

1 International Criminal Court

2 Trial Chamber III - Courtroom 2

3 Situation: Central African Republic

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

5 - ICC-01/05-01/08

6 Presiding Sylvia Steiner, Judge Joyce Aluoch and

7 Judge Kuniko Ozaki

8 Trial Hearing.

9 Thursday, 21 November 2013

10 (The witness enters the courtroom via videolink)

11 *(The hearing starts in closed session at 9.39 a.m.) Reclassified as Open session

12 THE COURT USHER: All rise. The International Criminal Court is
13 now in session. Please be seated.

14 PRESIDING JUDGE STEINER: Good morning. Could please
15 court officer call the case.

16 THE COURT OFFICER: Thank you, Madam President. Situation in the
17 Central African Republic, in the the Prosecutor versus Jean-Pierre Bemba
18 Gombo, ICC-01/05-01/08.

19 PRESIDING JUDGE STEINER: Thank you very much.

20 Good morning. I welcome Prosecution team, legal representatives
21 of victims, and Defence team, Mr Jean-Pierre Bemba Gombo. Good morning
22 and welcome to our interpreters, our court reporters.

23 Good morning, Ms Bossette.

24 THE COURT OFFICER (via video-link): (Interpretation) Good
25 morning, your Honour.

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1 PRESIDING JUDGE STEINER: And good morning to you, Mr Witness.

2 How are you?

3 THE WITNESS: (Interpretation) Good morning, your Honour. I'm
4 well. I slept well and I am ready to continue with our examination.
5 Thank you.

6 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness.

7 Before you start or you continue giving your testimony, I need to
8 remind you that you are still under oath. You understand that, don't
9 you, sir?

10 THE WITNESS: (Interpretation) Your Honour, I do and I have since
11 the start of my testimony.

12 PRESIDING JUDGE STEINER: Mr Witness, this morning legal
13 representatives of victims that were authorised to question you will
14 start with their questioning. Therefore, I'll give the floor to
15 Maître Zarambaud.

16 Maître.

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

18 THE WITNESS: CAR-CHM-PPPP-0001 (On former oath)

19 (The witness speaks French)

20 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

21 Q. Good morning, Witness.

22 A. Good morning, Counsel. I'm happy to see you again.

23 Q. I am counsel Zarambaud Assingambi, counsel with the Central
24 African courts and tribunals, and I am here as Legal Representative of
25 victims. The Chamber, as indicated, where it concerns the legal

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1 representatives, the Chamber has been submitted questions and the Chamber
2 authorised us to put these questions. I won't ask all the questions
3 because you've already answered some of the questions from the Chamber
4 and the Office of the Prosecutor, and in doing so you gave answers to
5 questions that I had prepared for you.

6 Witness, in your interviews with members of the Office of the
7 Prosecutor, as well as in your testimony here, unless I am mistaken, you
8 mainly stated or mainly talked about the participation of the USP troops
9 in the fighting against Bozizé's rebels. What was the situation as
10 regards FACA participation as well as the loyalist militias, the Libyans?

11 A. Counsel, as I stated, as I've already stated, the
12 Central African Republic underwent massive upheaval successively,
13 political and military upheavals which involved the FACA, the loyalist
14 forces. Now, if at that time the authorities had -- well, they had
15 mistrust, they mistrusted the loyalist forces. And in particular, they
16 mistrust the FACA. I'd already stated there was the attempted coup of
17 the 31st of May, 2001, the ex-President General Kolingba was the
18 instigator thereof. It was loyalist soldiers and, in particular, those
19 from his ethnic group who carried it out.

