

Trial Hearing  
Witness: CAR-D04-PPPP-0004

(Open Session)

ICC-01/05-01/08

1 International Criminal Court  
2 Trial Chamber III - Courtroom 1  
3 Situation: Central African Republic  
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08  
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and  
6 Judge Kuniko Ozaki  
7 Trial Hearing  
8 Thursday, 20 June 2013  
9 (The hearing starts in open session at 9.04 a.m.)  
10 THE COURT USHER: All rise.  
11 The International Criminal Court is now in session.  
12 Please be seated.  
13 PRESIDING JUDGE STEINER: Good morning.  
14 Could, please, court officer call the case.  
15 THE COURT OFFICER: Thank you, Madam President.  
16 Situation in the Central African Republic, in the case of The Prosecutor versus  
17 Jean-Pierre Bemba Gombo, ICC-01/05-01/08.  
18 PRESIDING JUDGE STEINER: Thank you.  
19 Good morning. I welcome the Prosecution team, legal representatives of victims,  
20 Defence team, Mr Jean-Pierre Bemba Gombo. Good morning our interpreters, our  
21 court reporters. Good morning, Mr Rojas.  
22 THE COURT OFFICER (via video link): Good morning, Madam President.  
23 PRESIDING JUDGE STEINER: And good morning, Mr Witness.  
24 WITNESS: CAR-D04-PPPP-0004 (On former oath)  
25 (The witness speaks French)

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1 (The witness gives evidence via video link)

2 THE WITNESS: (Interpretation) Good morning, Madam President.

3 PRESIDING JUDGE STEINER: Thank you again for being with us. Are you ready  
4 to continue with your testimony, sir?

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

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

8 THE WITNESS: (Interpretation) Yes, I do.

9 PRESIDING JUDGE STEINER: I also wanted to remind you that you are under  
10 protective measures and, therefore, when we are in public sessions avoid telling  
11 anything that could lead to your identification. If need be, we go into private  
12 session.

13 Do you understand the protective measures, don't you?

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

15 PRESIDING JUDGE STEINER: And, Mr Witness, once again I have to remind you  
16 that you are expected to speak slower than normal because yesterday our interpreters  
17 many times they had difficulties in following you, so please speak slower, give some  
18 pauses between sentences and don't forget the five seconds after a question is put to  
19 you in order to facilitate our interpreters' job.

20 Can we count on you, Mr Witness?

21 THE WITNESS: (Interpretation) Yes.

22 PRESIDING JUDGE STEINER: Mr Rojas, who is at your side, will make some  
23 gestures from time to time to remind you that you have to slow down.

24 Today the Prosecution will continue with its questioning, and for that purpose I give  
25 the floor back to Mr Bifwoli.

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1 MR BIFWOLI: Good morning, your Honours.

2 QUESTIONED BY MR BIFWOLI: (Continuing)

3 Q. Good morning, Mr Witness.

4 A. Good morning, Mr Bifwoli.

5 Q. Mr Witness, today we will proceed from where we stopped yesterday and I will  
6 continue to ask you questions and I remind you to wait for five seconds before you  
7 give the answer and, as Madam President pointed out, also try as much as you can to  
8 speak slowly so that what you say is clearly interpreted. Is that okay with you?

9 A. Yes, that's fine. I will try.

10 Q. Mr Witness, at transcript T-326, real-time, page 37, lines 23 to 25, page 38, lines 1  
11 to 2, you testified that Bombayake took over command of the CCOP from Lengbe  
12 when he left. Do you recall saying that?

13 A. Yes, indeed. That is what I said.

14 Q. A document in evidence before this Court, that is CAR-OTP-0042-0237, shows  
15 that Bemondombi is the one who took over from Lengbe. That contradicts your  
16 testimony, doesn't it?

17 A. As I said yesterday, it's a problem of trust. Do you understand? The  
18 president was worried more about the FACA and, as I said with regard to the trust he  
19 had in the USP and in Bombayake after the flight of Lengbe, it was Bombayake who  
20 took over. That's what I said yesterday. I can't invent - make up - what I said.

21 Q. So again you want the Court to believe your word and not an official document  
22 of the CAR government? Is that your testimony?

23 A. As I said, the president had greater trust in the DG and was less trusting of the  
24 FACA and normally command went straight through General Bombayake, as I said.

25 Q. Apart from your word, you have no document to show this Court that

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1 Bombayake took over the control of the CCOP, do you?

2 A. I said, and that was my word, what I said -- what I said. I know what I said  
3 and I know why I said it.

4 Q. Do you know the organisational structure of the CCOP?

5 A. You have the General Staff and the CCOP is under the General Staff, you  
6 understand? The CCOP was there to co-ordinate operations in the field. That's  
7 what I'm saying to you.

8 Q. How many people worked at the CCOP?

9 A. As I said, the CCOP follows the orders of the General Staff. I could give you a  
10 number, but it would be something of a lie. I can't give you an exact number, but  
11 under the orders of the General Staff there was a CCOP co-ordinating the operations,  
12 so there were people there, but if I were to give you a number, well, I would just be  
13 making it up and I don't want to lie to the Court. I can't give you an exact number.

14 Q. And do you know the sections or the units that these people came from, the  
15 people who were working at the CCOP?

16 A. They were from the FACA, the Central African Armed Forces. They were  
17 Central Africans. They were from the FACA. The Central African General Staff  
18 employs Central African soldiers who are Central African citizens working for the  
19 Central African Republic. They can't be foreigners. They were Central Africans.  
20 I'm not going to lie.

21 Q. We know that, but we also know that FACA has different units and sections, so  
22 do you know from which sections that the people at the CCOP came from?

23 A. Well, under the General Staff, there are regiments. A regiment is the military  
24 unit made up of a number of battalions and a battalion is a military unit made up of a  
25 number of companies. A company is a military unit made up of a number of

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1 platoons. There is order in this. There's the support regiment. There's the BIT.

2 There's a lot of structures, a lot of Central African battalions. Do you understand?

3 There's a General Staff and under the orders of the General Staff the -- there are

4 Central African regiments. Perhaps you've misunderstood what I said.

5 Q. Mr Witness, FACA, like any other army, had sections like intelligence, logistics,  
6 and so on and so forth; is that correct?

7 A. In the General Staff, there's a second bureau which is the intelligence section.

8 There are bureaus, yes, indeed. That was in the General Staff.

9 Q. Yes. From which bureaus did the people who were at the CCOP come from,  
10 do you know?

11 A. I'm telling you they were FACA. There were infantry, people who'd been to  
12 military school and they had been trained to lead the Central African Army. They  
13 were military; I don't know what bureau. They were military and they were under  
14 the orders of the Central African General Staff. I don't know whether I'm making  
15 myself understood.

16 Q. Now, can you tell us their names and designations?

17 A. Whose names? Whose titles/designations? Apparently, I don't understand  
18 what you're asking of me.

19 Q. You testified that Lengbe was the one in charge of the CCOP and you've  
20 testified that there were people who were working at the CCOP. Can you tell us the  
21 names and designations of these people who were working under Lengbe and later  
22 on under Bemondombi at the CCOP?

23 A. As I said, at the time I was a senior sergeant. I was an NCO. I can't know all  
24 that. You talk about my -- if you talk to me about my unit, I can take my time and  
25 explain it to you, but these were not my friends, these were not my colleagues. I was

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1 there to take orders, so I can't know all the names of my superior officers.

2 Talk to me about the USP and I can tell you who gave me orders in the field, I can tell  
3 you under whose orders I was, in which company I was, in which section I was, in  
4 which team I was.

5 Q. Do you know if there was any representative from the USP in the CCOP?

6 A. As I said, USP is also FACA, but it's a unit which is seconded to protect the  
7 president. So it's FACA. It's quite clear.

8 Q. You testified in this court that USP has around 300 soldiers. Was anyone from  
9 these 300 soldiers sent to work at the CCOP during this period?

10 A. Well, I said to you that after Lengbe left, General Bombayake took over the  
11 CCOP directly. I mean, that's how it was. I'm not just telling you any old thing.  
12 I'm telling you what happened. After Lengbe fled, General Bombayake took over.  
13 He took over the control of CCOP. There was much less trust in the FACA, so why  
14 should they not have USP in the command? That would be the right -- the normal  
15 thing to do, to have them in the command of the CCOP.

16 Q. So, Mr Witness, you can't tell us the number of people who worked at the CCOP,  
17 you can't tell us their names, you can't tell us their designations, you can't tell us the  
18 units from which they came from, you can't tell us who came from USP. Am I  
19 correct to say your knowledge of the CCOP and how it functioned is limited?

20 A. As I said, I was an NCO in the field, a sergeant. I can't keep an eye on what my  
21 superiors are doing. I was there expecting to receive officers. If -- I am no longer a  
22 sergeant, but at the time I was receiving orders, and I can't lie to you. Well, I don't  
23 want to lie to you.

24 Q. At T-325bis, English real-time transcript, at page 18, lines 1 to 5, you testified  
25 that on 29 October 2002 you saw about 400 MLC troops at the naval base and that

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1 there were others who were waiting to cross as well. Do you recall stating that?

2 A. Yes, that is indeed what I said.

3 Q. Eventually, how many MLC troops in total came to the CAR for the operation of  
4 2002/2003?

5 A. I'm going to talk in military terms. There were two battalions. Do you know  
6 what a battalion is? Well, there were two of them. If you don't know what a  
7 battalion is, I can explain it to you. Then there was a third battalion which came  
8 later, but there were two battalions. Do you know what a battalion is?

9 Q. Mr Witness, it's my business to ask you questions, so you just keep your calm  
10 and I'll ask you questions. The procedure here is that you are not the one to ask me  
11 questions, okay? You understand that?

12 A. I understand, Counsel.

13 Q. So the question was: In total, how many MLC soldiers participated in the  
14 October 2002 to March 2003 CAR operation?

15 A. As I said, two battalions.

16 Q. Can you tell the Court how many soldiers comprise a battalion?

17 A. A battalion is a military unit which is made up of two or three companies, so  
18 from 250 to a thousand soldiers. That's a battalion. So a battalion is two or three  
19 companies.

20 Q. So just to clarify this, Mr Witness, is it your testimony that a battalion comprises  
21 of between 250 to 1,000 soldiers?

22 A. Indeed.

23 Q. What about a company?

24 A. A company is a military unit made up of three platoons, so about 120 men.

25 Q. And what about a brigade? How many soldiers make up a brigade?

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1 A. Well, I'm not talking about brigades. I'm talking about companies made up of  
2 three platoons.

3 Q. And do you know how many soldiers make up a brigade?

4 A. As I said -- I'm coming back to what I'm saying. So I was talking about a  
5 company and a platoon. I didn't talk about brigades, no, nor regiments. I'm now  
6 talking about a company and platoons.

7 Q. Yes, I know we are talking about companies and platoons, but I am specifically  
8 putting a question to you. Do you know how many soldiers make a brigade?

9 PRESIDING JUDGE STEINER: Yes, Mr Haynes?

10 MR HAYNES: In which army are we talking about?

11 PRESIDING JUDGE STEINER: Can you -- are you being specific, or are you -- what  
12 exactly you want to know, Mr Bifwoli?

13 MR BIFWOLI: Your Honours, I think the Defence should desist from interfering  
14 with our examination. We know the line we are pursuing and evidently we are  
15 dealing with a qualified soldier here, so we are starting from his general knowledge,  
16 then we come to specifics. So they should not take over examination. They can ask  
17 those questions during re-examination, if they want.

18 PRESIDING JUDGE STEINER: Yes, Mr Haynes?

19 MR HAYNES: Your Honour, those of us who know something about military  
20 structure, know that the concept of a brigade is very different in the English army to  
21 the French army to the American army. Perhaps it might be useful to establish  
22 whether there were in fact any brigades within the Central African Army. "How  
23 many soldiers are there within a brigade?" without specifying which army is a  
24 meaningless question and one which nobody can answer.

25 PRESIDING JUDGE STEINER: Let's see whether the witness is able to explain to the



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1 Chamber about the composition of a brigade. If you're not able, just say that you  
2 don't know, Mr Witness.

