé troops were in the same area
19 at the same time?

20 A. Of course.

21 Q. A minute ago you stated, "Each time the loyalists move ahead and gained ground,
22 as that was happening, Bozizé troops withdrew." And you just said that the MLC troops
23 and Bozizé troops were in the same area. Can you please explain that to us?

24 A. I didn't say that. That wasn't my answer.

25 Q. Well, sir, let me read back to you the transcript. It's page 33, line 22:

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1 "Question: Sir, would you agree that Bozizé rebels had to retreat, which led the MLC
2 movement towards areas such as PK12, Damara, and Sibut?

3 Answer: When Bozizé's troops fell back to PK12, they only withdrew, they fell back.
4 Each time the loyalists move ahead and gained ground, as that was happening, Bozizé's
5 troops withdrew. The loyalists understood the MLC troops."

6 Question, next page, line ten:

7 "Have you seen that the MLC troops and the Bozizé troops were in the same area at the
8 same time?

9 Answer: Of course."

10 With all due respect, sir, it appears to be two versions. Perhaps you can clarify for us
11 what you actually mean.

12 A. That wasn't my answer, Madam Prosecutor. That was not my answer. I
13 answered: Each time the loyalist troops moved forward, Bozizé's troops only fell back,
14 including the MLC troops. I mean the CAR troops and the MLC. That was my answer.
15 I never said that the MLC troops were together with --

16 THE INTERPRETER: Inaudible.

17 THE WITNESS: (Interpretation) -- I didn't say that.

18 MS KNEUER:

19 Q. Can you please repeat your last sentence, sir?

20 A. The MLC troops were together with the CAR forces. When the loyalists moved
21 forward, Bozizé's troops only withdrew, fell back. Is that fine by you?

22 PRESIDING JUDGE STEINER: Ms Kneuer, if I may try to clarify. I think from your
23 question, "Have you seen that the MLC and the Bozizé troops were in the same area at the
24 same time," the witness understood that they were fighting together. So maybe if you
25 clarify what you meant by the same area and the same time, because that appears to be

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1 the confusion here.

2 MS KNEUER: Madam President, in light of the answer of the witness from line 13 until
3 15, I think it is clear now. Or do you want me to insist on this point?

4 PRESIDING JUDGE STEINER: You can proceed.

5 MS KNEUER: Thank you, Madam President.

6 Q. Sir, as a soldier and officer you must have heard about allegations of MLC crimes
7 during the conflict; isn't that right?

8 A. I really couldn't tell you. I've told you, the MLC troops were wearing uniforms
9 with the CAR armed forces. Do you understand? So it was a bit difficult to distinguish
10 who was MLC and who was FACA. So really, perhaps I don't know, I really don't know
11 how to answer that question, it would be difficult. They were in uniform so I really don't
12 know what to say. It's somewhat difficult.

13 Q. Are you suggesting that the FACA forces committed crimes?

14 A. I've told you that -- you asked me the question if MLC troops committed crimes and
15 I'm saying, "No." Why? Because it was difficult to distinguish the MLC and the FACA,
16 because they were all wearing uniforms. I didn't say that it was FACA forces that
17 created -- that committed crimes, no.

18 PRESIDING JUDGE STEINER: Ms Kneuer.

19 Judge Aluoch.

20 JUDGE ALUOCH: In view of the answer from the witness, Ms Kneuer, perhaps you
21 want to find out if there were allegations of crimes committed by soldiers?

22 MS KNEUER: Thank you, your Honour.

23 Q. Sir, have you heard, either in your function as soldier and officer or by listening to
24 radio/TV, if crimes were committed let's say by the loyalist forces?

25 A. I would say so. Why? Because for example in a village, the village people were

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1 co-operating with Bozizé's troops, so they were accomplices with Bozizé, and when the
2 FACA came, what happens then? Because, for example, a village where Bozizé's troops
3 are based, the other inhabitants of the village were working with Bozizé's troops and so
4 they take them for their enemies. So that's what I can tell you, to my knowledge. The
5 loyalists take them for their enemies.

6 Q. You have heard about killings, rapes, pillaging, haven't you?

7 A. Yes, of course.

8 Q. Have you ever heard on the radio about crimes committed by the MLC between 14
9 and 15 February 2003, while pulling back from the towns of Sibut and Bozoum? And I
10 am referring to CAR-OTP-0031-0120, CD14.

11 A. You must realise General Bozizé's troops, if you don't mind, committed crimes. If
12 it's all right by you, you see, there was a white man who was part of General Bozizé's
13 rebellion. I'm speaking about -- oh, no, the name escapes me. Demba. Demba, that
14 was his name. This white man, they burnt down a village. Why? Because at the time
15 General Bozizé asked for assistance from President -- the President of Chad. He asked
16 for help. He asked for soldiers. So they were in Sibut. After Sibut, they burnt down a
17 mosque. They killed the Muslims.

18 So do you see what I'm driving at? Because since Bozizé's troops were withdrawing,
19 they made mistakes. After there were crimes and such cases, so to my knowledge, well,
20 that's what I can tell you. That's what I know, so --

21 Q. Sir, that was not my question. My question was - and I will repeat it for you - did
22 you hear a radio broadcast that the MLC committed crimes between 14 and
23 15 February 2003 while pulling back from the towns of Sibut and Bozoum?

24 A. Yes. On RFI, yes.

25 Q. Thank you, sir. Sir - I'm referring, Madam President, to CAR-OTP-0013-0161 - are

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1 you aware of an interview being published that was held with President Patassé, who
2 acknowledges seeking military support of MLC and that both he, Patassé, as well as
3 Mr Bemba, knew about MLC crimes during the conflict period?

4 A. I'm not aware of that. I have no idea about that.

5 Q. Sir, it is your testimony that the MLC was integrated into the FACA; correct?

6 A. Yes.

7 Q. I put a proposition to you. MLC co-ordination with FACA was abandoned as soon
8 as it started; do you agree with that?

9 A. I haven't understood the question, please.

10 Q. I'm suggesting to you that any co-operation between MLC and FACA, which may
11 have happened at the very beginning, was abandoned immediately? Basically, I'm
12 suggesting to you there was no co-operation?

13 A. The MLC and the CAR forces co-operated until the fall of President Patassé.

14 Q. Sir, Colonel Lengbe testified in public court here, in public session, that on
15 25 October MLC soldiers were humiliated, undressed and weapons taken? Sorry, sir, I
16 misspoke. I need to repeat my question. Sorry, Madam President.

17 Perhaps I give first the reference to your Honours. Transcript 182, page 35, line 11, to
18 page 45, line 15. Transcript 186, page 6, line 11, to page 7, line 17, and I have three
19 incidences to you -- to put to you. Colonel Lengbe testified in this Court that on October
20 25th FACA soldiers were humiliated, undressed and their weapons were taken by MLC
21 soldiers. Do you agree with that?

22 A. I'm not aware of that.

23 Q. Colonel Lengbe testified about another incidence between the FACA and MLC
24 troops and it is the death of a colonel, director of intelligence of the FACA. Do you have
25 any knowledge about that?

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1 A. I don't know anything about that.

2 Q. The third incident that Colonel Lengbe testified about, to show that the MLC did not
3 co-ordinate with FACA, was that at PK12/13 two FACA soldiers were taken for spies by
4 the MLC. Have you ever heard about that?

5 A. I'm not aware of that.

6 PRESIDING JUDGE STEINER: Thank you, Ms Kneuer.

7 Mr Witness, we go now into our half-an-hour break in order for you to take some rest.

8 It's almost 11 o'clock. We'll be back at 11.30.

9 I ask, please, the court officer to turn into closed session for the witness to be taken outside
10 the courtroom. In the meantime, we will suspend and resume at 11.30.