20 In the meantime, the former mutineers, as they were called, they
21 were involved in this attempt. Thereafter, General Bozizé entered into
22 rebellion. That was the former chief of general staff of the armies. He
23 entered into rebellion and a lot of soldiers followed him into that
24 rebellion. In the attack on Bangui in October 2002, where the rebels had
25 broken into Bangui, they had got as far as the northern neighbourhood of
26

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1 Bangui, as I've already said. The fingers were always pointed at the
2 loyalist forces for having let that happen. There was concern at the
3 highest level of state with regards to all these events which I have just
4 described, and that's the reason why when the October 2002 attack took
5 place, that the attempted coup of 2001, the authorities therefore called
6 upon MLC troops in order to rescue them, to conduct a counteroffensive.
7 That happened in 2001 when General Bozizé was chief of general staff, and
8 with MLC troops he was able to drive out the troops who were responsible
9 for the attempted coup.

10 In October 2002, when there was this attack that took place, and
11 given what I've just said, the authorities trusted far more the security
12 units, the presidential guard, USP, which was directly attached to the
13 head of state. And as I've already said, with regards to the MLC troops,
14 when they arrived the co-ordination was carried out with the director
15 general of the USP. It was MLC troops who went to the front. There were
16 different fronts which I listed previously. They were supported in
17 places by USP troops, as I've said. That, Counsel, is the answer that I
18 can give in your question.

19 However, as I also said, there were positions that were occupied
20 by the loyalist forces, in particular the defence of the town of Bangui,
21 so that the attack would not once again arrive in Bangui. Certain
22 positions within the country in the east, with Bambari base, there were
23 loyalists who were grouped there. The same for Bouar garrison. That was
24 a garrison on the road -- on the main road -- the main supply route, in
25 fact, of the Central African army via Cameroon. There was also a group
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1 there, a group of loyalist forces, concentration of loyalist forces in
2 that garrison and in these places, in these areas that I have just
3 mentioned during the events. They were never affected by the rebellion.
4 The rebellion concentrated its actions and activities in the
5 north-centre. If we put it in terms of prefectures, Lombende (* phon),
6 Louham (* phon) prefecture, Negar (* phon) Grébizi prefecture,
7 Lombel (* phon) M'Poko, where it concerns Bossembélé, Delake (* phon),
8 and Damara. That, Counsel, is the answer that I would like to give you
9 with regard to your question.

10 Q. Thank you, Witness. I'm now on point six of my questions. Now,
11 where it concerns the number of soldiers, number of FACA soldiers, you've
12 already answered on several occasions -- well, I'm not going to ask that
13 question again. Now, where it concerns the number of USP troops, you
14 estimated that at 1.500 to 2.000 men, and my reference here is
15 CAR-OTP-0008-0222, page 248, lines 1 and 2, and you said at least a
16 thousand, if not more men, CAR-OTP-0008-0222, and page 260 and lines 8 to
17 10. The question reformulated according to the wishes of the Chamber is
18 therefore as follows.

19 So according to a statement that you made to the officers of the
20 Office of the Prosecutor, it appeared that the USP is only composed of
21 350 soldiers, including the air police as well. And the reference to
22 that is CAR-OTP-0027-0062, page 0077, lines 359 to 361 and 364 to 368.

23 Now, what ultimately would you say with regard to this number of
24 USP troops?

25 A. Counsel, USP troops. There were over a thousand. There were
26

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1 over a thousand USP troops. There were over a thousand strong. If you
2 add to these troops the different militias there were. And why? Because
3 after the events of 15th of March, 2003, (Redacted)
4 (Redacted) it was necessary to reintegrate into the
5 armies, into the armed forces firstly these USP troops, as I already
6 mentioned, and I (Redacted)
7 (Redacted).
8 (Redacted)
9 (Redacted)
10 (Redacted) It wasn't 300 or 400. There were almost a thousand if I remember
11 well. Whatever the case, between 800 and 900 and a thousand, and the
12 same was also the case, Counsel, for army troops who were involved in the
13 coup on the 31st of May, 2001, and who had taken refuge in the DRC. (Redacted)
14 (Redacted)
15 (Redacted)

16 And these troops, too, were involved in the attempted coup. That
17 was roughly the amount of them. About a thousand. (Redacted)
18 (Redacted) We
19 couldn't continue to let troops like that just go about in the wild.
20 That's what happened. And if my memory serves me well, that -- that's
21 it. About a thousand, including the different militia and at least a
22 thousand for the former mutineers who took refuge in the DRC.