3 MR BIFWOLI: I thank, your Honours, and the Prosecution notes that the witness  
4 has been responding for the past ten minutes so he understands what he's talking  
5 about. So Mr Haynes should just maintain his calm.

6 Q. Mr Witness, do you know how many soldiers make a brigade in the CAR  
7 Army?

8 A. Under the Central African General Staff we had brigadier-generals, but who  
9 were not commanding a brigade. So usually you have brigadier-generals  
10 commanding a brigade and major-generals commanding a division, but there we  
11 have regiments downwards.

12 Q. And you mentioned about platoons. How many soldiers make up a platoon?

13 A. A platoon is a military unit made up of two sections; that is from 60 upwards.

14 Q. Now, a short while ago you testified that three MLC battalions came to the CAR.  
15 How many men comprised one MLC battalion?

16 A. I told you that initially there were two battalions which arrived. Then there  
17 was a third battalion. After having captured the towns, the president was  
18 negotiating for another battalion to cross over. I didn't say there were three  
19 battalions on the spot. I said there were two battalions.

20 Q. Please tell the Court how many soldiers made one MLC battalion?

21 A. I have already explained to you. I cannot tell you a precise number. I told  
22 you that a battalion is made up of companies, so I can say at least one battalion was  
23 made up of 500 men. So two battalions would be a thousand people minimum. So  
24 what I'm telling you now that maybe the battalions had about 500 men, or 400, each.

25 Q. So, Mr Witness, a short while ago you told us a battalion is made up of between

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1 250 to 1,000 soldiers. Now you've moved to 500 men. So how many soldiers make  
2 up a battalion? Can you help the Court understand this?

3 A. Counsel, I have explained at length to you. A battalion is a military unit made  
4 up of from 250 to 1,000 men. It depends on the State. We can say our battalion is  
5 300 men. It can be a battalion commanded by the commander of the battalion. So  
6 I'm telling you what I know. From 250 to 1,000 does not mean that automatically  
7 1,000 people make a battalion. It depends on the country and the battalion. You  
8 can decide that your battalion is made up of 300 people commanded by a major, a  
9 senior officer. That's how it is.

10 Q. So in your estimation, if there were three MLC battalions present in the CAR  
11 during the operation, in total how many MLC troops were in the CAR during this  
12 conflict period?

13 A. Counsel, I have said that I observed that there were two battalions which  
14 crossed over. After the fighting, after peace had been restored, there was a third  
15 battalion that -- that was being negotiated. It was negotiated that it should cross  
16 over, but I did not say that there were three battalions there. So if there were 400  
17 and 500 men, well, I know that a battalion is from 250 to 1,000 and after 1,000 it  
18 becomes a regiment. I believe we can understand each other on this point.

19 Q. Now, you have just stated that there were negotiations for the third battalion to  
20 come in. Do you know eventually if the third battalion crossed into the CAR as well;  
21 MLC battalion I mean?

22 A. I do not think so. This was already around 15 March. The war was lost.  
23 I think the third battalion couldn't cross over. It was too late.

24 Q. So just to make it clear for the record, the negotiations for the third battalion to  
25 come in were being conducted around 15 March?

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1 A. The regime already felt threatened. The authorities sensed that Bozizé's death  
2 squads, having been reinforced by a special Chadian unit, had already started  
3 recapturing the various locations. So that is what I'm explaining to you.

4 Q. So am I correct that, when the operation started in October to around  
5 March 2003, the MLC battalions that took part in this operation were just two  
6 battalions? Am I correct to say that?

7 A. That is correct, Counsel.

8 Q. And what will be your answer if someone said in this court that there were  
9 three battalions that took part in this operation?

10 A. Let me tell you this, Counsel: It depends on how that person understands  
11 what a battalion is. It is after I became an officer that I understood certain things  
12 better than I had done before. When I was a sergeant, there were things that I did  
13 not understand. It depends what that person understands by a battalion. If that  
14 person thinks a battalion is 250, if he sees a certain number of people, he will say,  
15 "Okay, this is three battalions," but after having mastered certain military tactics I  
16 better understand what is a battalion.

17 Q. So you've approximated an MLC battalion to be around 500 men. Now,  
18 working with your figures, is it your testimony that only two battalions took part in  
19 this operation?

20 A. I believe I've already explained to you what a battalion is and the number of  
21 men that make up a battalion, so when I talk of two battalions I am talking of about  
22 1,000 men. Some other people may think it is more, but I am giving that estimate  
23 because I know it was two battalions.

24 Q. So that the record is clear, the MLC soldiers who took part in this operation  
25 were according to you about 1,000 men; is that correct?

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1 A. That is correct.

2 Q. And what will be your response to someone who says that they were more than  
3 that; that in fact there were three battalions and working with your figures there were  
4 around 1,500 men? What would be your response to someone who says that?

5 A. It depends on that person's understanding. I cannot prevent someone from  
6 understanding things the way he does. Today I am an officer. That is my way of  
7 understanding things. He also has his own way. If that person tells us that there  
8 were three battalions, well, that is what he's saying, but that is not what I am saying.  
9 I know what I'm saying. I cannot invent something that someone else said. If that  
10 is what he told you, then that is what he told you, but what I'm telling you is what I'm  
11 telling you.

12 Q. At T-325bis, English transcript real-time, page 25, lines 11 to 15, you testified  
13 that MLC troops were merged with FACA at a ratio of one-to-two and that is,  
14 according to your testimony, two CAR platoon to one MLC platoon. Do you recall  
15 saying that?

16 A. Yes, that is correct.

17 Q. Was this ratio of composition between MLC and FACA troops standard  
18 throughout the operation of October 2002 to March 2003?

19 A. Let me say this: As I have told you, regarding the militias that were there,  
20 SCPS, the Sarawi forces, Paul Barril's men, USP, FACA, in relation to that the MLC  
21 was in the minority. Do you understand me? So that team remained there up 'til  
22 March 2003.

23 Q. Now, Mr Witness, in relation to MLC and FACA, who were more than the other  
24 in relation to just those two?

25 A. The FACA, those were the Central African Armed Forces. Of course, is the

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1 MLC the Congolese Armed Forces? Please do not under-estimate the strength of the  
2 FACA. We are an army. This is the Central African Armed Forces. I think you  
3 are minimising or under-estimating the Central African Army. They simply  
4 come -- they simply came to assist us. Do you know how many soldiers are there in  
5 the FACA? No. The FACA were more numerous than the MLC. That is clear.

6 Q. So am I correct to say that in all joint operations you conducted, ML -- the FACA  
7 troops were always more than the MLC troops that came to help? Is that correct?

8 A. Since you are talking about the FACA, you should also talk about the USP. If  
9 you talk about the FACA without mentioning the USP, I no longer understand you.  
10 It's as if it is a militia group. The USP is part of the FACA, but it is a unit seconded  
11 to protect the Head of State, but since you are mentioning only the FACA, I no longer  
12 understand what we are talking about.

13 Q. But, Mr Witness, you are the one who has been repeatedly telling this Court that  
14 USP is part of FACA. It reports FACA. So you distinguish USP and FACA when  
15 it's convenient?

16 A. The USP are FACA. When you talk of FACA, do you understand what it  
17 means? It is the Central African Armed Forces. It is not a regiment. It is the entire  
18 armed forces of the Central African Republic. All CAR soldiers are FACA. So we  
19 were all trained as FACA.

20 I do not know whether I am making myself clear, but there was a problem of trust in  
21 relation to people's mentalities, in relation to individuals, but overall we are all  
22 FACA.

23 Q. Now, to make the record clear, let us for this particular question consider USP  
24 as part of FACA. Now, considering USP as part of FACA, is it your testimony that  
25 in all operations with the MLC during this period, the FACA troops, who include

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1 USP, were always more than the MLC troops in the joint operations that you  
2 conducted?

3 A. Yes.

4 Q. A short while ago you testified that two MLC battalions came and there were  
5 negotiations for the third one, which did not come. Did the two that came to the  
6 CAR come, all of them, on 29 October 2002?

7 A. Let me say this: I cannot explain to you exactly whether they came the same  
8 day, or not. I'm talking to you about what happened on the ground, in the field.  
9 I'm not an authority who negotiated. You can ask Yangongo or Gam-Bifondel  
10 (phon), or the Minister of the Defence. If you are asking me that, I did not know the  
11 schedule so I cannot give you an answer to that.

12 Q. Can you tell the Court the names of the two MLC battalions that came to the  
13 CAR?

14 A. Am I an MLC commander to know their internal structure? I'm not an MLC  
15 commander. You can put that question to Moustapha, or the others. I am a Central  
16 African citizen. How can I be talking to you about the MLC when I am a Central  
17 African citizen? You can put that question to Moustapha.

18 Q. So you were operating jointly with the people you didn't know; is that your  
19 testimony?

20 A. Listen, is that the first time that the MLC came to the CAR in 2002? You may  
21 not remember, but the MLC was also there in 2001. You don't know that? Is it the  
22 first time? You have to find out.

23 These were Congolese soldiers who came over to assist us under our orders. Am I a  
24 Congolese person to know the Congolese? But we became familiar with some of  
25 them. I know some of their names, because we got to know each other in the field.

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1 We considered ourselves friends. So if someone is a friend, you have to say he's a  
2 friend.

3 Q. Please tell the Court the names of the MLC battalion commanders that came to  
4 the CAR.

5 A. Yes, there was Moustapha and then there was René that I liked a lot, but  
6 unfortunately he died. I was quite close to René, but unfortunately he lost his life in  
7 the CAR, which I regret. I didn't even want to mention his name here, because it  
8 disturbs me. I got to know René much better and it's a pity. May his soul rest in  
9 peace.

10 Q. So am I correct that the MLC battalion commanders that you know are  
11 Moustapha and René?

12 A. Yes.

13 Q. And you don't know who commanded which battalion? You don't know the  
14 names?

15 A. No, but let me tell you they also have an organisation. They have commanders.  
16 You told me about a battalion. The battalion is commanded by a commander, a  
17 major. So I told you that there were two battalions, so you had René and Moustapha,  
18 but you also had company commanders and so on and so forth.

19 Q. What would be your response if someone informed this Court that in fact there  
20 were three MLC battalion commanders in addition to Moustapha?

21 A. Let me tell you this: As I have said, it is only possible for me to know those  
22 that we worked together, but I cannot force my friendship with people with whom  
23 we were not in the same platoon. I am telling you what I know. If this is what he  
24 told you, then that is what he told you, but I am saying what I have said. I cannot  
25 invent names to give you. If you want, I can invent, but since I'm here to tell the

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1 Court the truth, it is pointless. So I can tell you only what I know. I cannot tell you  
2 what I do not know.

3 Q. So are you saying your knowledge of the events is limited?

4 A. If you consider that it is limited, that's fine, but that is what I said.

5 Q. Now, if someone else says there were three MLC battalion commanders  
6 operating in the CAR and you are saying -- that's besides Moustapha, and you are  
7 saying there are two MLC battalion commanders including Moustapha, who should  
8 this Court believe?

9 A. Listen, as I have told you, I can only say what I experienced and he can also  
10 only talk about what he observed. He could consider Dominguez, Cissé Lefeur  
11 (phon) or Brun as commanders. That is only binding on him. I am telling you  
12 about what I know. That's all.

13 PRESIDING JUDGE STEINER: Mr Bifwoli, I am sorry if I interrupt you, but it has  
14 come to a point in which I need really to ask you about relevance. We have been for  
15 20 pages discussing the number of battalions and the name of the commanders and  
16 we are turning back and forth, back and forth, back and forth and we are not  
17 advancing. So it has come to a point, I am sorry, I have to ask about relevance on all  
18 these questions if there were two or three battalions and if he knows the names of the  
19 battalions.

20 MR BIFWOLI: Thank you, your Honours. The purpose of those questions was just  
21 to lay the foundation and now I am going to lead the evidence which actually shows  
22 that what the witness has said contradicts what other Defence witnesses have stated  
23 in this Court. So I was just laying the foundation and I am through with that  
24 foundation, so I am going now to confront the evidence that he has just stated.