11 (Closed session at 10.58 a.m.) * Reclassified as Open session

12 THE COURT OFFICER: We are in closed session, your Honours.

13 (The witness stands down)

14 THE COURT OFFICER: All rise.

15 (Recess taken at 10.59 a.m.)

16 (Upon resuming in closed session at 11.33 a.m.) * Reclassified as Open session

17 THE COURT USHER: All rise.

18 Please be seated.

19 PRESIDING JUDGE STEINER: Welcome back. Please, court usher, bring the witness
20 in.

21 (The witness enters the courtroom)

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

23 (Open session at 11.34 a.m.)

24 THE COURT OFFICER: We are in open session, your Honours.

25 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

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- 1 THE WITNESS: (Interpretation) Good morning, Madam President.
- 2 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony, sir?
- 3 THE WITNESS: (Interpretation) Yes.
- 4 PRESIDING JUDGE STEINER: Thank you. Ms Kneuer, you have the floor.
- 5 Maître Kilolo?
- 6 MR KILOLO: (Interpretation) Thank you, your Honour. Once again, the
- 7 Defence feels compelled to raise issues relating to what we think is unfair practices. I'm
- 8 talking about page 39, lines 12 to 16 of today's French transcript.
- 9 Ms Kneuer, in asking her question to the witness, states as follows: "President Patassé, as
- 10 well as Mr Jean-Pierre Bemba, admitted being aware of abuses perpetrated by MLC
- 11 troops in the CAR." She referred to a press article comprising four pages.
- 12 After careful analysis of the document, we realise that it is, in fact, the contrary that is
- 13 stated in this document because Patassé, President Patassé, says no abuses were
- 14 perpetrated by MLC forces.
- 15 I will read the relevant excerpt. The question was put by an RFI journalist to the
- 16 president: "Mr President, regarding the offensive, the means used by the forces raise
- 17 issues, because mention has been made of mainly abuses perpetrated by these people who
- 18 it seems were recruited in the east of the DRC, independently of Mr Bemba, and mention
- 19 is made of about 400 to 500 Rwandaphones who are fighting alongside those forces and
- 20 who are perpetrating acts of violence; that is previously Hutu genocide perpetrators.
- 21 Apart from Captain Mbaya's forces, apparently there are elements of the former Rwandan
- 22 army involved."
- 23 That was the question put by RFI, and this is Mr Patassé's answer: "Do you have give
- 24 credit to what Mr Mbaye says? I know them enough. This is a bunch of liars. What
- 25 do you expect? It is logical for them to say that in order to win over international

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1 opinion. Personally, I did not see any Rwandans, but since there is going to be an
2 inquiry, I have set up commissions of inquiry," that is what President Patassé said, "and
3 those commissions are going to tell you whether there were abuses as claimed," and then
4 he adds, "On the contrary, wherever our loyalist forces were, with the support of Bemba's
5 troops, the population cried out in joy and saluted Bemba's soldiers. I'm telling you the
6 truth." End of quote.

7 That was the official version given by President Patassé on this issue of abuses.

8 Now, the witness is being misled by being told that President Patassé admitted the
9 existence of abuses by the MLC forces. I believe that is misleading the witness, and this
10 is the type of thing that we have been deploring from the very beginning with the
11 questioning of the witness by the OTP.

12 PRESIDING JUDGE STEINER: Maître Kilolo, I think this comment deserves a proper
13 answer from the Prosecution.

14 MS KNEUER: Absolutely, Madam President. I disagree with Defence counsel. He is
15 suggesting that I improperly summarised the article, and I do not believe that I did. My
16 point was -- no, let me start differently.

17 If your Honours look at page 6 or, rather, CAR-OTP-0013-0163, the middle column, and
18 then in the middle you will see that there's exactly what I said. Mr Patassé recognised
19 the crimes committed by MLC.

20 The point is that I inquired if he knows, the witness knows about these things, and I
21 suggested that Mr Patassé was aware of the crimes. I'm very happy to display all the
22 documents I'm referring to and have the witness read it and get it translated. I don't
23 have a problem with that. My objective was to expedite my questioning, and I do
24 suggest that my summary was accurate and fair. In this article there is a lot of other
25 information, that is correct, but I didn't put any questions to that extent.

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- 1 So I leave it with your Honours, if your Honours want me to go back to all my references
2 and put it to the witness and show him the documents, I'm more than happy to do that.
- 3 PRESIDING JUDGE STEINER: Ms Kneuer, in respect to this specific document, is there
4 one document that is in the list of documents of the Prosecution?
- 5 MS KNEUER: Yes, Madam President, it is document number 6.
- 6 PRESIDING JUDGE STEINER: Could you please just refer to this passage that would be
7 in the middle of the --
- 8 MS KNEUER: Yes. It starts with "RFI, Monsieur le President, encore un fois," blah, blah,
9 blah, and then there is the response of President Patassé.
- 10 PRESIDING JUDGE STEINER: Which page, please, Ms Kneuer?
- 11 MS KNEUER: Oh, sorry, 0163.
- 12 PRESIDING JUDGE STEINER: Maybe it would be helpful, Ms Kneuer, if you -- if you
13 read, or if you ask the witness, to read this passage in order for this specific passage to be
14 part of the transcript of the hearing.
- 15 MS KNEUER: Yes, Madam President. I'm quoting from CAR-OTP-0013-0161 at page
16 0163, and I will read in French, and I apologise in advance to the interpreters.
- 17 (Interpretation) "RFI: Mr President, once again why were the abuses perpetrated by
18 many people in light of the testimonies to RFI by a lady, because her daughter of 11 years
19 had just been savagely raped by Bemba's troops? Would those crimes be attributed to
20 you?" Ange-Félix Patassé's answer: "I am not an adventurer. There are commissions
21 that will be set up. These girls are my daughters, and those women are my mothers. I
22 cannot accept that Bemba himself travelled to Bangui and he punished the few
23 perpetrators who were guilty but, as you know, the Central African opposition wanted to
24 seize that opportunity to create problems but people should go and see the reaction of the
25 population who are welcoming Bemba's men. What will be their reaction? I had the

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1 Minister of Defence open an investigation, and the report is there, but to say it was
2 exaggerated, these are the consequences of war."

3 (Speaks English) Thank you very much to the interpreters.

4 Q. Mr Witness, as a soldier, do you know what a log-book is? Sir, do you know what,
5 and I quote in French, a "cahier de communication" is?

6 A. No.

7 Q. In the army, in the military, when you exchange reports, how do you that?

8 A. When you transmit reports, I do not know. Can you be more specific?

9 Q. Well, let me try it differently. The Defence submitted to the Chamber a document,
10 and in that document Commander Moustapha sent a message to the commander-in-chief
11 of the MLC. Can you follow me so far?

12 A. I'm not aware of that.

13 Q. You don't have to, sir. Don't worry.

14 And for your Honours, I'm referring to CAR-D04-0002-1514 at page 1637, and the English
15 translation is CAR-OTP-0066-0032 at 0035.

16 Would it surprise you that in that message that Commander Moustapha sent -- he stated,
17 and I quote, "We have been abandoned by the nationals. No co-ordination with the
18 Libyans. Lack of communications equipment for interoffice liaison."

19 Sir, did you receive translation?

20 A. I'm not aware of that.

21 Q. That's fine, sir, and that is not my question.

22 Does it surprise you that Colonel Moustapha on 30 October 2002 is reporting to the High
23 Command of the MLC, including the president of the MLC, that the MLC troops in
24 Bangui have been abandoned by the nationals and that no co-ordination with the Libyans
25 occurred, and that there was a lack of communications equipment for interoffice liaison?