23 PRESIDING JUDGE STEINER: Mr Zarambaud, just a moment.

24 Mr Haynes.

25 MR HAYNES: I wonder if Mr Zarambaud could repeat the reference
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1 to that alleged former statement by this witness, because I can't find a
2 document with that ERN number.

3 PRESIDING JUDGE STEINER: Maître Zarambaud, will you please
4 inform the ERN number of the document you are referring to.

5 MR ZARAMBAUD: (Interpretation) Just a moment, your Honour. If my
6 colleague could just clarify which of the documents he's talking about?
7 Because I did give several different references.

8 MR HAYNES: CAR-OTP-0027-0062.

9 MR ZARAMBAUD: (Interpretation) Your Honour, this is the answer
10 that was given in a confidential way by a person who was heard by the
11 Office of the Prosecutor, so this isn't a witness who's appeared here at
12 a hearing, and the reference to this document is indeed
13 CAR-OTP-0027-0062, page 0073.

14 PRESIDING JUDGE STEINER: Mr Haynes, did you find it?

15 MR HAYNES: No.

16 PRESIDING JUDGE STEINER: Maître Zarambaud, you proceed with your
17 questioning. In the meantime, I ask, please, the Chambers' assistants to
18 try to find the document to check whether the number is correct.

19 You can proceed, Maître Zarambaud.

20 MR ZARAMBAUD: (Interpretation) Much obliged, Madam President.

21 Now, regarding the USP, I would like to ask the court officer to
22 display to the witness document number 3 on the list of the
23 legal representatives, and it is CAR-V28-0001-0064.

24 THE COURT OFFICER (via video-link): (Interpretation) The document
25 is being shown to the witness.

26

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1 MR ZARAMBAUD: (Interpretation)

2 Q. Mr Witness, it is decree number 81019 defining the statute of the
3 presidential guard. I will save time by reading the first three
4 articles. Article 1:

5 "Within the presidency of the republic, there is a military unit
6 known as the presidential guard which has been set up and shall be placed
7 under the direct authority of the president of the republic. It shall
8 have the support of the Ministry of National Defence, particularly in the
9 areas of remuneration or logistics."

10 Article 2:

11 "The commander" -- or rather, "The command of the presidential
12 guard will be the responsibility of a general who shall have the position
13 of head of call. He shall be appointed by the president of the republic
14 and shall report directly to him."

15 Article 3:

16 "The organisation and strength of the presidential guard should
17 be subject to a decision of the president of the republic and shall be
18 covered by the national defence secret statute."

19 MR ZARAMBAUD: (Interpretation) Can the court officer display page
20 0071, please.

21 THE COURT OFFICER (via video-link): (Interpretation) The document
22 is being shown to the witness.

23 MR ZARAMBAUD: (Interpretation) Thank you.

24 Q. I'll read article 29.

25 "The presidential guard shall be responsible for ensuring the
26

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1 security of the president of the republic at all times and at all
2 locations. It will contribute to the maintenance of the institutions and
3 will ensure the security of the head of state and government as well as
4 all foreign personalities visiting the Central African Republic or on
5 mission to that country."

6 MR ZARAMBAUD: (Interpretation) Can the court officer display page
7 0074, please, just so that we know the date of the document.

8 THE COURT OFFICER (via video-link): (Interpretation) The document
9 has been shown to the witness.

10 MR ZARAMBAUD: (Interpretation)

11 Q. Mr Witness, the date on this document is done at Bangui on the
12 13th of January, 1981, and signed David Dacko, president of the republic.
13 Can you see that on the document, Mr Witness?

14 A. Yes, Counsel.

15 MR ZARAMBAUD: (Interpretation) Can the court officer please
16 display to the witness document number 4 on my list, and the reference is
17 CAR-V28-0001-0075.