25 PRESIDING JUDGE STEINER: Yes, Mr Haynes?



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1 MR HAYNES: An entirely different point. But the witness mentioned at line 8  
2 three names. I wonder if before Mr Bifwoli moves on, we could clarify the names he  
3 gave, because only the name Dominguez appears in the transcript.

4 PRESIDING JUDGE STEINER: I had not understood that he was giving real names,  
5 but in any case I can ask him.

6 MR HAYNES: Your Honour may be right.

7 PRESIDING JUDGE STEINER: Mr Witness, on page 20, line 6, you were saying that  
8 you "... can only say what I experienced and he can also only talk about what he  
9 observed. He could consider Dominguez ...", or other name, another name, as  
10 commanders. You were mentioning three real names, or you were inventing names  
11 just to make your point?

12 THE WITNESS: (Interpretation) As I said, your Honour, these are people with  
13 whom we lived. We worked. Dominguez, Cissé Lefeur, this is how we called them,  
14 or Brown. I do not have their birth certificates. I am not related to them, so if  
15 somebody tells me his name is Dominguez or Cissé Lefeur, I cannot force him to give  
16 me another name. I can only tell you what I know. So if the other witness thought  
17 that Dominguez or Cissé Lefeur were commanders, that depends on him, but as I told  
18 you a battalion is made up of 250 to 1,000 men. In a battalion there are companies.  
19 He can consider a company commander as a battalion commander. It depends on  
20 his understanding. Maybe that was the case with me too before, but ever since I  
21 became an officer I know these things better, so I'm not inventing anything here.

22 PRESIDING JUDGE STEINER: So let's try, Mr Witness, when Prosecution puts to  
23 you a question and you don't know the answer, you just say, "I don't know," instead  
24 of coming back and repeating again and again, and we hope that Mr Bifwoli really  
25 advances in its line of questioning.

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1 I'm sorry to interrupt, but it was necessary.

2 You have the floor, Mr Bifwoli.

3 MR BIFWOLI: Well guided, your Honours.

4 Q. Now, Mr Witness, yesterday you testified that you together with the MLC  
5 troops fought in, for example, PK12, Damara, Bossembélé, Bossangoa, Bozoum and  
6 many other places. Do you recall saying that?

7 A. Yes, indeed. That is what I said.

8 Q. And today a few minutes ago in your testimony you said that in all joint  
9 operations the FACA troops were the majority. Now, Defence Witness D-19, who  
10 was one of the MLC soldiers who participated in this operation, testified before this  
11 Court at transcript T-292, page 30, lines 24 to 25, page 31, lines 1 to 25, that in  
12 Bossangoa, Damara and Bozoum there was one MLC battalion and one FACA  
13 company. This contradicts your testimony, doesn't it?

14 A. Well, Counsel, as I said, we all have different understandings of things and all  
15 depends on the rank, in fact where you are in the hierarchical order. I can't explain  
16 to you something that I have no knowledge of, but when the MLC came to the Central  
17 African Republic was it their homeland? No, we were at home. How could they  
18 fight on behalf of us?

19 I have great respect for the MLC soldiers because they died for a good cause. They  
20 came to help and to save a friendly country, but they were less numerous than we  
21 were. I can't invent these things. A battalion or an armed force, which is more  
22 numerous? We were. We were the Central Africans at home. They just came to  
23 give us a hand and, as I said, this wasn't the first time they had done so.

24 In 2001 they came as well, and in 2002 we wanted them to come because we wanted  
25 them to follow orders from the General Staff, but how can one say that they were

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1 more numerous than we were? That's a different way of understanding things.  
2 I mean, I can only tell you what I know. I'm not going to make things up. A whole  
3 battalion in Bossembélé? No, that's a story. A company is 120 men. 120 men only.  
4 That's what he said. What I'm saying is what I said. I don't want to make things up.  
5 I just said what I know, what I'm familiar with. Only a company 120 men? No, I  
6 can't imagine things like that. I'm only telling you what I know.

7 Q. Again, Defence Witness D-19 testified at T-292, page 31, lines 1 to 25, that there  
8 were no MLC troops in the Bossembélé operation. This again contradicts your  
9 testimony, doesn't it?

10 A. Well, Counsel, we're going to be opening old wounds here, wounds we have  
11 forgotten. The combat in Bossembélé was the hardest fought combat in the Central  
12 African Republic. It was fierce and, if I have to talk about that, then really that's  
13 going to affect me, but it was mixed and it was thanks to the MLC. They died also in  
14 that combat. Thanks to them we were able to regain Bossembélé. We really fought.  
15 We fought together to regain Bossembélé. There was a lot of loss of human life in  
16 that combat. So it all depends how an individual understands things. I'm not just  
17 telling you any old thing. I'm only telling you what I know. That's all I can tell  
18 you.

19 PRESIDING JUDGE STEINER: I'm sorry if I interrupt you. I just want now to  
20 understand.

21 Mr Witness, you said that the MLC just came to give you a hand and that FACA was  
22 superior in numbers than MLC. Now you just said that thanks to the MLC you were  
23 able to regain Bossembélé. If you were outnumbering them and stronger than them,  
24 how is it possible that thanks to them you won the battle for Bossembélé? Can you  
25 explain that to me? I'm not a soldier, so I would like to understand.

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1 THE WITNESS: (Interpretation) Madam President, as I was saying, war affects  
2 your heart. War is not simply fought. You have to have the heart to fight. You  
3 have to have courage and with their courage they were very courageous. I liked  
4 their way of fighting. I liked that a lot. They were very courageous soldiers.  
5 Courageous. The FACA was strong at a certain time, but we needed their courage to  
6 advance with two Libyan aircraft that enabled us to advance. They were very  
7 courageous and courage is what counts. Courage is all that counts. Courage and  
8 morale is what counts.

9 PRESIDING JUDGE STEINER: I'm not sure if I understood, but in any case let's go.  
10 Let's move forward, Mr Bifwoli.

11 MR BIFWOLI: Thank you, Madam President, your Honours.

12 Q. Mr Witness, apart from the walkie-talkie, did Commander Moustapha have  
13 other types of communication equipment?

14 A. Well, in Bangui and PK12 they used walkie-talkies and communications radios,  
15 but to advance to go to Damara and so on they had to use a Thuraya.

16 Q. So am I correct to understand that when you left Bangui, therefore Commander  
17 Moustapha was receiving his orders on Thuraya?

18 A. And communications radios, of course. Communications radios and the  
19 Thuraya.

20 Q. And what was communicated on the Thuraya you had no way of knowing?  
21 Were you able to know what was communicated on the Thurayas?

22 A. It was just orders. They were just only giving orders to -- which Moustapha  
23 had to carry out. That's discipline, and there was only discipline and order in that  
24 case. So I know that it was just orders. That's all.

25 PRESIDING JUDGE STEINER: Mr Bifwoli, I'm sorry again. Judge Aluoch wants a

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1 clarification.

2 JUDGE ALUOCH: Mr Witness, I will return to Bossembélé. A few minutes ago  
3 you said you had the fiercest fight in Bossembélé, but when I look at transcript 326bis  
4 of 19 June - I suppose that's yesterday's - or, rather, when Mr Haynes was questioning  
5 you, this is the question Mr Haynes asked you on the 19th: "What did you find  
6 when you entered Bossembélé after the loyalist forces took it?" And this is what you  
7 said, Mr Witness: "When we arrived in Bossembélé, we saw that the whole  
8 population had fled, had hidden, in fields because they were Bozizé's men  
9 carrying -- Bozizé's men raping women, looting livestock from the people of  
10 Bossembélé."

11 From this answer that you gave yesterday and from the transcript this morning, can  
12 you clarify? Did you arrive there and find all this having happened, or did you  
13 arrive and stage -- and fight in that place, in Bossembélé? It's not clear to me what  
14 really happened in Bossembélé from those two answers.

15 THE WITNESS: (Interpretation) It's as I said, the greatest amount of fighting we  
16 had was in Bossembélé. It was fierce, but once we had ousted the enemy from the  
17 town of Bossembélé - that's what I said - once we had dislodged the enemy from the  
18 town of Bossembélé, we saw the damage caused by them. That's what I said. We  
19 saw damage caused by the -- them. That's all I said, and I explained yesterday what  
20 I meant by "damage." We saw this damage.

21 PRESIDING JUDGE STEINER: Mr Bifwoli?

22 MR BIFWOLI: Thank you, Madam President, your Honours.

23 Q. Mr Witness, in yesterday's transcript at T-326, real-time, page 48, lines 13 to 16,  
24 you testified that Bombayake controlled operations from Bangui via walkie-talkie.  
25 Do you recall stating that?

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1 Mr Witness, are you able to hear me?

2 A. (No audible response)

3 PRESIDING JUDGE STEINER: We lost connection.

4 Mr Witness, can you hear me?

5 THE WITNESS: (Interpretation) I hear you, Madam President.

6 PRESIDING JUDGE STEINER: Mr Bifwoli?

7 MR BIFWOLI:

8 Q. So, sorry, Mr Witness, we lost connection and therefore I'll repeat my last  
9 question which I think you did not hear. In yesterday's transcript at T-326, real-time,  
10 page 48, lines 13 to 16, you testified that Bombayake controlled operations from  
11 Bangui via walkie-talkie. Do you recall stating that?

12 A. That was in the town of Bangui up to PK12. That's what I said. I said in the  
13 town of Bangui, the city of Bangui, up to PK12.

14 PRESIDING JUDGE STEINER: Yes, Mr Haynes?

15 MR HAYNES: The witness has in fact answered the question, but what in fact he  
16 said at lines 13 to 16 yesterday was that General Bombayake controlled proceedings  
17 by transmission or walkie-talkie. I assume the omission of the "transmission or" by  
18 Mr Bifwoli was a mistake.

19 MR BIFWOLI: I believe this evidence is still fresh in the mind of the witness. When  
20 I don't get it right, the witness will outrightly tell me. However, I will proceed.

21 PRESIDING JUDGE STEINER: Mr Bifwoli, I'm sorry, but if you are referring to  
22 something that the witness said yesterday and you were even giving the page and the  
23 lines, I think you should reproduce the totality of what the witness said. So in this  
24 point I think Mr Haynes is right. So the witness did not say said that Bombayake  
25 controlled operations from Bangui via walkie-talkie. He said, "transmission or

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1 walkie-talkie," which makes a lot of difference. So avoid cutting off some parts of  
2 the reference in order not to give rise to any kind of confusion in the mind of the  
3 witness.

4 You can proceed.

5 MR BIFWOLI:

6 Q. Now, can you explain to the Court how he controlled operations after you left  
7 PK12; that's Bombayake?

8 A. It's as I was saying to you, Counsel. When we left PK12 to go up towards  
9 Damara, there were Thuraya which had been issued, but we still had our  
10 communications radios to control operations. That's what the authorities did to give  
11 orders to their men in the field. That's what it was. I'm not going to make things  
12 up and tell them to you.

13 Q. And, Mr Witness, throughout your testimony you have testified that you were  
14 in the field. Is there any particular time you were with Bombayake during the  
15 operations, or during this conflict period?

16 A. As I was saying yesterday, I presented myself, but after that I was detached  
17 elsewhere to increase numbers to the USP and FACA soldiers, FACA in the field.  
18 We were in the front line, as I said. I can't be next to him at his side and in the field  
19 at the same time, no. In the field, that's where I was, and that's what I said.

20 Q. Can you clarify to the Court you were in the field until when, month or date, if  
21 you can recall?

22 A. It's a long time ago, Counsel. I can't -- I don't want to make up a date to give  
23 you, but I can say what I said and that is that I remained in the field and that's what I  
24 said.

25 Q. Would I be correct, therefore, to say you remained in the field until the end of

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1 the conflict?

2 A. No, no. I said every time we advanced -- it's as I explained to you yesterday.

3 At Bossangoa we were relieved and we returned to Bossembélé, and from Bossembélé

4 we were going to and fro between Bossembélé and Bangui. So I don't know how

5 much time that was, but I can't say the exact time without making something up.

6 Q. And did you take part in these operations until the time when they ended

7 around 15 March 2003?