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1 Does this surprise you considering your testimony that FACA and MLC co-ordinated
2 throughout the entire time of the conflict?

3 PRESIDING JUDGE STEINER: I hope it's a relevant intervention.

4 MR KILOLO: (Interpretation) I hope so also, your Honour, for the clarity of the
5 proceedings. I think it might be necessary to specify to the witness here that the message
6 was not addressed to Jean-Pierre Bemba, as it seems in the Prosecutor's question. The
7 message is addressed to the Chief of Staff of the ALC with a copy for information to
8 Mr Jean-Pierre Bemba. It is important for soldiers because they understand what that
9 means.

10 MS KNEUER: Thank you.

11 PRESIDING JUDGE STEINER: Ms Kneuer, I'm sorry, I find now, because the copies that
12 we have of the log-book are missing the last numbers, so I need to find the precise
13 information, maybe by the date. You said it was on 30th?

14 MS KNEUER: That's correct, Madam President, 30 October 2002. It's rather towards
15 the end of that log-book. I will identify it for you, Madam President.

16 PRESIDING JUDGE STEINER: Now I'm having difficulties because you mention here
17 page 0154 at page 0167.

18 MS KNEUER: I must have misspoke, Madam President. The first page is 1514 and the
19 page where it can be found is 1637.

20 PRESIDING JUDGE STEINER: 1637. Thank you.

21 MS KNEUER: Sir, let's focus on what is relevant and critical here. Your testimony is
22 that the MLC troops and the FACA troops co-ordinated throughout the conflict; correct?

23 A. Yes.

24 Q. The commander-in-chief in Bangui, Colonel Moustapha, reported to his High

25 Command on 30 October 2002 that his troops were abandoned by the nationals. Does

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1 this surprise you?

2 A. I really have no idea about what you have just said. I don't know how to answer to
3 that.

4 Q. I will move on to another topic. Sir, did I understand your testimony correctly that,
5 depending on the position and the military diploma a person had, the salary of a soldier
6 would be calculated?

7 A. As you know, in the army there is a basic salary and you also have allowances; you
8 have allowances for the diploma for posts of responsibility and so on.

9 Q. Is it fair to say that the higher the rank is the more a soldier, or officer, is earning?

10 A. Yes, of course.

11 Q. Am I correct that the MLC troops received more money than the FACA soldiers
12 during the conflict?

13 A. I have told you that the MLC troops did not have a salary; they just had a daily
14 allowance.

15 Q. And you testified before this Court that this daily allowance was higher than the
16 salary that the FACA soldiers received; correct?

17 A. I told you that they were well taken care of. The MLC troops did not have a salary,
18 let me repeat that, but they had an allowance.

19 Q. Let's move away from the term "salary" or "allowance;" let's use the term "money."
20 Who had more money, the MLC soldiers or the FACA soldiers during the conflict?

21 A. I have told you that the Central African soldiers had salaries and allowances, but the
22 MLC soldiers did not have a salary; just the allowances.

23 Q. Sir, let me try it in a different way, and I'm quoting from transcript 248, page 21, line
24 16 onwards -- sorry, line 19 onwards.

25 "Question: Am I to understand this, that the MLC troops were not truly receiving a

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1 salary in the CAR, but that they did receive a subsistence allowance over the course of one
2 month and that the amount therefore was higher than the salary of an average soldier in
3 the Central African Republic?

4 Answer: You've understood."

5 Is that correct, sir? Is that what you testified and wanted to say two days ago to
6 Defence counsel?

7 A. That's it.

8 Q. I will read another passage to you, sir, transcript 248, real-time, page 24, line 15
9 onwards. "Now, you say that they were well-treated, well-maintained so to speak. Did
10 they have the same sort of salaries as the CAR soldiers, or did they earn a bit more?

11 Answer: "Well, what I can tell you is that at the time there was a crisis; a crisis of
12 confidence. The president at the time really did not have the confidence of the forces.
13 He seemed to trust the MLC troops more."

14 Is it fair to state that former president, Patassé, trusted the MLC troops more than his own
15 troops?

16 A. Yes.

17 Q. And it is your testimony that the MLC was integrated in the FACA troops; correct?

18 A. Yes.

19 Q. So the MLC troops who earned more money than the FACA troops and who were
20 trusted by President Patassé were integrated in the FACA; is that your testimony?

21 A. I told you that the MLC troops were integrated in the -- I told you before that they
22 were integrated in the FACA.

23 Q. Do you, as a soldier, have any explanation why the higher paid and more trusted
24 troops were the subordinates to the soldiers who earned less money and were less
25 trusted?

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1 A. I haven't really understood the question.

2 Q. I'm wondering why the MLC was integrated into the FACA, although they earned
3 more money than the FACA soldiers and they were trusted more by President Patassé?

4 A. As I told you, I can give you an example. Colonel Lengbe at the time, he left the
5 command for the CCOP. He betrayed the president, because they were fighting Bozizé's
6 troops. That's what happened at the time.

7 THE INTERPRETER: They were plotting with Bozizé's troops, corrects the interpreter.

8 Q. Wouldn't you agree, sir, that it makes more sense to put the troops in charge that are
9 better paid and more trusted?

10 A. What did I tell you a moment ago? There was a loss of confidence. President
11 Patassé, he had a crisis of trust with regards to the FACA for reasons which -- well, I
12 mentioned a reason. I mentioned the name of the person. So what does that mean?
13 That means that President Patassé really did not have total trust in the FACA, not really.

14 Q. I think it's clear.

15 PRESIDING JUDGE STEINER: Ms Kneuer, if you allow me just a follow-up question on
16 this point?

17 Mr Witness - and I don't have here the reference but I can if necessary come later with the
18 reference - it was told here that the salaries or the solds of the FACA soldiers were many
19 months delayed and that was one of the reasons even for the splitting the army. Is that
20 correct, that the soldiers were not receiving their solds before these events?

21 THE WITNESS: (Interpretation) You know, in truth there came a time when people
22 didn't want any more of Patassé. That's the point.

23 PRESIDING JUDGE STEINER: But one of the reasons is because the salaries were not
24 being paid, or the solds, of the soldiers?

25 THE WITNESS: (Interpretation) Well, that too was one of the reasons.

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- 1 PRESIDING JUDGE STEINER: And when this coup d'état, or attempt to coup d'état,
2 by Bozizé's troops started and the MLC troops were called, then President Patassé started
3 paying the solds of the FACA soldiers?
- 4 THE WITNESS: (Interpretation) Not really.
- 5 PRESIDING JUDGE STEINER: So the FACA soldiers were fighting without receiving
6 their salaries?
- 7 THE WITNESS: (Interpretation) Well, they were getting some -- they were getting
8 some money.
- 9 PRESIDING JUDGE STEINER: Some money, but not the solds? I did not understand
10 your answer. So they -- for many months the FACA soldiers have not been paid, but
11 when -- when the crisis started they started to be paid or not, or just partially or --
- 12 THE WITNESS: (Interpretation) Partially, because -- well, it wasn't only the FACA. It
13 was also the civil servants as well, the Central African civil servants. They weren't
14 paid -- they weren't well-paid at the time. What happened was that there came a time
15 that people didn't want any more of Patassé. There was salary owing.
- 16 PRESIDING JUDGE STEINER: So during the period that you were there working, were
17 you receiving any solds or allowances, or whatever?
- 18 THE WITNESS: (Interpretation) I also had salary owing to me, apart from the fact that
19 also there were expenses, for example, and there was also the subsistence allowance.
- 20 PRESIDING JUDGE STEINER: So you were receiving that at least?
- 21 THE WITNESS: (Interpretation) Yes, yes, that's a part separate to the salary, because
22 there's also a risk bonus and there's also the subsistence allowance in the field. There's
23 also the risk bonus in the field, risk allowance.
- 24 PRESIDING JUDGE STEINER: Okay, thank you.
- 25 Ms Kneuer.