18 PRESIDING JUDGE STEINER: Maître Zarambaud, if you allow me while
19 the court officer provides the witness with the document you'd just
20 mentioned.

21 The reference to the document, according to the observation made
22 by Mr Haynes, it is on page 5, lines 15 to 19. In accordance with the
23 English transcript, it said, line 15:

24 "So according to a statement that you made to the officers of the
25 Office of the Prosecutor, it appeared that the USP is only composed of
26

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1 350 soldiers," et cetera.

2 That needs a correction. It's not according to a statement that
3 you made but that someone else made to the Prosecution. So for the sake
4 of the record, this was not a statement made by the witness but by
5 someone else who is not a witness in the present case.

6 Is that enough for clarification, Mr Haynes?

7 MR HAYNES: Thank you very much, your Honour, for your research.

8 MR ZARAMBAUD: (Interpretation) Thank you, your Honour, for that
9 clarification.

10 Now I would like to ask document number 4 on my list to be
11 displayed to the witness.

12 Q. Mr Witness, you can see that it is decree number 85073 of the
13 22nd of March, 1985, changing the name of the presidential guard, which
14 becomes presidential security, that is, as from the 21st of September,
15 1981. (Redacted)
16 (Redacted)
17 (Redacted)

18 A. Counsel, as stated, in the documents that you have presented to
19 us, the presidential security unit, or the presidential guard depending
20 on how this unit was known at the time, this unit does not come under the
21 authority of the chief of general staff. Even in the organisation chart,
22 you have the various corps of the Central African Armed Forces which are
23 under the authority of the chief of general staff, but the presidential
24 security unit, or as it was previously called the presidential guard,
25 and, in fact, even in many other countries this unit comes under the
26

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1 direct authority of the president of the republic and head of state. I
2 have stated that, I have repeated it, and I am repeating it once again.
3 This is the answer that I can give you in light of the substance of the
4 documents presented which changed over time.

5 There was a document in 1981 and another document in 1985
6 changing the appellation. But the presidential guard or the presidential
7 security unit comes under the authority of the president of the republic
8 and head of state.

9 Q. Thank you, Mr Witness. To conclude on the USP, I would like to
10 ask you one question which I wanted to ask but my learned friend
11 interrupted and I couldn't do so, but now I want to ask you for
12 confirmation. You stated that the USP, when it came to distributing the
13 various soldiers to the various corps, you have said that the number was
14 at least 1.000. Now, what I'm asking you is this: Did that 1.000
15 include only the USP soldiers, or did you include the soldiers from the
16 various militia groups of the former president Ange-Félix Patassé?

17 A. Counsel, as I have said before, during that period those
18 soldiers, including the militias, made up more than a thousand men.
19 Regarding the USP itself, I do not have the exact figure but it was close
20 to 1.000 men. (Redacted)
21 (Redacted)
22 (Redacted) This was to ensure that they
23 would be together with the other loyalist elements of the FACA.

24 And as I also said, the same number, 800 to a thousand were
25 involved in the attempted coup d'état in 2001. And I know that they were
26

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1 close to 1.000, that is excluding the militia groups, because the
2 soldiers of those militia groups were also many. The militia -- the
3 members of the militia groups did not have service numbers, and so they
4 said not be integrated into the army. So the USP soldiers were almost
5 1.000 when they were brought together to be distributed to the various
6 corps of the national army after the 15th of March, 2003.

7 Q. Thank you, Mr Witness.

8 MR ZARAMBAUD: (Interpretation) Madam President, my question
9 number 7, at your request, I reworded it as follows.

10 Q. (Redacted)

11 (Redacted)

12 A. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. (Redacted)

22 A. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)
2 (Redacted)
3 Q. (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 A. (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)
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1 (Redacted)

2 (Redacted)

3 Q. (Redacted)

4 (Redacted)

5 A. (Redacted)

6 (Redacted) The decision that he took certainly with the
7 commander of his detachment in Bangui and the USP, which was
8 co-ordinating the situation and supporting the MLC soldiers on the
9 various fronts.