8 A. As I said, as we progressed, as we regained terrain, peace came, but when there

9 were reinforcements they started to gain terrain from us and that was the end. We

10 couldn't do anything different. The morale was very low among the troops and

11 15 May was the end, but there were times when there was peace, when we were able

12 to liberate occupied towns, but once the attackers had the reinforcements, they

13 regained terrain from us.

14 Q. What we are trying to understand is if you took part in this operation until the

15 time Bozizé rebels gained control again or whether you might have left earlier. Can

16 you just clarify for the record whether you were there until the end of the operation,

17 which is around 15 March, or not?

18 A. Negative. I did not stay in the field all the time. I have family. We were

19 relieved from time to time, so I didn't remain there continuously. So the answer is

20 "negative."

21 Q. And a short while ago you said while in Bossembélé, you still come to Bangui.

22 Am I to understand that that's the time you spent with your family, when you came

23 back to Bangui?

24 A. It was organised. Our section left. Other sections replaced us. So, yes, why

25 not?



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1 Q. So, apart from being with your family in Bangui, what else did you do during  
2 this period when you have been relieved by other soldiers?

3 A. I'm a soldier. In Bangui, if we go to Bangui, that doesn't mean we do any more  
4 work. I said I was attached (Redacted) and so I carried on  
5 doing my work. So every two days we worked, then we had a day off. That's the  
6 way it's organised. It's organised like that.

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

8 \*(Private session at 10.29 a.m.) Reclassified as Open session

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

10 PRESIDING JUDGE STEINER: Mr Witness, please avoid mentioning in open  
11 session to which unit or battalion you were attached, because that could lead to your  
12 identification. I already ordered the redaction from the transcript -- the transcript  
13 and from the broadcast, so don't worry, but try to avoid giving such kind of details.  
14 Do you understand that, sir?

15 THE WITNESS: (Interpretation) I understand, Madam President.

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

17 MR BIFWOLI: Your Honours --

18 PRESIDING JUDGE STEINER: Yes, Mr Bifwoli?

19 MR BIFWOLI: We could remain in the private session for a few questions.

20 PRESIDING JUDGE STEINER: Please go ahead.

21 MR BIFWOLI:

22 Q. Mr Witness, we are in private session because I just have a few questions on  
23 what you've just said. When you came back to Bangui, and I quote you at page 31,  
24 from line 7, your answer is, "I'm a soldier. In Bangui, if we go to Bangui, that doesn't  
25 mean we do any more work. I said I was attached to -- I can -- (Redacted)

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1 so I carried on doing my work. So every two days we worked and then we had a  
2 day off. That's the way it's organised." So can you help us? Within this period,  
3 how frequent would you come back to Bangui let's say in a month to do your work?  
4 A. I am an employee of the Minister of Defence to work and to defend my country.  
5 I have told you that, after we had been relieved, we would go to Bangui and work;  
6 that is there were positions in PK12, Landjia, Bimbo and so on, so the (Redacted)  
7 had positions there. We would be sent there to take up guard. That was the  
8 routine. We were soldiers. It does not mean that when the war ended we would  
9 come back and do nothing else, so we stayed on our usual routines. We would take  
10 up guard and so on. There was a schedule there. If you were supposed to be on  
11 guard duty, then you would be on guard duty. It was planned. I do not know  
12 whether you understand me?

13 MR BIFWOLI: We can go back into public session.

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

15 (Open session at 10.33 a.m.)

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

17 MR BIFWOLI:

18 Q. So, Mr Witness, in your testimony before this Court you have been stating that  
19 it is Bombayake who issued orders to Moustapha and the soldiers that were in the  
20 field. Is that your testimony?

21 A. Well, I said that when Bombayake took over the CCOP, I mean there was a  
22 problem of distrust, so command was back to him. That is when he transmitted the  
23 orders that he had received, so -- but I did not tell you that apart from the others from  
24 the hierarchy Bombayake gave his own separate orders. I didn't say that. I do not  
25 know whether you understand me?

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1 Q. Now, Mr Witness, in a document before this Court, that is CAR-OTP-0019-0215,  
2 in this document Bombayake is quoted as saying that MLC worked under the orders  
3 of Mazi and Lengbe. This contradicts your testimony, doesn't it?

4 A. Let me say this: As I have told you, there were two phases of the events. The  
5 first phase and then --

6 THE INTERPRETER: The sound is out.

7 PRESIDING JUDGE STEINER: Mr Witness, can you hear me?

8 THE WITNESS: (No audible response)

9 PRESIDING JUDGE STEINER: We lost connection.

10 Mr Witness, can you hear me?

11 THE WITNESS: (Interpretation) Yes, I can hear you, your Honour.

12 PRESIDING JUDGE STEINER: It is better if you repeat the question. We don't  
13 know 'til what point the witness was able to listen to you.

14 MR BIFWOLI: Thank you, Madam President, your Honours.

15 Q. Mr Witness, I'll repeat the question. The question is that we have a document  
16 in this Court and that document is CAR-OTP-0019-0215 and in this document  
17 Bombayake is quoted as saying that the MLC operated under the orders of Lengbe  
18 and Mazi. So if that was the case that would contradict your testimony, wouldn't it?

19 A. As I was saying, there were two different periods. Before Lengbe fled, the  
20 command was in the hands of Lengbe under Mazi, but when Lengbe fled the  
21 president lost trust in Mazi; that is the individual Mazi, not the FACA. He lost trust  
22 in Mazi and Lengbe, who had fled. It was then that the orders were transmitted  
23 directly through Bombayake, but I cannot -- I did not say that before Lengbe fled it  
24 was Bombayake who was giving orders. No, there were two phases: Before  
25 Lengbe fled and after he fled. That is what I said, Counsel.

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1 Q. Mr Witness, the Court has the document and it will make its own  
2 determinations.

3 Now, again in this document, Mr Witness, Bombayake is quoted as stating that at a  
4 place called Barthélemy Boganda School, 4th arrondissement, an incident occurred  
5 between the FACA and MLC troops as a result of which MLC proceeded alone to  
6 PK12 without FACA. Now, in your testimony you are saying you proceeded jointly  
7 to PK12. Again, if you look at what Bombayake is stating in this document, it  
8 contradicts your testimony, doesn't it?

9 A. Listen, as I was telling you, the MLC came to assist us and they were under  
10 orders. It was our weapons and our uniforms that were given to them. It was not  
11 in 2001 maybe when they crossed on their own, but in 2002 we did everything for that  
12 force to be Central African. So I cannot say that they went alone. Did they know  
13 the roads to advance alone? How could they have advanced alone? We were  
14 advancing jointly. I am telling you what I know, what I experienced. I cannot  
15 invent anything. It was up to us to show them the way. Did they know PK12? In  
16 2001, they only reached Ouango. They did not go to PK12. They did not know the  
17 terrain. That was our terrain. We were together in the platoons. I cannot invent  
18 anything, Counsel. That is what he is saying, but I am telling you what I am seeing.  
19 I told you what I know and I am not inventing.

20 Q. Again, in this document Bombayake is quoted as stating that the MLC  
21 committed crimes of rapes, pillaging and so on. This would contradict your  
22 testimony, wouldn't it?

23 A. As I was saying, Counsel, I can only talk about what I observed. I was on the  
24 front line, backed up by two Libyan aircraft. We were focused on recapturing  
25 territory, so I cannot invent anything that I did not see. I'm there to ensure that the

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1 Court should know the truth about what I experienced. I prefer not to invent  
2 anything. I have told you what I experienced.

3 Q. Mr Witness, you have testified in this Court that you conducted joint operations  
4 with MLC throughout. Now, Lengbe testified at T-182, page 43, lines 5 to 14, that  
5 there was only one joint operation with the MLC on the first day and that it lasted  
6 only three to four hours. This contradicts your testimony, doesn't it?

7 A. Counsel, as I'm saying, General Bozizé's men were heavily armed. How can  
8 the fighting in the 4th arrondissement take only three to four hours? I told you that  
9 the fighting took three to four days with the Libyan planes, but three to four hours?  
10 That's a -- that's what he's saying, but I'm telling you what I experienced on the  
11 ground. It hurts me that somebody should say something like that. I am telling  
12 you only the truth.

13 Q. Again at T-182, page 38, lines 2 to 10, Lengbe testified that MLC committed  
14 crimes and they pillaged the musical instruments that belonged to the FACA and  
15 some weapons that were -- that belonged to FACA. Did you know that?

16 A. Listen, Counsel. The FACA are not women. The FACA are forces. We are  
17 not going to stand by for a small MLC battalion to come and disturb us in our country.  
18 That cannot happen. Do not under-estimate things. We cannot under-estimate  
19 ourselves. FACA is not a cupboard in which a cockroaches hide. No. FACA does  
20 not make -- does not mean weakness. It is a force. Are we going to just stand by  
21 and allow people who came to assist us to pillage us? I cannot imagine any Central  
22 African Republic officer tolerating such a thing. I cannot tolerate that myself. That  
23 is history. I cannot invent anything.

24 We are just going to stand by and they are going to pillage our weapons? Do they  
25 know where our armouries are? These are just tall tales. It is comical. They do

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1 not even know where our armouries are.

2 From the naval base, we took them to the support regiment. There is a music unit  
3 there, but you cannot say that that happened. They came without weapons, with  
4 light weapons. We had started the fighting even before they arrived. If we were  
5 not fighting we would have lost power even before they arrived, so would such  
6 people come and restore order?

7 I cannot invent anything for nothing. I am a soldier and my duty is to serve my  
8 country and I have to respect that principle. I cannot invent things or simplify or  
9 underestimate the Central African Army. I do not believe that, I cannot invent  
10 things to tell you to be consistent with what he said there.

11 Q. So, Mr Witness, for your information, apart from Lengbe, this Court also heard  
12 Defence Witness 51, who was a senior USP soldier, on the same issue. It has the  
13 record and it will make its own determinations.

14 Now, Mr Witness, you know Mazi, don't you?

15 A. Yes.

16 Q. Now, in a document before this Court, that's document CAR-OTP-0019-0230, at  
17 0233, Mazi is quoted as stating that MLC committed crimes while based at PK12.  
18 This contradicts your testimony, doesn't it?

19 A. As I was telling you, I was in the field. We arrived PK12. Let me explain  
20 PK12 to you. The PK12 is the place of residence of many dignitaries of the MLPC;  
21 that is the party in power. They lived there, so that neighbourhood had to be  
22 liberated at all cost. So I do not see why they would arrive there to kill the  
23 president's supporters. I do not know. He could have said that, but I'm telling you  
24 what I saw, what I know. I cannot accept just anything.

25 I told you that I saw that the small brother of Jérôme Bombayake, his throat was cut in

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1 PK10 by the Zaghawas. We saw his dead body. So, when I see the damage that  
2 was caused, I have told you about it. I cannot invent things. People said just about  
3 anything.

4 PRESIDING JUDGE STEINER: Mr Bifwoli, if I may? In order to help the Chamber  
5 to follow the questioning, next time you mention a document, if you could be so kind  
6 in informing which number on the Prosecution list, because otherwise every time we  
7 have to go through the binder to find the relevant document. Thank you very much.

8 MR BIFWOLI: Thank you, your Honours.

9 Your Honours, the last two documents we've talked about, the one which is quoting  
10 Bombayake is 17 and the one quoting Mazi is 18 on the list. Thank you.

11 PRESIDING JUDGE STEINER: In the updated list. In the previous one it was 15  
12 and 16.

13 MR BIFWOLI: That's correct, your Honours.

14 PRESIDING JUDGE STEINER: Thank you.

15 MR BIFWOLI:

16 Q. So, Mr Witness, from the evidence Bombayake, who was a senior military  
17 official, who even you claim was controlling operations. Mazi and Lengbe, both of  
18 whom were senior military officials, state MLC continued to commit crimes, but you  
19 continue to deny that. Is that correct?

20 A. As I was telling you, I cannot imagine things on their behalf. I am speaking  
21 about what I know, what I saw, what happened in the field. I was in the field. I'm  
22 talking about what I observed in the field.

23 We were on the front line and our lives were at risk on the front line. We did not  
24 even have bullet-proof vests. We were sacrificing our lives for a good cause. I  
25 cannot invent something that I did not see, so I'm talking about what I know, what I

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1 saw, in the field. I came here to shed light on the events for you, so I'm not inventing  
2 anything.