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1 MS KNEUER:

2 Q. Mr Witness, it's your testimony that the MLC and FACA troops fought side by side;
3 correct?

4 A. Well, Counsel Kilolo asked me the question a couple days ago and I said as follows:
5 The Central African forces were in front, because the MLC troops they didn't know the
6 field well, so the FACA were in front and the MLC troops were behind.

7 Q. Would it be fair to say that both troops tried to accomplish the same mission; that
8 they did the same work?

9 A. Of course, in collaboration.

10 Q. You, as a soldier in the FACA forces, did you consider it to be unfair that the MLC
11 soldiers received more money than the FACA soldiers?

12 A. For me, for example today, if I'm brought here to Holland on a mission, well, they
13 are going to pay me the same salary as the Dutch army, unless I've misunderstood that.
14 If I've come on a mission to work, so there's also a risk payment that is going to be given
15 to me in order to motivate me to work well.

16 Q. I'm asking for the motivation of the troops that didn't receive the same amount of
17 money. Aren't soldiers that do exactly the same job but not getting the same money,
18 aren't they upset or frustrated or angry?

19 A. You know, when you're a soldier, you're called upon to defend the country. If
20 there's a problem with money, well, a soldier still has to defend the country and redress
21 the salary issue later.

22 THE INTERPRETER: And the interpreter would like to correct that, in a previous
23 answer, the witness stated that even if he was brought to Holland he would not be paid in
24 the same way as one of the troops.

25 MS KNEUER:

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1 Q. Would you agree that the different payment had an impact on the co-operation and
2 co-ordination between FACA and MLC troops, wouldn't you?

3 A. No.

4 Q. It is your testimony that the MLC soldiers received money on a daily basis; correct?

5 A. What I told you is that the MLC troops didn't have a salary. They had a
6 subsistence allowance; a daily subsistence allowance.

7 Q. And the money was handed over to each single soldier; correct?

8 A. But of course. You came and you would be given your payment, and that's it,
9 individually.

10 Q. I'm referring to transcript 182, page 29, line 23 to page 30, line 19, and transcript 174,
11 page 47, line 22, to page 48, line 13.

12 Would you be surprised that, for example, Colonel Lengbe testified that the MLC was
13 provided with money which was collected by someone called René or Moustapha or any
14 other representative instead of being received by each single soldier?

15 A. If I said individually -- well, I'll give you an example. If I'm a chief of section, for
16 example, then I have 60 troops, if I'm a section leader, 60 troops who I command. So I
17 have to be given a daily subsistence allowance for 60 troops, so it's up to me then to give
18 this allowance to the troops. So I have to call the troops in order to give them their
19 subsistence allowance.

20 Q. How do you know that the money that, for example, Colonel Moustapha collected
21 from the paymaster indeed reached each single soldier in his company or battalion?
22 How do you know that?

23 A. Well, I didn't say it; you're the one who said that. It wasn't me who said that. I
24 didn't say that it was Colonel Moustapha who gave the money. I didn't say that. You've
25 just said it was Colonel Lengbe who said it was Moustapha who received the money. It

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1 wasn't me who said that.

2 Q. Sir, you explained to us that, according to your knowledge, money was given to
3 each single soldier. Then I confronted you with a statement of another witness, and in
4 that response you said, page 54, line 8, "If I said individually -- well, I'll give you an
5 example. If I'm a chief of section, for example, then I have 60 troops, if I'm a section
6 leader, 60 troops who I command. So I have to be given a daily subsistence allowance
7 for 60 troops, so it's up to me then to give this allowance to the troops. So I have to call
8 the troops in order to give them their subsistence allowance."

9 Do you see the contradiction in your testimony?

10 A. That's not a contradiction.

11 Q. Sir, I would like to move on to another topic and that is communication. Was there
12 any other channel of communication, apart the one of the CCOP?

13 A. No.

14 Q. Do I understand you correctly that, for example, Bombayake and Moustapha would
15 only communicate through the CCOP?

16 A. I told you that in the CCOP there's a whole unit which is working in the CCOP, so if
17 it's for communications, then it has to start first of all in the CCOP, and then there's also
18 the Thurayas. The Thurayas, well, that is something that can also go through, but with
19 regards to the frequencies, et cetera, all that went into the -- went via the CCOP office.

20 Q. Do I understand you correctly that if Bombayake wanted to contact Moustapha, he
21 had to go through the CCOP?

22 A. By Thuraya.

23 Q. Are you aware if Bombayake and Moustapha talked via cellphone?

24 A. What I said was, apart from radio transmission, there is another means, Thuraya.

25 Q. Due to your knowledge as a soldier and officer working with the CCOP, is it

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1 possible that, for example, Moustapha picked up the cellphone and called Bombayake?

2 A. Of course.

3 Q. Would you then agree that there were other channels of communication, despite
4 working through the CCOP?

5 A. What I told you a moment ago was that, apart from radio transmission, there is a
6 means, a Thuraya, by which people could communicate with each other.

7 Q. If Commander Moustapha wanted to communicate with Mr Bemba in Gbadolite,
8 did he communicate through the CCOP?

9 A. I don't know, because I wasn't working with Mr Moustapha.

10 Q. Am I correct, then, that you're not aware that Moustapha contacted Mr Bemba on a
11 daily basis during the operation?

12 A. I told you that I don't work with Moustapha. I didn't work with him. I don't
13 know how they contacted each other. I don't know anything about that.

14 Q. Do you have any knowledge about the communication between someone called
15 René and Mr Bemba?

16 A. I know that -- Mr René, who's he? I've got no idea.

17 Q. Are you aware about any communication between Patassé and Mr Bemba?

18 A. No.

19 Q. Would it then be fair to state that you have very limited knowledge about
20 communication if it goes beyond the CCOP?

21 A. For President Patassé to be able to telephone Mr Bemba, would he forget to call the
22 CCOP; is that it, Prosecutor?

23 Q. Sir, I'm asking you about the scope of your knowledge with regards to
24 communication, and I'm proposing to you that your knowledge about communications
25 that occurred, either within the MLC or between MLC and FACA, you have no

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1 knowledge about any communication that goes beyond the CCOP?

2 A. What I do know is what happened in the field, in the CCOP, that was the central, the
3 centre of command of operations. Well, what happens politically there is something that
4 I know nothing about.

5 Q. Sir, in a nutshell, you have no knowledge at all about the functioning of the MLC
6 and its chain of command; correct?

7 A. No idea.

8 Q. Sir, if the MLC troops would have been integrated into the loyalist forces of
9 President Patassé, as you claimed several times during your testimony, you as a soldier
10 and officer working with the CCOP, shouldn't you have that knowledge about the MLC?

11 A. Well, your question, you said the MLC command, and that, I don't know about their
12 command, but what I do know about the MLC is that they were working in co-operation
13 with the staff, the General Staff of the FACA, and there was even troops, MLC troops,
14 who were working in the CCOP.

15 Q. You want us to believe that the MLC troops were integrated in the loyalist forces
16 and you, as a soldier of the loyalist forces, were not privy to any information of the MLC;
17 correct?