10 PRESIDING JUDGE STEINER: If you allow me just a follow-up
11 question.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 THE WITNESS: (Interpretation) (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 PRESIDING JUDGE STEINER: (Redacted)

20 (Redacted)

21 THE WITNESS: (Interpretation) (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)
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5 (Redacted)
6 PRESIDING JUDGE STEINER: (Redacted)
7 (Redacted)
8 (Redacted)
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10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 THE WITNESS: (Interpretation) (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 PRESIDING JUDGE STEINER: (Redacted)
25 (Redacted)
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1 (Redacted)

2 THE WITNESS: (Interpretation) (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

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10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 PRESIDING JUDGE STEINER: (Redacted)

15 (Redacted)

16 (Redacted)

17 THE WITNESS: (Interpretation) (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE STEINER: Mr Witness, maybe you were using a

22 language that is familiar to you but maybe is not that familiar to me.

23 You said again reinforcements who came, what exactly you mean by

24 "reinforcements"? This is what I'm asking for. Reinforcements means

25 troops, ammunition, weapons, only troops, only ammunition, what kind of

26

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1 reinforcements? This is my question.

2 THE WITNESS: (Interpretation) Your Honour, when we speak about
3 reinforcements, that's who is in addition to what's already existing. So
4 there were troops who had been deployed, they are confronted with a
5 situation, the rebellion continues to progress, there was fighting in
6 different zones, different fronts, as I said. It was necessary to
7 support, to reinforce, to come to support these troops who were at the
8 front. And these reinforcements, I think there were -- well,
9 reinforcement in terms of munitions, in terms of weapons, because when
10 people are in contact they fire ammunition, so there is a lack of
11 ammunition, and sometimes there are zones where soldiers who are on the
12 front have no more ammunition. But if you're on the front and you've got
13 no more ammunition, you're at the mercy of the enemy. If you're at the
14 front and you don't have enough weapons, you're also at the mercy of your
15 enemies. If you're at the front and you don't have enough men, because
16 in this fighting there were losses, you're also at their mercy as well.
17 So in terms of reinforcements, there was reinforcements in terms of
18 people, munitions, logistics, weapons. I don't know if that answered
19 your question, your Honour, the question that you put.

20 PRESIDING JUDGE STEINER: Now you did, Mr Witness.

21 Judge Aluoch also wants a clarification.

22 JUDGE ALUOCH: (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26

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1 (Redacted)
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3 (Redacted)
4 THE WITNESS: (Interpretation) (Redacted)
5 (Redacted)
6 (Redacted)
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3 JUDGE ALUOCH: (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 THE WITNESS: (Interpretation) Your Honour, as I stated, it was
11 the MLC troops who were more engaged at the front. It was MLC troops who
12 were more engaged at the front in the different zones that I had -- the
13 different areas that I indicated. These troops were supported, supported
14 by USP troops. And the director general of presidential security, it was
15 he because it was his troops who were alongside the MLC troops who were
16 manoeuvring in the field. I stated that it was Colonel Mustapha because
17 it was his men, the men who were put under his authority who were engaged
18 at the front, and every day he went to view the different fronts to see
19 what was happening. That, Madam Judge, is the answer to your question.