3 Q. Is it your testimony that the senior FACA officials who were involved in this  
4 operation therefore didn't know what was going on in the field?

5 A. Listen, Counsel, if you don't know the combat -- the combat system on the field,  
6 then let me explain. It is the ground troops, the ground forces, that fight; that is the  
7 rank and file soldiers who fight and the NCOs who are on the ground. So the  
8 officers are not there. That is the structure of the fighting. It is not these officers  
9 who comes to the field to fire the weapons. The officers do not do that. They issue  
10 orders and the rank and final troops and NCOs execute those orders. They are  
11 trained for those types of operations and that is what they do. I do not know  
12 whether I am making myself clear.

13 Q. But the troops in the field were reporting to these commanders, weren't they?

14 A. Yes. It is an army that is well-organised and well-structured. The second  
15 bureau is there for intelligence and then you have another bureau for the instructions  
16 and then we received orders and report. It is necessary to report back. It is normal.

17 MR BIFWOLI: One last question.

18 Q. And, Mr Witness, these being senior officials to whom the troops in the field  
19 reported to had an overview of the events, had a better knowledge of the events, than  
20 you; is that correct?

21 A. As I have told you, we were in the field. We reported to our commanders and  
22 our commanders also reported to the hierarchy. So what I'm saying is that I was in  
23 the field. That's all.

24 PRESIDING JUDGE STEINER: Thank you, Mr Bifwoli. We have to go to our  
25 break.



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- 1 Mr Witness, it's almost 11 o'clock. We have half-an-hour break. That's time for you  
2 to take a coffee, a cup of tea. We will resume at 11.30.  
3 The hearing is suspended.  
4 THE COURT USHER: All rise.  
5 (Recess taken at 10.59 a.m.)  
6 (Upon resuming in open session at 11.35 a.m.)  
7 THE COURT USHER: All rise.  
8 Please be seated.  
9 PRESIDING JUDGE STEINER: Welcome back, everyone.  
10 Mr Witness, welcome back.  
11 THE WITNESS: (Interpretation) Good morning, Madam President.  
12 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony, sir?  
13 THE WITNESS: (Interpretation) Yes, I'm ready.  
14 PRESIDING JUDGE STEINER: Mr Witness, we understand that sometimes when a  
15 witness is answering some questions and get too passionate about what he or she is  
16 saying and starts speaking too fast. This is what happened, so once again I wanted to  
17 remind you not to speed up. Try to speak slow -- slowly in order to allow the  
18 interpreters to do their job.  
19 Can we count on you on that, Mr Witness?  
20 THE WITNESS: (Interpretation) Yes, I will endeavour to follow procedure.  
21 PRESIDING JUDGE STEINER: Thank you very much for your co-operation.  
22 Mr Bifwoli, you have the floor.  
23 MR BIFWOLI: Thank you, Madam President, your Honours.  
24 Q. Now, Mr Witness, I will proceed from where we stopped. If Moustapha while in  
25 the Central African Republic communicated with Mr Bemba, you wouldn't know that,

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1 would you?

2 A. I know nothing of that side of things. I don't know.

3 Q. Now, Mr Witness, throughout your testimony you have continued to deny that  
4 MLC committed crimes. Now, a document here that is CAR-OTP-0042-0243 -- and this is  
5 document number 34 on the list, your Honours. This document is an internal Minister of  
6 the Interior memo, transmitting information given by two truck drivers from Douala  
7 saying that their merchandise is being stolen by ALC elements stationed at Bossembélé.  
8 You have testified that you participated in the operation at Bossembélé, so this document  
9 contradicts your testimony that MLC never committed any crimes, doesn't it?

10 A. As I was explaining to you, Counsel, I said that I did not see, and I can't make things  
11 up so that I can tell them to you. If these truck drivers -- well, there was a problem  
12 recognising MLC forces and FACA. We were all wearing FACA uniforms.  
13 Even -- everybody was wearing the same uniform, and there are some of us including me  
14 who speak Lingala, members of the Central African forces. So it is possible, but I can't  
15 make things up. I don't know why this is. They might have been Central African  
16 Lingala-speaking soldiers, but I don't know. I didn't see.

17 So I don't want to make up something, or confirm what was said there. I can only tell  
18 you what I've seen. I can only tell you what happened in the field. It depends when  
19 this was. I might not even have been there. I really can't just make things up and tell  
20 them to the Court. I don't know.

21 Q. Mr Witness, can you explain to the Court why you have -- you seem to know very  
22 small details about the events, the operations, the people and so on, but you don't seem to  
23 know anything about the crimes committed by the MLC troops whom you claim you  
24 conducted the operation jointly?

25 A. Well, Counsel, as I was saying to you, in any battle on the battle-field we're firing

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1 real bullets, not water pistols. As I said, during the battle there are always deaths,  
2 always people killed on both sides, but after we had regained Bossembélé and dislodged  
3 the enemy from the town in the outskirts of Bossembélé our platoon continued to advance,  
4 but I can't make things up if I didn't see them.

5 We saw damage caused by the attackers, as I've explained. I said that there was a  
6 communication, a communiqué, a press communiqué, where the government spokesman  
7 invited political authorities, people from the international community, the French  
8 ambassador, to Bossembélé to observe the damage done. It was shown on Central  
9 African TV. So if it was during the battle there will be people killed, we're firing at each  
10 other, but as to seeing MLC men committing crimes I can't make things up, Counsel.

11 Q. You have just mentioned the press. Is it your testimony that you did not even hear  
12 from the press that the MLC committed crimes in the Central African Republic during the  
13 October 2002 to March 2003 operation?

14 A. I'm going to try and explain things to you a little bit.

15 When we retook a town with the MLC, we advanced and behind us the loyalists came and  
16 set up. There was no way to distinguish between Congolese or Central African, because  
17 among a number -- you know there are a lot of Central Africans who speak Sango.

18 THE INTERPRETER: I am sorry, the witness corrects himself: "Lingala."

19 THE WITNESS: (Interpretation) Plenty of us speak Lingala, so there may be confusion  
20 because we were all wearing the same uniform, MLC and FACA. They were all wearing  
21 FACA uniform, so there may be confusion because of the language. But name me a  
22 battle where no one dies. Any war has consequences. Things are difficult, wherever  
23 you have a battle. So saying that I saw this, no, I was firmly concentrating on the  
24 combat.

25 MR BIFWOLI:

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1 Q. I'm going to talk about another document, and that is CAR-OTP-0042-0255. That's  
2 document number 40 on the list.

3 Now, Mr Witness, this is a correspondence letter dated 7 March 2003 from Gendarmerie  
4 National Centrafricaine regarding some exactions perpetrated by a group of 40 to 50  
5 Congolese elements and the wary of the population. "MLC troops are reported to have  
6 opened gun-fire on USP troops manning the Boali checkpoint. One soldier and a  
7 number of people were badly injured by MLC troops. A pair of Ranger boots and a  
8 rocket were looted by the MLC."

9 So, Mr Witness, at least USP soldiers can be able to identify MLC, can't they?

10 A. As I was saying to you, there was no combat in Boali. The road to Boali is the road  
11 to Bossembélé, but there was no combat. It was not in combat. It might have happened  
12 behind me, but not in my presence. I'm telling you what I saw. There was  
13 confrontation between us in 2002, no. In 2001, perhaps, but not in 2002. I saw nothing  
14 of that sort.

15 Q. I repeat my question: USP soldiers can identify MLC soldiers, can't they?

16 A. Yes.

17 Q. Yesterday, at transcript T-326bis, English real-time -- I am sorry, I don't have the  
18 exact lines but I will ask the witness if -- generalise the question.

19 Yesterday, Mr Witness do you recall that you -- testifying that you reached PK12 after  
20 three or four days? Beginning from the 30th, after three or four days you reached PK12;  
21 do you recall stating that?

22 A. Yes, I do.

23 Q. So if you do your calculations, conservative estimate would be the earliest you took  
24 control of PK2 then would have been 3 November 2002; is that not the case?

25 A. As I said to you, we took three or four days and I can't recall exactly which, and

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1 that's what I said.

2 Q. And you still maintain your testimony that you took three or four days from 30  
3 October 2002 to reach PK12?

4 A. Indeed.

5 Q. At T-295, English edited transcript, page 9, lines 11 to 18, Defence Witness D-45, a  
6 senior military commander, testified that they reached PK12 on the 31st. That  
7 contradicts your testimony, doesn't it?

8 A. As I have been saying to you, Counsel, that's what I said and that's what I  
9 experienced. So I'm talking about what I experienced. They were people, they were  
10 armed. They were heavily armed and the death squadrons were there and the special  
11 units. It was a battle. It was a fierce battle. You'd never manage that in one day. So  
12 I'm telling you what I know.

13 I'm not just saying any old thing. I'm talking about combat. And they're not water  
14 pistols we were firing at each other, it was real weapons that we used to fight the enemy.  
15 One has to carry out reconnaissance of the terrain, know what the enemy has, how many  
16 men, what type of weapons. We'd have to have all this intelligence before attacking the  
17 enemy. You can't do all that in an hour or two; it takes time.

18 I know what I'm talking about. I'm not a civilian, I'm military. I know the  
19 consequences of being in the field. So to say that depends, well, I cannot say what I  
20 didn't see. I'm telling you about what I know and what I saw, and that's it.

21 Q. Again, Mr Witness, at T-295, edited version of the transcript, page 3, lines 15 to 25;  
22 page 4, lines 1 to 25; page 5, lines 1 to 14, another MLC commander, soldier,  
23 testified - that's D19 - testified that fighting started on 30 October 2002 and MLC reached  
24 PK12 the next day. That again contradicts your testimony, doesn't it?

25 A. As I was saying to you, Counsel, I don't want to change what I said. What I told

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1 you was what I went through. I fought on -- in the field, and I can't lie to you today. I  
2 can't do that because of our comrades who fell on the field of honour. I can't lie. I have  
3 to tell you what I saw, what I know.

4 Q. Again, Mr Witness, another document, that is CAR-OTP-0056-278 at 0280, number  
5 299 on the list, Radio France Internationale reported that Mr Bemba was in PK12 on 2  
6 November 2002. So is it your testimony that MLC commander-in-chief was in the  
7 territory of the rebels on 2 November 2002?

8 A. That's what I was saying to you, Counsel. What I said was what I said, three or  
9 four days of combat before retaking PK12. So I don't want to make things up. I said  
10 what I said. On the terrain there were no French military, no RFI, so it is as I said. I'm  
11 not making things up.

12 Q. Who was responsible for the discipline of MLC troops who were taking part in the  
13 CAR operation?

14 A. As I was telling you, the commander was Moustapha. That's what I said.

15 Q. Is your testimony therefore that the discipline of the MLC troops was under  
16 Commander Moustapha, who was in charge of the discipline of MLC troops?

17 A. I said that he was in charge. I'm not a Congolese soldier. I'm not familiar with  
18 their organisation, their hierarchy. That's not my business. I know what our chain was  
19 and that's what I told you but, another thing, I don't want to explain to you things that I'm  
20 not familiar with, the organisation of the MLC. I'm a Central African.

21 Q. So you don't know who was in charge of the discipline of the MLC troops, do you?

22 A. As I said, I knew the name of their commander. Whether he was responsible for  
23 discipline or whatever, I don't know.

24 Q. And do you know if the CAR authorities were responsible for the discipline of the  
25 MLC troops in the CAR?

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1 A. It's as I've been saying to you. They were under the orders of Central African  
2 authorities. That's what I said. That is what I said.

3 Q. Can you clarify, Mr Witness? When you say they were under the orders of the  
4 Central African Republic authorities, this means that the Central African authorities also  
5 had the authority to take disciplinary action or measures against the MLC who committed  
6 crimes?

7 A. As I was saying, they were under the command of the Central African Republic.  
8 They arrived and they found us already organised, so they had to be under our orders.  
9 That's what I know. If they were disciplined, I don't know. I don't know what was in  
10 people's heads, what their mentality was.

11 Q. So if the MLC troops were under the CAR, then it meant that if an MLC soldier  
12 committed a crime the CAR authorities would have arrested, investigated, probably  
13 prosecuted or taken action against that soldier? Isn't that not the case?