18 A. Well, if I wasn't informed, how could I know that the MLC troops were working in
19 co-operation with the FACA?

20 Q. That's exactly my point, sir. You were not informed, you have no information to
21 provide to this Court about the MLC being integrated into the FACA.

22 MS KNEUER: Madam President, that concludes my questioning.

23 PRESIDING JUDGE STEINER: Thank you very much, Ms Kneuer.

24 Mr Witness, the legal representatives of victims were authorised to put some questions to
25 you. I would just remind the legal representatives to pay attention to the questions that

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- 1 can be put in public session and those that should be put in private session.
- 2 I would then give the floor -- who is starting? Maître Zarambaud.
- 3 Maître Zarambaud, you have the floor.
- 4 MR ZARAMBAUD: (Interpretation) Thank you, your Honour.
- 5 QUESTIONED BY MR ZARAMBAUD: (Interpretation)
- 6 Q. Witness, good afternoon.
- 7 A. Good afternoon, Mr Zarambaud.
- 8 Q. Witness, my name is Mr Zarambaud, and I am a lawyer, member of the Central
9 African Republic Bar, working before the courts there, and here I am a legal representative
10 representing victims. With me today is Ms Marie-Edith Douzima Lawson, also a legal
11 representative of victims. We have been asked to represent the victims, and I represent
12 the victims of Bangui and surrounding areas.
- 13 And, as the Presiding Judge was saying, we will be asking you a number of questions and
14 we must provide this list of questions to the Bench and we shall put the questions to you
15 that have been approved by the Judges. We may also ask some follow-up questions in
16 light of answers that you have given to the Defence or to the OTP.
- 17 In this particular case, I'll be asking you some follow-up questions. You see, before you
18 appeared, there was no full inquiry with a statement taken and then provided to everyone,
19 as was the case with the Prosecution witnesses, so it is difficult for us to determine exactly
20 what points you would be speaking to, other than the very general elements that were
21 provided to us by the Defence .
- 22 Now, my first question, Witness, is as follows: When did Bozizé's rebels enter Bangui in
23 2002? I don't think it's really useful for you to answer that because I believe you've
24 already answered that question when you were questioned by the Defence, or perhaps
25 when you were being questioned by the OTP. I'll move directly on to my second point,

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1 the second point of my first question. How were the rebel forces of Bozizé clothed when
2 they entered Bangui? What foot-wear did they wear?

3 A. Before I answer, I'd like to ask the Court -- I believe that three days ago, before I
4 came here, Ms Douzima had come to see and I was in the room upstairs --

5 PRESIDING JUDGE STEINER: Could, please, court officer turn into private session.

6 (Private session at 12.33 p.m.) * Reclassified as Open session

7 THE COURT OFFICER: We are in private session, your Honours.

8 PRESIDING JUDGE STEINER: Please, Mr Witness.

9 THE WITNESS: (Interpretation) She came to greet me, and she asked me where I came
10 from and she asked me how the -- well, she told me that -- I asked her how the hearing
11 would be done, and she said it would be in private session and it was all about finding
12 things out, you see, because I'm here to give testimony. No one forced me to come. No
13 one has forced me, because some things are happening and people are just beating around
14 the bush. No one forced me to come here. I was contacted by Mr Kilolo, and I agreed
15 to come and give testimony which -- about what I saw, what I heard, but I can't be
16 brought here and then afterwards in the country -- I don't want anything to happen to my
17 relatives, for example, or in the place where I am right now. I don't want anything to
18 happen to me, so I guarantee the Court to ensure that my security is ensured from this
19 point onwards. I want the Court to guarantee my security.
20 Thank you.

21 PRESIDING JUDGE STEINER: Mr Witness, had you informed Victims and
22 Witnesses Unit about what happened or about your concerns after what Maître Douzima
23 said, as you mention?

24 THE WITNESS: (Interpretation) I explained to the staff who came to see me, I
25 explained to them. I explained that point, because I know what I'm talking about.

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- 1 PRESIDING JUDGE STEINER: The only thing, Mr Witness, that I can say right now,
2 before knowing all details of what happened is, first, to reiterate what I said yesterday,
3 that all persons in this courtroom and all persons that included interpreters, court
4 reporters, the technicians that are in charge of the transcripts, the computers, the security
5 guards, all these persons here, they have a confidentiality duty. If they violate their
6 confidentiality duties, that may be seen as a crime against administration of justice.
7 My second point, the Victims and Witnesses Unit of the Court is the organ of the Court in
8 charge of informing the witness about security issues; is in charge of collecting
9 information or listening to the witness's concerns in relation to security issues; and finally,
10 to take all necessary measures in order to ensure the safety and the security of witnesses
11 and their families.
12 What I can ensure you right now is that the Chamber will ask VWU to provide you with
13 the proper information and to report to the Chamber on what happened and what
14 measures VWU intends to take, if any. There's nothing else that I can tell you right now,
15 apart from reiterating that the persons involved in this case have the duty of
16 confidentiality in relation to your identity, and that includes the identity, of course, of
17 your family members. Is this explanation enough to you, Mr Witness?
18 THE WITNESS: (Interpretation) Thank you, your Honour.
19 PRESIDING JUDGE STEINER: We will come back to this issue as soon as the
20 Chamber receives a report from Victims and Witnesses Unit, but do not hesitate in
21 informing them about your concerns.
22 Are you feeling well and ready to continue with your testimony, sir?
23 THE WITNESS: (Interpretation) Of course.
24 PRESIDING JUDGE STEINER: Therefore, I ask please, court officer to turn back into
25 open session.

Trial Hearing
Witness: CAR-D04-PPPP-0007

(Open Session)

ICC-01/05-01/08

1 (Open session at 12.40 p.m.)

2 THE COURT OFFICER: We are in open session, your Honours.

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

4 Q. Witness, I'm trying to understand what you're saying. You and I, and the other
5 legal representative of victims, we are all from the same country and perhaps you fear
6 that -- that we may fail in our obligations, but I assure you that, as far as I am concerned,
7 that could not be the case. Under no circumstances would I fail in that duty to respect
8 confidentiality, my duty to respect confidentiality here.

9 I have been a lawyer for nearly 40 years. Twice I was the head of the Bar Association,
10 and I certainly know about respecting the rules of the profession and I would never do
11 anything that could infringe upon your rights because no matter what side we are on, we
12 all wish to defend human rights and, from that point of view, I can tell you that the
13 United Nations gave an award for best defence of human rights to the CAR in the year
14 2001 and so, as far as I'm concerned, you can be entirely at ease.

15 A. Thank you.

16 Q. How were the Bozizé rebels clothed when they arrived in Bangui and what was
17 their foot-wear?

18 A. They weren't all wearing uniforms. Some of them had uniforms, others were
19 wearing civilian clothing. They weren't all wearing uniforms.

20 Q. Thank you. If I could remind you, Witness, after I finish putting my question to
21 you please wait five seconds before you give your answer. Remember that the
22 interpretation is continuing in English, so please remember the five-second rule.

23 A. That's fine.

24 Q. What neighbourhood did they occupy when they entered Bangui and for how long?

25 A. Bozizé's troops occupied the north exit of PK -- of -- that is to say PK12, 11, 10, Fouh,

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(Private Session)

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1 Boy-Rabé, 36 Villas.

2 Q. Thank you. As I mentioned to you a few moments ago, I am specifically
3 responsible for representing the victims of Bangui and surrounding areas. That is why I
4 am going to put the following question to you: Did Bozizé's rebels commit murder, rape
5 or looting in those northern neighbourhoods of Bangui?