20 JUDGE ALUOCH: Thank you very much.

21 THE WITNESS: (Interpretation) It was MLC troops who were sent.

22 JUDGE ALUOCH: Thank you. I now understand, yes.

23 PRESIDING JUDGE STEINER: Judge Ozaki also has a follow-up
24 question.

25 JUDGE KUNIKO OZAKI: (Redacted)

26

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1 (Redacted)

2 (Redacted)

3 THE WITNESS: (Interpretation) (Redacted)

4 (Redacted)

5 (Redacted)

6 JUDGE KUNIKO OZAKI: (Redacted)

7 (Redacted)

8 (Redacted)

9 THE WITNESS: (Interpretation) (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 JUDGE KUNIKO OZAKI: (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 THE WITNESS: (Interpretation) (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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12 (Redacted)

13 JUDGE KUNIKO OZAKI: (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 THE WITNESS: (Interpretation) (Redacted)

18 (Redacted)

19 (Redacted)

20 JUDGE KUNIKO OZAKI: (Redacted)

21 (Redacted)

22 (Redacted)

23 THE WITNESS: (Interpretation) (Redacted)

24 (Redacted)

25 (Redacted)

26

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1 JUDGE KUNIKO OZAKI: Thank you very much.

2 PRESIDING JUDGE STEINER: Maître Zarambaud, the floor is back to
3 you.

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

5 Q. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

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15 (Redacted)

16 (Redacted)

17 A. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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25 (Redacted)

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9 (Redacted)

10 (Redacted)

11 Q. Okay. Therefore just to take this up again, when you talk about

12 the operational situation, when you talk about the SU -- if they had

13 different back the enemy or with regards to the violence of the fighting,

14 these operations, (Redacted)

15 (Redacted)

16 A. Indeed, Counsel. As I said, with regards to say MLC contingent

17 that had arrived, the co-ordination and support, that was the USP who did

18 that. Even until the 15th of March, I said that there were meetings on a

19 daily basis at the Ministry of Defence, meetings that were presided over

20 by the minister of defence, (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Now if -- if this meeting was held and the director general of

26

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1 the USP was not there, you could not hold this meeting because he was the
2 person who gave the information in the field with regards to what was
3 happening. As I said, it was his troops who supported the MLC troops in
4 the CAR. Even on the 15th of March.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. Thank you, Witness.

16 MR ZARAMBAUD: (Interpretation) Your Honour, my question 12 is no
17 longer necessary. You asked me to reformulate it. So I'm going to read
18 to the witness a passage from a statement from Witness Lengbe who
19 appeared here in open session.

20 PRESIDING JUDGE STEINER: I'm so sorry to interrupt you, but
21 Judge Ozaki needs a clarification.

22 JUDGE KUNIKO OZAKI: I apologise, Mr Zarambaud, but I need a
23 small clarification.

24 (Redacted) Mr Witness, chief of intelligence and gendarmerie.
25 Can you clarify what's the line of command for intelligence as well as
26

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1 gendarmerie? They are reporting to whom? Are they reporting to FACA or
2 USP or directly to the president?

3 THE WITNESS: (Interpretation) Your Honour, in the organisation of
4 the Ministry of Defence, National Ministry of Defence, the director
5 general of the gendarmerie came directly under the minister of defence.
6 It's like the chief of general staff comes under the minister of defence.
7 The director general of the police came under the minister of the
8 interior, and the director of intelligence came under the minister of
9 national defence. That is the answer to your question with regards to
10 the organisation of the national ministry of defence, which is set out in
11 texts which were drafted after the reform in 1999/2000.

12 JUDGE KUNIKO OZAKI: Thank you.

13 PRESIDING JUDGE STEINER: Maître Zarambaud, if it's fine with
14 you, I see that your next question maybe demands a longer answer from the
15 part of the witness, so I suggest that we go to our break and you
16 continue after the break.

17 In the meantime, and just to complete the information that I gave
18 to Defence and mainly to Mr Haynes, I can see that not only there was a
19 mistake on -- on the citation made by Mr Zarambaud on page 5 saying that
20 the quotation came from the witness, so I informed that it was not from
21 the witness but from someone else, but also the page mentioned by
22 Maître Zarambaud is not correct. So on page 5, lines 18, 19, it's not
23 page 0077 but rather page 0073.

24 So I hope now the research is complete, Mr Haynes. I hope that
25 facilitates for the Defence confrontation of the quotation.