14 A. I cannot tell you anything about that because I do not know anything about it.

15 Q. Mr Witness, the evidence before this Court shows that Mr Bemba ordered the arrest,  
16 investigation, prosecution and even these soldiers were sentenced for crimes that were  
17 committed in the CAR, so this one shows that he's the one who had authority, doesn't it?

18 A. As I was telling you, I'm a FACA, a Central African citizen. I'm not a Congolese. I  
19 can tell you what happened on the ground when we were merged, but I cannot explain to  
20 you their own internal organisation. I am not familiar with that. I do not know how  
21 they do things.

22 Q. So you have limited knowledge about how they do their things, don't you?

23 A. About the MLC, I know nothing. I am limited there.

24 MR BIFWOLI: Madam President, can we go briefly in private session for one question?

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

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1 \*(Private session at 12.03 p.m.) Reclassified as Open session

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

3 MR BIFWOLI:

4 Q. Mr Witness, today you testified that after Lengbe left it is Bombayake who took  
5 control of the CCOP. Do you recall stating that?

6 A. I told you that, given the distrust of the Head of State, General Bombayake had  
7 taken over command. That is what I said.

8 Q. At transcript T-321, French version, edited, page 68, lines 24/25, and page 69, line 11,  
9 and the English transcript T-321bis, edited, page 10, line 7 to 21, another Defence witness  
10 testified that he collected -- he was spying on Bombayake and Mazi and he was passing  
11 on that information to the CCOP. So that would mean that this witness was collecting  
12 information on Bombayake and passing the same to Bombayake; is that correct?

13 A. Listen, Counsel. As I have been telling you, I'm not an intelligence officer. I do  
14 not know anything about that. I am a soldier. Ask me about the types of weapons they  
15 were using I will tell you, but regarding intelligence there is the office - the B2 intelligence  
16 office - that is in charge of that, so I do not know anything about that. That is what  
17 somebody else told you, but I do not know that.

18 Q. Is it logical that a witness will collect intelligence or spy on Bombayake and report to  
19 the same Bombayake? Is that logical.

20 A. As I was telling you, I cannot say anything about that because I know nothing about  
21 it. I cannot invent anything that I do not know. What I'm telling you is what I said. I  
22 can't make up anything, Counsel. I do not know.

23 MR BIFWOLI: Madam President, we can go back into public session.

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

25 (Open session at 12.07 p.m.)



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

2 MR BIFWOLI: Thank you, Mr Witness. That brings us to the end of questioning by the  
3 Prosecution, and we thank you for answering our questions and thank you very much.

4 That's all, your Honours

5 PRESIDING JUDGE STEINER: Thank you very much, Mr Bifwoli.

6 Mr Witness, as you were informed at the beginning of your testimony, the Chamber  
7 authorised the legal representatives of victims to put some questions to you, and therefore  
8 I'll give now the floor to Maître Zarambaud.

9 Maître Zarambaud, please.

10 MR ZARAMBAUD: (Interpretation) Thank you, Madam President.

11 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

12 Q. Good afternoon, Mr Witness.

13 A. Good afternoon, Counsel.

14 Q. Mr Witness, I am Maître Zarambaud Assingambi, lawyer in the courts and tribunals  
15 of the CAR and I'm a legal representative of victims here at the ICC.

16 As the Chamber has informed you I was granted leave to put to you a certain number of  
17 questions, and in addition to those questions I can ask you what we refer to here as  
18 "follow-up questions;" that is related to the answers that you have given to questions in  
19 the courtroom put to you by the Defence and by the OTP.

20 Mr Witness, I am a citizen of the CAR and when I ask you a question you may be tempted  
21 to say, "Look, you really know what happened because you were there," but in fact that  
22 should not be the case. This is because the questions that we ask here is to shed light on  
23 the events for the benefit of the Chamber so that the Chamber can base its decisions on the  
24 truth.

25 That said, Mr Witness, my first question relates to the time when you joined the army and

1 the areas where you fought, but you have already answered those questions, as well as  
2 the questions relating to the dressing or the uniforms and foot-wear of the MLC troops,  
3 but what I would like to know is this: After the MLC soldiers were given uniforms, did  
4 they have the insignia reflecting their corps and the rank as is the case in the other armies?

5 A. Thank you, Counsel. As you are aware, this was a time of crisis. The MLC  
6 soldiers needed to have uniforms and these uniforms were FACA military uniforms, and  
7 since you are a Central African citizen you know that FACA uniforms have the insignia  
8 "FACA," that is Central African Armed Forces, but there were no military ranks. They  
9 were given FACA uniforms; that is the FACA uniforms were given to the MLC troops.

10 Q. Thank you. Regarding the FACA soldiers themselves, during the period did they  
11 have any insignia, that is reflecting the corps and rank of the soldiers, and this could be  
12 berets, the colour of the berets and so on and so forth?

13 A. As you know, Counsel, during combat even the lieutenant removes his epaulettes so  
14 as not to be identified, so even that person commanding the unit removes the rank  
15 insignia. So the FACA did not have any insignia relating to rank on their uniforms so  
16 that they shouldn't be identified by the enemy. But we were wearing FACA uniforms,  
17 but those that were going to fight, and I am talking about those who were going to fight  
18 on the front line, the people of the platoons. I am not talking about those who were  
19 simply moving about in the neighbourhoods. I am talking about those who fought on  
20 the battleground.

21 Q. Thank you, Mr Witness. When you were asked questions about the general  
22 situation, you referred to the year 2001, and this is transcript 326 of 19 June 2013, page 64,  
23 lines 19 to 21, and you said, "Let us go back a little bit. In 2001, when General Kolingba's  
24 coup d'état failed, the Libyan forces arrived in the Central African Republic."

25 In order to sort of define the context within which these events took place, after the

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1 aborted coup d'état of General Kolingba to which you referred, did the soldier -- did the  
2 army lose a lot of soldiers?

3 A. As I was telling you, during that period part of the army was from the Kolingba  
4 ethnic group; that is the Yakoma. They fled. Some of them went to Brazzaville, others  
5 to Cameroon. So some of those soldiers fled. A small proportion of those soldiers fled.

6 Q. When you say that the FACA were divided, this division did not concern those who  
7 had already fled. Is it the FACA who were still on the spot? Are they the ones who  
8 were divided?

9 And the reference is the same transcript, page 66, line 13.

10 A. As I was telling you, in 2001, there were many groups trying to carry out a coup  
11 d'état. You had the group of General Kolingba; the group of the Minister of Defence at  
12 the time, Démafourth; the group of the Chief of Staff at the time, General Bozizé, so that is  
13 why I said that there was a division. Each one of them had prepared his coup. That is  
14 what I said, Counsel.

15 Q. That is a clarification for me. What I wanted to know was whether that division  
16 applied only to those who had remained behind, that is after some soldiers had fled after  
17 the attempt by General Kolingba.

18 Now, did the army lose other soldiers? Did other soldiers leave the army before that  
19 situation in 2001?

20 A. As I told you, there were several coup d'états in the CAR. There were successive  
21 mutinies. Before 2001 there were other events.

22 Q. So this was a very weakened army?

23 A. Not weakened, no. No. I do not believe so. I cannot say weakened. If we had  
24 been weakened, the enemy would have taken over power ever since the events began, so  
25 it was not weakened as such.

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1 Q. Mr Witness, that is your analysis and I respect that, but as far as I am concerned,  
2 when you tell me that there were successive coup d'états and that the army was divided,  
3 but you say that the army was not weakened despite that, this is your analysis but which I  
4 do not share.

5 Mr Witness, while mentioning the forces involved, you talked about the presidential  
6 security, SCPS, the CEN-SAD forces. You talked about Miskine's Sarawis. You talked  
7 about Barril, the French lieutenant, and you talked about the FACA themselves. Wasn't  
8 there a group led by a certain Mr Gan-Befio?

9 A. Let me say this: When I talked about Lionel Gan-Befio, he was working together  
10 with Paul Barril. That is what I said. Gan-Befio was with Barril.

11 Q. Throughout your testimony, Mr Witness -- Madam President, regarding the  
12 reference to the forces mentioned, it is the same transcript, page 58, lines 20 to 24.

13 Throughout your testimony, Mr Witness, you talked about the merger or mixing of the  
14 MLC troops and the FACA troops. What was the situation with the loyalist forces?  
15 Was there a merger also amongst the loyalist forces?

16 A. As I was telling you, Counsel, when I talk about loyalists, I am referring to those  
17 who stayed loyal to President Patassé. That is including the militia groups, CEN-SAD,  
18 Miskine's men, Paul Barril's men, the USP, and FACA. That is what I refer to as the  
19 loyalists. So it is those groups brought together that I refer to as loyalists, generally  
20 speaking.

21 Q. That is what I think also. The loyalists are all those forces, but when they were  
22 going to fight, were those loyalist forces joined together? Did they fight as a single group?  
23 For example, did the Sarawis fight in the same unit with the USP or the FACA? That is  
24 what I wanted to know.

25 A. That is what I was saying. Since they were already mixed together, that was

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1 already the situation so as to set up the resistance. If that had not been the case, the  
2 Zaghawas and the death squads would have taken over power, but thanks to that merger,  
3 the CEN-SAD, SCPS, the Sarawi forces, FACA, USP, because they came together, we were  
4 able to stop the attackers until the arrival of the MLC troops. So it was thanks to those  
5 troops coming together that we were able to stop the attackers. That is what I said,  
6 Counsel.

7 Q. Mr Witness -- in the same transcript, Madam President, and this time page 61, lines  
8 13 to 15, Mr Witness, you described the Sarawi forces as follows: "The Sarawi forces are  
9 the former Chadian rebels who followed Abdoulaye Miskine and who work or fight with  
10 Miskine."

11 You also said that was a militia, and you were referring to the SCPS. You said it was a  
12 militia group made up of the Kabas, the Saras, the Gbayas and the Kodos and the ethnic  
13 group of the president. Now, with the Sarawi militia group made up of rebels who you  
14 have said as foreigners - Chadians - and an ethnic militia group made up of citizens of the  
15 president's province, Kodos, Saras, and so on and so forth, do you really think that they  
16 could make up an army that would defeat the enemy?

17 A. It is as I told you. It is because of their experience, their courage. Thanks to those  
18 who were on the ground that we were able to resist the attackers. You saw the evidence.  
19 It was because of them that we were able to put up resistance. That is what happened.  
20 We all know that. The Central African people know that. It was thanks to those people  
21 that we were able to put up resistance to the attackers.

22 Q. Mr Witness, as I said at the beginning of my questions, it is not what I know as a  
23 Central African Republic citizen that is important here. We have to shed light on the  
24 situation for the Chamber, so we are providing information to the Chamber, and even as a  
25 CAR citizen but as a legal representative of victims, I do not have the right to testify here;

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1 I only have to ask questions.

2 Now talking about the rebel troops of General Bozizé, you stated that there were death  
3 squads and they were Chadians also. So, in the final analysis, it seems that there were  
4 Chadians on both sides, given that the Sarawis were former Chadian rebels while the  
5 death squads were also made up of Chadians. So are you telling us that there were  
6 Chadians on both sides?

7 A. That is what I said. I really explained clearly to the Court that is what happened,  
8 and I think that is what is still happening today. We do not know when it will all end.  
9 That is what is happening.

10 Q. Now, speaking about the period of interest to the Chamber, October 2002 to  
11 15 March 2003, there were Chadian fighters in Bozizé's camp and Chadian fighters  
12 amongst the loyalist fighters; is that what you are saying?

13 A. Listen, as I was telling you, now who is Abdoulaye Miskine? I want the Court to  
14 understand what happened; the truth. I cannot invent anything. That is what I said.  
15 It is what happened and it is what is happening even today, so that is what I said.

16 PRESIDING JUDGE STEINER: Sorry, Maître Zarambaud.

17 Mr Witness, could you please be so kind in answering the question put by Maître  
18 Zarambaud in a more objective way? The question is: There were Chadians in both  
19 sides; is that correct or not? It's a very simple and direct question.