6 A. When Bozizé's troops arrived in Bangui, just imagine, Counsel, just imagine the
7 people who were surprised like that. Most -- correction, most of those people had never
8 gone to school. Most were Muslims. Many of them were from the Fulani group. So
9 just imagine their mentalities. They were extremely aggressive when they arrived in
10 Bangui. They assaulted people. If they wanted to take something, if the person put up
11 resistance they shot at you, and the proof of that I'll give you two examples that I know of,
12 my own people close to me.

13 Q. If you want to give names, we can go into private session?

14 A. Private session.

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

16 (Private session at 12.45 p.m.) * Reclassified as Open session

17 THE COURT OFFICER: We are in private session, your Honours.

18 THE WITNESS: (Interpretation) I'll mention two people who are no longer alive. Let
19 us begin with my late uncle, my mother's younger brother. (Redacted) He
20 was --

21 THE INTERPRETER: Inaudible.

22 THE WITNESS: (Interpretation) -- just like that. Bozizé's rebels shot at him and they
23 wanted to take his pick-up truck, but since he put up a fight, since he resisted, they killed
24 him and they took the vehicle. They took money. That is one example.

25 Second example: I have a friend, a brother, (Redacted)

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1 (Redacted) by Bozizé's people. These were

2 people close to me; people who I knew. The others I don't know.

3 PRESIDING JUDGE STEINER: Mr Witness, could you please repeat for the record the
4 name of this late uncle of yours that was killed?

5 THE WITNESS: (Interpretation) (Redacted)

6 THE INTERPRETER: Interpreter correction: The gentleman mentioned --

7 PRESIDING JUDGE STEINER: And in which neighbourhood this event happened?

8 THE WITNESS: (Interpretation) (Redacted)

9 (Redacted)

10 PRESIDING JUDGE STEINER: Thank you very much.

11 MR ZARAMBAUD: (Interpretation) Thank you.

12 Q. Now, before we go back into open session, you have given us two examples of
13 murder and looting. Can you give us examples of rape during the days when Bozizé's
14 rebels arrived in Bangui?

15 A. Well, (Redacted), but I do know when Bozizé's troops took the
16 north exit of the city, they did loot. Where you live is not too far from where Bozizé's
17 troops, Counsel -- you can't tell me the contrary, Counsel.
18 Where Bozizé's soldiers were that's not too far, so there was looting. They looted, they
19 assaulted people, but I didn't -- evidence? I don't have actual evidence or proof, but the
20 time that they spent after the -- that is when these things were observed, to my
21 knowledge.

22 PRESIDING JUDGE STEINER: Maître Zarambaud, sorry to interrupt you. I think there
23 was -- sometimes it appears in the transcript that my microphone was not activated.
24 I think it's because I'm not giving the five seconds. I'm not following my own rule and,
25 because of that, it is not in the transcript the last name of your late-uncle that was killed.

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1 Could you please repeat for the record, Mr Witness?

2 THE WITNESS: (Interpretation) (Redacted)

3 THE INTERPRETER: Then the witness corrects, (Redacted)

4 PRESIDING JUDGE STEINER: Thank you. And just to be precise, the last question of
5 Maître Zarambaud was whether you had information or examples of rape committed by
6 Bozizé's troops and your answer was again related to looting. Could you please answer
7 to the question on whether you received information, or you saw anything, in relation to
8 rapes committed by Bozizé's troops?

9 THE WITNESS: (Interpretation) Well, if I say that I saw I would be telling a lie, but
10 according to what has been seen by others, or observations that were made, there were
11 rapes and cases of looting and killing after they went by PK12 and drove out and
12 withdrew.

13 PRESIDING JUDGE STEINER: Can we turn into public session?

14 MR ZARAMBAUD: (Interpretation) No doubt, your Honour, but just a brief
15 observation before we do that, before we go into open session.

16 I would like to tell the witness this. Here, each person has a role to play. You are a
17 witness and your job is to give testimony. I am the legal representative of victims and I
18 only have to give -- put questions to you. I don't have the right to give testimony, or to
19 say what I might have experienced personally there. So I'm not asking you questions
20 because I'm unaware of something, despite the position of my house in Bangui, but you
21 see my work here is to ask you questions and not to give evidence about what I
22 experienced myself.

23 Thank you, your Honour. If we could now go into open session?

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

25 (Open session at 12.53 p.m.)

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(Open Session)

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1 THE COURT OFFICER: We are in open session, your Honours.

2 MR ZARAMBAUD: (Interpretation) Thank you.

3 Q. Witness, when the Deputy Chief of Staff who was serving at the time of Bozizé's
4 troops arrival, when he learned about the arrival of these troops, what did he do?

5 A. Could you please rephrase the question, Counsel?

6 Q. My question is as follows: The Deputy Chief of Staff, General Mazi I believe it was,
7 when Bozizé's troops came to Bangui, what was his first reaction?

8 A. Well, Counsel, did General -- well, General Bozizé's troops did not arrive in Bangui
9 just like that. Bozizé's troops were in Bangui. They were not surprised.

10 Q. I had a reason to put that question to you, because Colonel Lengbe gave testimony
11 here in open session, and I'll give the reference, and he said that the general went and took
12 refuge at the Chinese Embassy. Were you aware of that?

13 A. No.

14 Q. Thank you. Speaking more generally, what was the state of the CAR army from
15 October 2002 to March 2003, after the attempted coup by the former President Kolingba
16 and the rebellion of General Bozizé in October of 2002?

17 A. Well, what I'm going to tell you -- after the failed coup d'état by General Kolingba, a
18 few months after that Bozizé -- General Bozizé left the General Staff and there was a
19 shortage of troops within the CAR army.

20 Q. Was there fighting between the FACA forces and Bozizé's forces before the arrival of
21 the MLC troops?

22 A. Yes, of course. There was exchange of gunfire. Before they got to PK12, some
23 soldiers -- there were some soldiers, there was a battalion, BIT2, based at PK12. So first
24 there was fighting.

25 Q. How long did that fighting last?

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1 A. Because -- before the MLC arrived, is that it?

2 Q. Yes, that's right.

3 A. Four days. Four days. It lasted four days before the MLC troops arrived.

4 Q. And now a follow-up question, in light of your answer: What was the outcome of
5 that fighting - those four days of fighting - before the arrival of the MLC troops?

6 A. Well, the fighting was to keep Bozizé's troops from taking power.

7 Q. I've understood that. I realise that the loyalist troops were there to ensure that the
8 power would remain -- that the government would remain in place, but the four days of
9 fighting there, what was the outcome of those four days of fighting? Were you able to
10 push back Bozizé's troops? Did they stay there? If you were able to repel them, how far
11 back were you?

12 A. There was resistance. Bozizé's troops were nearly -- they were -- they were nearly
13 at the television station, but since there was resistance they withdrew to the fourth
14 arrondissement, the PAM building, so that was the boundary. They were by the PAM
15 building. So there was resistance before the MLC troops arrived.

16 Q. So that explains why they called upon the MLC troops. The FACA troops were
17 unable to drive out Bozizé's troops from the capital?

18 A. Exactly.

19 Q. Now, before the MLC troops arrived in Bangui, were you informed that those troops
20 were coming to provide reinforcements to the FACA?

21 A. Yes, yes.

22 Q. Without giving any details that might identify anyone, how did you come to know
23 this information; that is, apart from the fact that you were a soldier? Can you give us
24 further details?

25 A. When General Bozizé's troops came to Bangui, President Patassé at the time was

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1 seeking ways and means of protecting his power, his regime, so he was compelled to call
2 on the MLC troops to come and reinforce his forces.

3 Q. Yes, that would be logical but concretely, in answer to my question, you said that
4 you were aware of the arrival of the MLC troops before they arrived. So my question to
5 you is: How did you know that?