20 THE WITNESS: (Interpretation) Yes, Madam President.

21 PRESIDING JUDGE STEINER: Thank you very much.

22 Maître?

23 MR ZARAMBAUD: (Interpretation) Thank you, Madam President.

24 Q. So on the same transcript as I quoted earlier, Mr Witness, I'm on page 58, 59 and  
25 following pages, you gave some rough numbers of making up the loyalists and the

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1 Presidential Guard. You said 300 to 500, SCPS you said about 1,000, CEN-SAD you said  
2 was about 500, but I didn't hear what you said about the number of troops for Miskine,  
3 nor for the actual FACA, the ORGP. Can you give us a figure for these two entities?

4 A. Well, Counsel, as I was saying, the FACA is the Central African Forces made up of  
5 regiments, regiments under the General Staff, and a regiment is a military unit which has  
6 a thousand or upwards.

7 But we have more than one regiment under the orders of the General Staff, so to give you  
8 an exact number I would be telling you an untruth. It's an army. It's not a wardrobe, or  
9 an armoire. It's an army. So I can't give you an exact number of the strength of the  
10 FACA, nor of the troops of Abdoulaye Miskine. I can't give you an exact figure. I don't  
11 want to tell lies to the Court.

12 Q. Mr Witness, if we're asking this question it's because a logical analysis is not going  
13 to be the way of proving things to the Chamber. We want to base ourselves on facts. If  
14 you take the Chinese army, it has millions of people. The Central African Republic could  
15 be 10,000. So it would be good for us to have an idea of the strength of the Central  
16 African Army, but I note that you have no reply to that question. What about the  
17 number of soldiers that make up the Bozizé rebels?

18 A. Well, Counsel, as I said I wasn't with them. I can't make an estimate. I wasn't  
19 there. I wasn't with them. I don't want to make up a figure because I wasn't with them,  
20 so I don't know how many he'd recruited. We all know that he was helped by a Chad  
21 military unit, but I don't know how many made up those units. I can't know that.

22 PRESIDING JUDGE STEINER: Mr Witness, I must confess that I couldn't find anything  
23 laughable in the question put by Maître Zarambaud and so I don't understand why you  
24 started laughing, but in any case my question - and I'm not a military person, as I said - it's  
25 not normal that an army knows the number or the strength of the enemy when you go

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1 into a fight? So you went to fight without having any idea on the number of enemies  
2 you were going to fight?

3 THE WITNESS: (Interpretation) Madam President, it's as I was saying. There's the  
4 intelligence section that deals with that. There are people who deal with this. There are  
5 people who get the -- collect the military intelligence so that we know what the strength is,  
6 type of weapons, the positions they've taken up. That's all covered by them. There's  
7 military intelligence. They do that, that's their job, but me in the field, a soldier, we have  
8 commanders who receive information from the General Staff and that is that it -- we are  
9 just the men in the field. We are given orders once the intelligence has been given on the  
10 field. That's all I can say to you.

11 PRESIDING JUDGE STEINER: Judge Aluoch.

12 JUDGE ALUOCH: Mr Witness, on page 57, real-time transcript, you describe the Sarawi  
13 force as "... those former Chadian rebels who followed Abdoulaye Miskine and who work  
14 with him." As far as you know, are there any -- were there any Central African people  
15 amongst the Sarawi, or were they all Chadian rebels as far as you know?

16 THE WITNESS: (Interpretation) Yes, there were Central Africans. It was not only  
17 Chadians. There were Central Africans there as well.

18 JUDGE ALUOCH: Thank you.

19 MR ZARAMBAUD: (Interpretation)

20 Q. Mr Witness, every time you talk about the Bozizé rebels, you talk about the death  
21 squads. Could you give us some information about what you mean by the death squad?

22 A. Designed to die, that's it. The death squad were designated to die. They were  
23 afraid of nothing. They confronted all dangers. This unit was known as the death  
24 squad.

25 Q. The death squad with the Bozizé rebels reached Bangui, but where had they come



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1 from when they arrived in Bangui?

2 A. As we all know, after the coup d'état of 28 May, where General Bozizé was accused  
3 of being part of the coup d'état, when the Prosecutor gave the order to arrest Bozizé at  
4 home with his men, they fled to Sido. That's what I know. From there they reinforced  
5 themselves, but I don't know how they did that. I just know that they came from Sido  
6 and Sido is on the Chadian border. They came from there, but that's all I can say about  
7 this.

8 Q. Do you know how far it is in kilometres from Sido to Bangui?

9 A. It's a long way. I don't know how far it is. I just know it's a long way. A long  
10 way, that's all I know.

11 Q. So in these conditions, just before the break, Mr Witness, you were getting quite  
12 carried away and you described the Central African Army as not being an army of women,  
13 not being a cupboard of cockroaches and other words I don't want to use here in court  
14 and other such terms. How can you explain that rebels can leave Sido hundreds of  
15 kilometres away and arrive in Bangui before there is any response organised?

16 A. Well, listen, Counsel. We know, all of us, that before you organise a war you have  
17 to have contacts in the field, and perhaps they made agreements with people who helped  
18 them pass through. I don't know. So -- but as they passed through on the way to  
19 Bangui, as far as the presidential palace, that's what I know, but -- I don't know how they  
20 left Sido on their way, but -- I don't know, but they came and attacked us, the FACA.  
21 That's all I know.

22 Q. Thank you, Mr Witness. With regard to PK12, where you said that the loyalists  
23 had set up a headquarters - the transcript in real-time 326, 326, of 19 June 2013, yesterday,  
24 at page 68, lines 19 to 21 - "We set up a headquarters at the École Begoua. As I'm  
25 repeating what you say, before taking the road to Damara, as I said, I was there, I was

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1 there in person."

2 Now, I would like to know whether the MLC had also set up their headquarters in PK12  
3 at the Begoua school?

4 A. That's what I was saying, Counsel. Yesterday I said that we arrived after we'd  
5 retaken PK12 with the help of the MLC and the FACA. We went to the Begoua school  
6 because there was space there. We could put -- there was space for our vehicles, for our  
7 heavy weaponry that we had with us, so there, there was space, with the MLC and the  
8 FACA together. We were all there at the Begoua school. That's what I said.

9 Q. Where were the commanders of the MLC billeted?

10 A. I don't want to tell a lie. I will tell you what happened, but to say where they were  
11 billeted, where they were, I don't know that. I know nothing about that.

12 Q. So while you were at PK12, you didn't see the MLC commanders?

13 A. I told you, we were all at the Begoua school. The commanders came and they  
14 commanded at the Begoua school, but whether they were actually accommodated there, I  
15 don't know. We didn't have the sufficient calm state of mind to take note of all that.  
16 That's what I said. We had our headquarters at the Begoua school. That's what I said.

17 Q. To be clear, Mr Witness, were there MLC commanders who had taken up residence  
18 in the homes of private individuals?

19 A. Well, listen, Counsel, I can't make things up. I've told you what I said and what I  
20 know. I can't say that I knew where they were sleeping. I -- I don't know.

21 Q. How were the MLC troops fed? I believe you've already given a reply in the  
22 real-time transcript 326 of 19 June. You said that they had an allowance. It's page 43,  
23 line 1 to 4: "They had an allowance, an allowance given to soldiers in the field during this  
24 period of deployment, an allowance that one gives to soldiers."

25 You also added on page 42, lines 23, 24, "Yes, the troops received the PGA allowance.

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1 They were given food and there was even an ambulance."

2 Does "PGA" stand for "prime agro-alimentaire" in French or does it stand for "prime  
3 générale d'alimentation," which would be a general food allowance?

4 A. I think we're all going in the same direction. It's an allowance which we give  
5 to -- which is given to soldiers. That's my way of explaining it. What do you want me  
6 to say? The PGA is an allowance, military allowance. It's an allowance. So it's up to  
7 you in the way you understand it.

8 Q. Mr Witness, I'm not trying to impose the way I see things, I would just like to know  
9 what "PGA" stands for. So, they were given this PGA and food as well, if I read lines 23,  
10 24 that I quoted earlier.

11 Did you hear me, Mr Witness?

12 A. Yes, indeed, I did hear you. But as I was saying, there were a number of stages.  
13 There was a stage where they arrived, the support regiment. They had to be given  
14 sardines and bread, food. There were stages, as I said, but there were stages. For  
15 example, when they arrived in Kaga-Bandoro, we could no longer take them bread and  
16 sardines, we had to give them an allowance. That's what I was saying, Counsel.

17 Q. Thank you, Mr Witness. So with troops from Sudan, Libya, and a third country the  
18 name of which I'm looking for right now, you said in the transcription, page 54, line 6 -- or  
19 lines 8 and 9, you said that Libyan aircraft were dropping bombs. You could say bombs  
20 or small missiles. So, with an army that was not weakened, which was very strong, that  
21 one couldn't refer to as an army of women, and with Libyans dropping bombs, why was it  
22 necessary to bring Bemba's troops?

23 A. That's what I was saying. I'm not Patassé. I can't reply. It wasn't -- it was his  
24 decision, his decision to invite the MLC troops. It wasn't their idea, either. They were  
25 called as reinforcements, so I can't reply. I know nothing, and I don't want to speak on

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1   behalf of the late lamented Ange-Félix. I can't lie. If he was still alive today, he would  
2   be able to answer that question.

3   Q. I thought that the Central African soldiers, who were strong, who were not  
4   weakened, might have had their own ideas about the decision to bring them a crutch  
5   when they were marching quite capably. So I thought you would have an idea, but I will  
6   now move on to something else.

7   You said just before the break that the Central African army, and you repeated, was a big  
8   army and the others only came to lend a hand. I don't really quite understand why, if  
9   the MLC militia were only there to help, when there was a merger, took -- there was one  
10  Central African platoon with two MLC platoons, because the FACA were more numerous.  
11  It was the army of a country, they was not weakened, whereas the MLC was the army of  
12  the rebellion. Well, I think perhaps "militia" would be a better term. Army is a state  
13  force. So you have one Central African platoon and two MLC platoons. Can you  
14  explain that to me?

15  PRESIDING JUDGE STEINER: Yes, Mr Haynes.

16  MR HAYNES: That's not the evidence that the witness gave. It's also not an authorised  
17  question, and I'm struggling to see that it's a question at all rather than just a comment or  
18  how it's in the interest of Mr Zarambaud's clients.

19  PRESIDING JUDGE STEINER: I thought your objection would be in another sense,  
20  Mr Haynes. The point on relevance is for the Chamber to decide. But, Maître  
21  Zarambaud, I would like to see and to check the reference that the proportion was the two  
22  MLC peleton to one Central African platoon.

23  MR ZARAMBAUD: (Interpretation) Transcript of 18th of the 6th, 2013, paragraph 71,  
24  lines 1 and 2.

25  PRESIDING JUDGE STEINER: Thank you. You can proceed.

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1 MR HAYNES: Sorry, what's the transcript reference to, French, English, real-time,  
2 edited?

3 MR ZARAMBAUD: (Interpretation) The edited version of the French transcript.

4 PRESIDING JUDGE STEINER: Maître Zarambaud, I asked you for the reference because  
5 what we have in the English transcript is exactly the opposite. The English transcript  
6 says that it was two Central African platoons to one MLC platoon, so maybe we have a  
7 problem here with transcripts. So maybe it's better if we ask the witness to confirm how  
8 the troops were merged.

9 What was the proportion?

10 THE WITNESS: (Interpretation) As I said yesterday, Madam President, I said that they  
11 were mixed, two Central African platoons with one Congolese platoon. That's what I  
12 said, but what you said was not what I said yesterday.

13 PRESIDING JUDGE STEINER: Thank you for the clarification. Probably there was a  
14 problem with the transcript.

15 MR ZARAMBAUD: (Interpretation) What I read was exactly what was in the French  
16 transcription.

17 Q. Mr Witness, I'm going to move on to some follow-up questions. You stated that  
18 General Bombayake stayed close to the president. The real-time transcript of 19  
19 June - yesterday - page 49, lines 21 to 24, you said, "Bombayake stayed with the president,  
20 so he controlled everything by communications and walkie-talkie. So having retaken  
21 PK12 General Bombayake arrived, but not during the time of the combat. He arrived  
22 once peace had returned."