6 A. The General Staff headquarters was informed that the MLC troops would arrive
7 shortly, so the staff headquarters was aware of their arrival there.

8 Q. Thank you very much, Mr Witness. You have said several times that the MLC
9 troops crossed the river and arrived Port Beach in Bangui, but what I would like to ask
10 you is: Were you personally present on the shores of the river when those troops
11 arrived?

12 A. No, I was not there at the time of their arrival, but I returned shortly afterwards.
13 When they arrived, I was at the Camp Kassai, and even in Camp Kassai we were already
14 aware that General Yongongo and Colonel Danzito had gone to Port Beach to wait for the
15 arrival of the MLC troops. Since I was working, I came back when they were already
16 there at the naval base, but they had crossed using the ferry that you are already aware of.

17 Q. Very well. Since you saw those troops immediately after their arrival, now can you
18 tell us what they were wearing on their bodies and their feet?

19 A. Thank you, Counsel. The MLC troops, when they arrived, they were
20 wearing -- they were in tatters, they were wearing clothes that were in tatters, so this
21 means they did not have uniforms. They were sloppily dressed. Others were wearing
22 combat tops, but with civilian trousers and various types of shoes, as well as some boots,
23 so they were not dressed in uniforms like a real army.

24 Q. You have said that only a few were wearing military uniforms. Now, those who
25 were wearing military uniforms, did they have insignia of rank and unit?

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1 A. No, they did not have any ranks. I simply saw soldiers in uniform. I did not see
2 any ranks. I did not pay attention, but they were referred to as commanders, and I mean
3 the leaders, the foot-soldiers referred to them as commanders, but I did not know their
4 ranks.

5 Q. You did not pay attention to find out whether they were wearing insignia of rank
6 and unit, is that what you are saying, or were they not actually wearing such insignia?

7 A. When I arrived, there were some of the soldiers trying to put on the uniforms that
8 they had been given, while others were still with the uniforms they had crossed with.
9 The majority of them were already wearing the uniforms that had been given to them by
10 our country which, in turn, was a gift from China.

11 Q. Which language were they speaking?

12 A. They were speaking French and Lingala.

13 Q. When those first troops arrived, where were they initially based and how did they
14 travel to that base?

15 A. After Port Beach, they were based right there at the naval base, and then the General
16 Staff requisitioned pick-ups and jeeps to place at their disposal.

17 Q. I asked you where the soldiers were barracked after leaving the beach.

18 A. From the naval base, some of them went to Camp de Roux (phon). They were
19 spread over certain camps, so some of them went to Camp Kassaï, others to Camp de
20 Roux, while others went to the support regiment and still others went to BIT2. Well, not
21 as early as that, but most of them, the majority, were at the support regiment in Camp
22 Béal.

23 Q. You yourself were a member of this support regiment; is that correct?

24 A. Yes.

25 Q. And when the MLC soldiers arrived at the support regiment, what precisely did

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1 they do there?

2 A. I was not there when they arrived at the support regiment, I was not in the camp,
3 I was in the field. I was always on the move so I do not know what happened, but they
4 arrived and they were barracked in the camp. That is all.

5 Q. Since you were a member of this regiment, even though you were not present at the
6 time of their arrival, did you not subsequently find out what they did in the support
7 regiment?

8 A. I do not know, unless you jog my memory, unless you remind me about it.

9 Q. There is a witness who testified here and he said that when they arrived there, there
10 were musical instruments, there were computers, and that they'd looted everything. Are
11 you aware of this?

12 A. No, I am not aware of that. How is it possible for people who had just arrived and,
13 in fact, that was a military camp? There were soldiers there, and those soldiers were
14 armed, so I really do not know how to answer you. I am not aware of that.

15 Q. You are quite correct in saying that there were soldiers in that regiment and that
16 they were armed, but it seems that they disarmed and undressed 20 soldiers who were
17 responsible for guarding that camp. Are you aware of that?

18 A. Counsel, you know that the support regiment is a very big regiment. The camp is
19 very large, so there could not have been only 20 soldiers at the time, and this is
20 particularly so during this time when there was a crisis. So people were mobilised. So
21 when you say 20 people, I do not know, I have no idea.

22 Q. I did not say that there were only 20 people there. I said that they are said to have
23 disarmed and undressed 20 soldiers. Now, given your duties at the time, when you had
24 to find out what was happening and given that this was your own regiment, I wanted to
25 know whether you were informed about that subsequently.

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1 A. No.

2 Q. Personally, I'm a little bit surprised by the fact that you would not be aware of what
3 happened in your own regiment. A short while ago, Ms Kneuer talked about the
4 mysterious disappearance of an intelligence service colonel, page 40, lines 22 to 26 of
5 today's transcript, and in that case also you testified that you were not aware. Now, in
6 the army, someone who is a colonel would have been at the very top of the intelligence
7 service. Now, working in your position, is it possible that you would not have been
8 aware of this?

9 A. You know, Counsel, the rank of colonel is a rank that I have a lot of respect for. It
10 is inadmissible that a foreign force that arrives at a regiment, such as the support regiment,
11 would cause the disappearance of a colonel. I really do not know. That is rather
12 beyond me. Unless that colonel disappeared under different circumstances, but I do not
13 know.

14 I will tell you one thing, Counsel: You and I, we know very well what is happening in
15 Bangui. Yesterday, in answer to one of the Prosecutor's questions to me, I said that there
16 are certain things that people have a tendency to forget at times. I'm not revealing any
17 secrets to you because you know these things even better than me.

18 When you started practising as a lawyer, I was not even born yet but when I was going to
19 school, I was still quite little, in the city centre, when the parents came to look for us to
20 fetch us in school, they would say, "Look, that is Mr Zarambaud," and when someone said
21 "That is Mr Zarambaud," everyone would turn around to look.

22 So I do not know whether that disappearance was a settlement of scores amongst soldiers,
23 I do not know but, as far as I know, to have a foreign force come in and cause the
24 disappearance of a colonel, I really do not know. I do not know how to answer that
25 question, Counsel.

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1 Q. Thank you. Do you know how the MLC troops advanced to PK12?

2 A. I will not say MLC troops because the MLC troops were working alongside the
3 Central African Armed Forces. So in answer to your question, I will say that the loyalist
4 forces pushed back Bozizé's troops right up to PK12, and that is how they got there.

5 Q. I asked that question because there are witnesses who testified in this courtroom
6 and who stated that they had seen MLC soldiers travelling on foot and in Indian file to
7 PK12. Amongst those witnesses, there was Witness 108 and the reference is
8 CAR-OTP-0046-0017, paragraphs 1, 5 and 11. So this witness stated that they -- he saw
9 MLC troops travelling alone on foot to PK12. What do you say to that?

10 A. Counsel, if you allow, can I ask you a question? The MLC troops arrived in Bangui.
11 They do not know the town. Are they going to just walk like that on their own, alone, to
12 go to PK12? For example, I myself, I came here. I cannot leave this place and travel five
13 kilometres alone because I do not know the town. I -- I will be lost.
14 Furthermore, there was fighting going on. There were soldiers in PK12. Would they
15 just leave like that and travel to PK12, Counsel?

16 Q. Thank you, Mr Witness. As I told you before, my role here is not to answer
17 questions but, nevertheless --

18 PRESIDING JUDGE STEINER: Yes, Mr Haynes?

19 MR HAYNES: It's not an objection, it's just that there is something I want to raise before
20 we finish at 1.30 and I know that the tape is an issue. So if you could bear that in mind
21 I'd like to have two minutes of your time.