23 So my question is as follows: Did -- was the accused, Bemba, able to join his  
24 troops -- able to communicate with his troops by radio or walkie-talkie and the other way  
25 round?

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1 A. That's what I was saying, Counsel. With Bemba and his -- with regards Bemba and  
2 his troops I can't say anything, I know nothing about that, but I did tell you what I said  
3 that the combat was led -- before we left PK12 on the way to Damara, we got orders that  
4 way with communications radios. We -- the support regiment was given  
5 communications radios and walkie-talkies up to PK12, but from PK12 onwards we had  
6 the communications radios and the Thuraya. I said -- I didn't say that General  
7 Bombayake was in the field during the combat at PK12. I didn't say that. I didn't say  
8 that.

9 Q. Mr Witness, I did not say that either. It is just that, since from Bangui he could give  
10 instructions to his soldiers on the field, my question was: Could Bemba's soldiers in the  
11 field also receive orders from their supreme commander, who was Bemba, or report to  
12 him? That was my question. I did not question what you said. You had constantly  
13 stated that Bombayake always stayed by the side of the president.

14 PRESIDING JUDGE STEINER: Maître Zarambaud, what -- this question would ask the  
15 witness just to speculate. Maybe you could move to your next question, because it  
16 would be just a speculation.

17 MR ZARAMBAUD: (Interpretation) Your Honour, what I wanted to know was  
18 whether to his knowledge Bemba's soldiers in the field reported to Bemba, or whether  
19 Bemba also gave them orders.

20 PRESIDING JUDGE STEINER: This way of formulating the question is more  
21 appropriate.

22 Can you answer, Mr Witness?

23 THE WITNESS: (Interpretation) Your Honour, I do not know anything about that side  
24 of things. I do not know.

25 MR ZARAMBAUD: (Interpretation)

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1 Q. Mr Witness, I will ask you one of my last few questions. You testified that you  
2 advanced on three axes, Boy-Rabé, Fouh, Gobongo and PK12, and then another axis  
3 towards the airport; is that correct?

4 A. That was my testimony.

5 Q. As a result, you did not witness what might have happened in Boy-Rabé, or on the  
6 other axis or road towards the airport; is that correct?

7 A. That is correct.

8 Q. And so if the ALC soldiers committed offences in Boy-Rabé, you wouldn't be able to  
9 say anything about that because you were not there?

10 A. Yes.

11 Q. The same thing would apply to the road to the airport; that is regarding Miskine,  
12 Miskine's fighters and the others?

13 A. That is correct.

14 Q. Thank you, Mr Witness. Lastly, Mr Witness, for you who were in the field, how  
15 did it happen that the loyalist forces were defeated?

16 A. I did not quite grasp your question, Counsel.

17 Q. My question to you was this: Despite the diversity of the composition of the  
18 loyalist forces, how did it happen that Bozizé's rebellion was triumphant on  
19 15 March 2003?

20 A. Counsel, as you know, the stronger side will always win, and if General Bozizé  
21 received more sophisticated equipment, if he received reinforcements, that is normal,  
22 because during that period the Head of State was not there. He did what he could do to  
23 put up a resistance. He lost power. That was destiny.

24 THE INTERPRETER: From the interpreter: The sound quality continues to deteriorate.

25 MR ZARAMBAUD: (Interpretation) Mr Witness, thank you for kindly answering all

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1 my questions.

2 Your Honour, I have no further questions.

3 PRESIDING JUDGE STEINER: Thank you very much, Maître Zarambaud.

4 Mr Witness, now Maître Douzima Lawson, also a legal representative of victims in this  
5 case, is going to put some questions to you.

6 Maître Douzima, you have the floor.

7 MS DOUZIMA LAWSON: (Interpretation) Thank you, Madam President.

8 QUESTIONED BY MS DOUZIMA LAWSON: (Interpretation)

9 Q. Good afternoon, Mr Witness.

10 A. Good afternoon, Maître Edith.

11 Q. It would be better if you say "Maître Douzima," or just "Maître." Do we agree on  
12 that?

13 A. Very well.

14 Q. I would like to say that I share Mr Zarambaud's observations about your role and  
15 our role as legal representatives of victims in this case.

16 Let me introduce myself. I am Maître Marie-Edith Douzima Lawson and, apart from  
17 being the legal representative of victims in this case in which you are testifying, I'm a  
18 lawyer in the CAR Bar and I am a citizen of the Central African Republic.

19 Mr Witness, you stated on several occasions that you took part in the fighting and that  
20 you were on the front line. Can you explain how the operations in the field were  
21 organised during the fighting; that is jointly of course with the MLC troops?

22 A. Very well, I will explain it to you.

23 Q. I am listening. Please proceed.

24 THE COURT OFFICER (via video link): Madam President, this is the courtroom officer.

25 If it is okay, we will disconnect the call for just a few seconds and then redial again in



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1 order to improve the quality of the output and the video too.

2 PRESIDING JUDGE STEINER: Yes, please, Mr Rojas.

3 Mr Witness, can you hear me?

4 THE WITNESS: (Interpretation) Yes, I can hear you, your Honour.

5 PRESIDING JUDGE STEINER: I'll give back the floor to Maître Douzima, and I ask  
6 please the court interpreters to let me know whether the quality of the sound improved?  
7 Maître Douzima, I think it's better if you repeat your question, please.

8 MS DOUZIMA LAWSON: (Interpretation) Very well, your Honour.

9 Q. Mr Witness, my question was as follows: You stated on several occasions that you  
10 took part in the fighting, that you were on the front line. Can you briefly explain to us  
11 how operations on the field in the company or alongside the MLC were organised?

12 A. As I was saying, there were two CAR platoons that were put together with one  
13 Congolese platoon. Now, what happens in a platoon? A platoon is a military unit  
14 made up of two sections. And what is a section? A section is a military unit made up of  
15 two teams and a team is a military unit composed of 16 men. You have team  
16 commanders, you have section commanders and platoon commanders. So, in a section  
17 you have a fire team and a shock team, so that is one team with light weapons and  
18 another team with heavy weaponry. That is how it happened.

19 Q. Were the MLC and FACA platoons mixed or together on the ground in the field?

20 A. As I told you, Counsel, there was a merger between the FACA and MLC platoons.

21 Q. Very well. In which language did the FACA communicate amongst themselves?

22 A. Amongst us, there are FACA soldiers who of course speak Lingala. There are  
23 FACA who speak Sango and other FACA who also speak French. Amongst the MLC  
24 soldiers, there were some who spoke Lingala and others who also spoke French. I do not  
25 know whether I have made myself clear.

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1 Q. Mr Witness, you did not answer my question. Let me rephrase. Amongst the  
2 FACA soldiers, which language did you use to communicate, that is amongst yourselves?

3 A. On the ground, it depends. We received issues from the command and we spoke  
4 in Sango, but there were some FACA amongst us who also spoke Lingala.

5 Q. And when you were addressing members of the population, which language did  
6 you use?

7 A. During or after the fighting?

8 Q. During or after.

9 A. Because during the fighting the population went into hiding because of stray bullets,  
10 so during the fighting it is not possible to speak with the members of the population, but  
11 after the fighting the FACA would address members of the population in Sango.

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

13 A. As I was telling you, it was by habit. After we familiarise ourselves with  
14 themselves -- with them. After liberating a territory, they had their friends, they would  
15 talk about their things, we would talk about our things. But during the fighting, we were  
16 united.

17 Q. Mr Witness, my question is clear. A short while ago you said that amongst your  
18 FACA - and I do not know what you were talking about - I asked what language you used.  
19 You told me that you were using Sango. Now, I'm asking you when -- since you were  
20 together with MLC troops, which language did they use to communicate amongst  
21 themselves?

22 A. As I was telling you Counsel, after the fighting, after having taken measures, friends  
23 can speak. So they were speaking Lingala and we were speaking Sango.

24 Q. And between you, that is the FACA and the MLC, which language did you use?

25 A. That is what I was telling you, Counsel. There are FACA soldiers who speak

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1 Lingala and there are MLC soldiers who speak French. This means that we could  
2 understand each other very well. It depended on which individual you wanted to speak  
3 with.

4 Q. I have understood you very well, Mr Witness.

5 In the hearing of 18 June 2013, real-time transcript 325, page 79, lines 14 to 18, you stated  
6 that "When the MLC soldiers arrived, there was an emergency meeting, and during that  
7 meeting the president gave the order for the MLC men to be given uniforms, because  
8 what they had brought as uniforms were not comfortable."

9 What do you mean by that? Why were those uniforms not comfortable?

10 A. When I said that they were not comfortable, it is because there was a problem.  
11 Some of them simply had military trousers and were wearing T-shirts. Others were  
12 wearing boots, but dressed in civilian clothing. Some of them were wearing military  
13 tops and jeans trousers, so for military purposes and to avoid confusion amongst the  
14 troops, it was necessary to provide uniforms so as to be able to recognise friendly soldiers.

15 Q. This means therefore that the FACA and MLC soldiers were wearing the same  
16 uniform and foot-wear?

17 A. That is correct, Counsel.

18 Q. Does that mean that all MLC soldiers received military uniforms from FACA?  
19 That is all of them, they received uniforms and Ranger boots?

20 A. As I told you, all those who were there received uniforms and Ranger boots.

21 Q. Mr Witness --

22 PRESIDING JUDGE STEINER: Sorry to interrupt, just to follow up this last answer.  
23 Mr Witness, only the MLC troops received uniforms and boots from FACA? Or the  
24 other troops, like Miskine, CEN-SAD, et cetera, they also received uniforms and boots  
25 from FACA, or were they wearing different uniforms?

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1 THE WITNESS: (Interpretation) Madam President, as I was explaining to you, initially  
2 the CEN-SAD forces had been there ever since 2001. The SCPS troops were there, had  
3 been there for a long time, but the MLC troops had just arrived, and as I have told you,  
4 they needed to have FACA uniforms. But the SCPS and the other troops had been there  
5 for a long time. They were in FACA uniforms.

6 PRESIDING JUDGE STEINER: And Miskine troops as well?

7 THE WITNESS: (Interpretation) Yes, they were all in FACA uniforms.

8 PRESIDING JUDGE STEINER: And Bozizé's troops?

9 THE WITNESS: (Interpretation) No, Bozizé's troops had their own organisation.  
10 They had their own way of recognising themselves, but they did not have our uniforms.  
11 Some of them were in civilian clothes, but they were not wearing our uniforms.

12 THE INTERPRETER: The sound is getting bad again.

13 PRESIDING JUDGE STEINER: But part of Bozizé's troops were composed by former  
14 FACA soldiers that fled with Bozizé, isn't it?

15 THE WITNESS: (Interpretation) That is correct, your Honour.

16 PRESIDING JUDGE STEINER: And then when they followed Bozizé, they didn't get  
17 their uniforms with them, or their weapons?

18 THE WITNESS: (Interpretation) That is what I was telling you. Since General Bozizé  
19 was fleeing, he fled with some men and those men were armed. It was near Chad, in  
20 Sido, that they received reinforcements. That was their own organisation. I don't know  
21 how they were organised, but at least they did not have our uniforms. Maybe some of  
22 them could have kept the former uniforms that they had had, but I cannot imagine what  
23 they had.

24 PRESIDING JUDGE STEINER: Maître Douzima, we have only two or three minutes and  
25 interpreters are saying that the quality of the sound is deteriorating, so if you don't mind,

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1 we could suspend right now for the lunch-break and you continue after the lunch-break, if  
2 that's fine with you.

3 MS DOUZIMA LAWSON: (Interpretation) That is very convenient for me, your  
4 Honour.

5 PRESIDING JUDGE STEINER: Thank you very much.

6 Mr Witness, we will have now our lunch-break. It's almost 1.30. We'll be back at  
7 3 o'clock.

8 The hearing is suspended.

9 THE COURT USHER: All rise.

10 (Recess taken at 1.27 p.m.)

11 (Transcription of the hearing continues in Transcript:

12 ICC-01/05-01/08-T-327bis-CONF-ENG)

13 RECLASSIFICATION REPORT

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

15 ICC-01/05-01/08-3038, the version of the transcript with its redactions

16 becomes Public.