22 PRESIDING JUDGE STEINER: Maître Zarambaud, I will suggest that you finish now
23 that comment you were about to make, and then we go into -- Judge Aluoch has a
24 follow-up question and now Mr Haynes informs he needs to address the Chamber, so
25 please, just finish and you will continue on Monday morning.

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- 1 MR ZARAMBAUD: (Interpretation) Thank you, your Honour. I won't be long.
- 2 I was saying that as journalists say, you have to make a distinction between information
- 3 and comments. In this particular case, you have to make a distinction between facts, and
- 4 what happened, as far as we know, you are saying would a foreign force come here and
- 5 do this and that? That is logical, but what really happened? I can read to you later an
- 6 excerpt of the statement of (Redacted) and this person
- 7 said that MLC soldiers came and asked whether this is PK12. So I'm not asking you
- 8 what would logically have happened, but I wanted to know what really happened.
- 9 Thank you, your Honour.
- 10 PRESIDING JUDGE STEINER: Judge Aluoch has a follow-up question.
- 11 JUDGE ALUOCH: Mr Witness, I have a follow-up question on the testimony you gave
- 12 on the arrival of MLC and their mode of dressing. Do you remember that? I have in
- 13 front of me transcript, English version, page 71, where Mr Zarambaud asked you, "Since
- 14 you saw those troops immediately after their arrival, now, can you tell us what they were
- 15 wearing on their bodies and on their feet?" And your answer was, "The MLC troops,
- 16 when they arrived, they were wearing -- they were in tatters. They wore clothes that
- 17 were in tatters, so this means they did not have uniforms. They were sloppily dressed,
- 18 others were wearing combat tops but with a civilian trousers and various types of shoes,
- 19 as well as some boots."
- 20 It is this next sentence that I found -- that I would like you to clarify. Your next sentence
- 21 was, "So they were not dressed in uniforms like a real army."
- 22 What did you mean by that sentence?
- 23 THE WITNESS: (Interpretation) Maître Zarambaud asked me what I had seen, so that
- 24 was the answer I gave. That is simply what I saw. They were not all wearing uniforms.
- 25 JUDGE ALUOCH: I understand that. My -- the clarification I want you to make is on

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1 this sentence, "They were not dressed in uniforms like a real army." Does this answer
2 mean that you did not consider this group a real army? That's really what I'm driving at.
3 THE WITNESS: (Interpretation) That's not what I said. I simply said that they were
4 not all in uniform. I do not know how that -- what happens in their country. To my
5 knowledge, that's simply what I saw.
6 JUDGE ALUOCH: I see. It's because this sentence is on the transcript, "So they were
7 not dressed in uniforms like a real army." That is in the transcript. That's why I
8 followed it up.
9 THE WITNESS: (Interpretation) I said that they were not all in military uniform.
10 Some had uniforms, some only had the top, and others the trousers. I really didn't want
11 to know whether these were true soldiers or not, and if they were not true soldiers would
12 President Patassé call on them to come and assist them? I do not know, so I'm not really
13 in a position to answer.
14 JUDGE ALUOCH: Thank you.
15 PRESIDING JUDGE STEINER: Thank you, Mr Witness. Mr Haynes, the issue you
16 want to raise needs the presence of the witness in courtroom?
17 MR HAYNES: No. Quite the opposite, please.
18 PRESIDING JUDGE STEINER: So, Mr Witness, thank you very much. I will ask
19 the -- unfortunately, you will have to spend your weekend in The Hague with this
20 beautiful weather, but we hope that in the first part of Monday's hearing we will conclude
21 with your testimony and release you from your duties and allow you to go back home.
22 We hope you take some rest during the weekend and that we are able to conclude your
23 testimony on Monday, first part of the hearing, in the morning.
24 I ask, please, court officer to turn into closed session for the witness to be taken outside the
25 courtroom.

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(Closed Session)

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1 (Closed session at 1.26 p.m.) * Reclassified as Open session

2 THE COURT OFFICER: We are in closed session, your Honours.

3 (The witness stands down)

4 PRESIDING JUDGE STEINER: You said two minutes. This is what you have,
5 Mr Haynes.

6 MR HAYNES: And we'll have to stay in closed session, yes.

7 It arises from the witness's statement before Mr Zarambaud began to examine him, and
8 it's important that we look at both the English and the French transcripts. The English
9 transcript is at page 60, line 12, and the French transcript at page 61, line 22.

10 In English, it began talking about Ms Douzima Lawson. "She came to greet me and she
11 asked me where I came from, and she asked me how the -- well, she told me that -- I asked
12 her how the hearing would be done and she said it would be in private session and it was
13 all about finding things out, you see, because I'm here to give testimony."

14 If one looks at the French transcript, what was already a worrying statement becomes
15 even more alarming, because there's a phrase that's missing from the English that the
16 witness said in French, and I'll read it to you. He said: (Interpretation) "This is what
17 she told me: What is sure in Bangui, it will be known." (Speaks English) And I didn't
18 really understand his concerns at first until somebody pointed out what in fact he'd said
19 in French, and that now becomes really rather a more worrying exchange, in our view,
20 and it merits investigation, and I know it will be investigated, but there are two points
21 that arise: The first is that I think VWU ought to see the French transcript which contains
22 a fuller explanation of the exchange between the witness and Ms Douzima Lawson and,
23 secondly, is a practical problem.

24 The next witness, who is of a similar origin and character, is due to undergo a
25 familiarisation session on Monday morning before, I imagine, any investigation will be

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1 complete or you can make any decisions about it. And I would have thought while this
2 matter is under investigation it would be better if Ms Douzima Lawson did not attend
3 that familiarisation session, and I will, of course, accept her undertaking not to do so,
4 failing which I would ask you to direct that.

5 PRESIDING JUDGE STEINER: Mr Haynes, the only thing, because we have 30 seconds,
6 less than one minute, first the so-called incident that happened during the familiarisation
7 with a Witness D-07 is already being dealt with (Redacted)
8 (Redacted)

9 Second, there is nothing to do with Witness 11 and, therefore, in principle, we see no
10 factual or legal basis to prevent Ms Douzima to participate in the familiarisation process
11 since she will be accompanied, as always, by a VWU representative.

12 So I hope this addresses the Defence's concerns. Fifteen, ten seconds.

13 MR HAYNES: It doesn't, because I think this man was intimidated by that meeting, and
14 that's my concern.

15 PRESIDING JUDGE STEINER: Intimidation or concerns by victims is an issue to be
16 dealt with by VWU, which is the proper and neutral organ of the Court in charge of doing
17 that, preventative or after some -- any incidents happened.

18 I thank very much the Prosecution team, the legal representatives of victims, the
19 Defence team, Mr Jean-Pierre Bemba Gombo.

20 I'm sorry to finish in such a hurried way. I thank very much the interpreters and court
21 reporters, wishing everyone a good weekend.

22 We will adjourn and resume tomorrow morning -- Monday morning at 9 and putting the
23 parties on notice that testimony of Witness 11 will start for sure on Monday morning.

24 The hearing is adjourned.

25 THE COURT USHER: All rise.

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0007

1 (The hearing ends in closed session at 1.32 p.m.) * Reclassified as Open session

2 CORRECTIONS REPORT

3 The Court Interpretation and Translation Section has made the following corrections

4 in the transcript:

5 *Page 51 line 25 and page 52 line 1

6 "I have (Redacted) (phon). He was killed right in front the

7 Presidential Guard by Bozizé's people." Is corrected by "I have (Redacted)

8 (Redacted) (phon). (Redacted)

9 (Redacted) by Bozizé's people."

10 *Page 52 line 8

11 " (Redacted)

12 RECLASSIFICATION REPORT

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

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

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