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1 Mr Witness, it's almost 11.00. We will suspend now for our
2 coffee break. We will be back now at 11.30. The hearing is suspended.
3 (Recess taken at 10.58 a.m.)
4 *(Upon resuming in closed session at 11.35 a.m.) Reclassified as Open session
5 THE COURT USHER: All rise. Please be seated.
6 PRESIDING JUDGE STEINER: Mr Witness, welcome back.
7 THE WITNESS: (Interpretation) Good morning, Madam President.
8 PRESIDING JUDGE STEINER: Are you ready to continue, sir?
9 THE WITNESS: (Interpretation) Yes, I'm ready to continue.
10 PRESIDING JUDGE STEINER: Thank you, Mr Witness.
11 Maître Zarambaud, the floor is yours.
12 MR ZARAMBAUD: (Interpretation) Thank you, Madam President.
13 As I was saying, my question number 12 was preceded by a rather
14 complicated explanation and the Chamber had asked me to rephrase.
15 Q. So, Mr Witness, I am going to read you a few extracts of the
16 statement of the head of the CCOP who appeared in open session before
17 this Court, and then I will ask you a few questions. The first extract
18 is transcript number 182, French version of the 4/11/2011, page 42.
19 There are a several similar extracts, but I'll read you just a few. On
20 page 42 the leader of the CCOP testified that two Central African
21 soldiers had been arrested in PK12 by Mr Mustapha's men who accused them
22 of being traitors and that he, the CCOP commander, had went to the site
23 to ask for the release of those two soldiers. They did not succeed and
24 they appealed to the deputy chief of staff to intervene, and this was
25 Mazi, and I quote, line 20:

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1 "Fortunately, the general arrived and we negotiated through an
2 interpreter, because each time we needed an interpreter. And after great
3 difficulty, we succeeded in taking those two people back to the camp."

4 The second extract that I'll read to you, Mr Witness. The second
5 extract relates to the difficulties that this same witness had to free up
6 the house of a magistrate which had been occupied by Mustapha himself.
7 It is the same transcript, page 43, lines 7 to 11, and he stated:

8 "You are a judge and one of your colleagues is still alive and
9 his house was pillaged. He called me because fortunately he knew me, and
10 he called me so that I should intercede with the authorities to free up
11 his house. I was not able to. What power did I have? I could not do
12 anything. I was powerless. I reported to my superiors."

13 So in this case it is the house of a magistrate which was
14 occupied. The commander of the CCOP himself tried everything for that
15 house to be liberated, but he was not able to do so. So I'll limit
16 myself to those two extracts.

17 Now according to you, (Redacted), did the commander of
18 the CCOP and the deputy chief of staff need to negotiate to release those
19 two soldiers, and is it possible that Mustapha would have refused to
20 hand-over that house even though the request was made to him by the head
21 of the CCOP?

22 A. Counsel, in relation the first extract, according to which the
23 head of the CCOP appealed to General Mazi. (Redacted)
24 (Redacted)

25 Q. Please understand me, Mr Witness, it was my fault. (Redacted)

26

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1 (Redacted)

2 (Redacted)

3 A. Yes, Counsel. Such events took place during that period. There
4 were many incidents, and as I have already said I do not know whether
5 everyone here can remember the details of incidents or events that took
6 place 11 years ago. And I repeat, 11 years ago. (Redacted)

7 (Redacted)

8 (Redacted)

9 Now, the head of the CCOP, through the interpreter, it has been
10 said here that the MLC soldiers spoke Lingala, and in the CAR we have
11 Sango and French as our two official languages that everyone uses to
12 communicate. But in order to communicate with our brothers from the MLC,
13 an interpreter was needed because most of them spoke Lingala. That is
14 what the CCOP head pointed out here.

15 Now, regarding co-ordination, (Redacted)

16 (Redacted).

17 The head of the CCOP mentioned discussing or negotiating, both for the
18 release of the soldiers in PK12 or for the house of the magistrate which
19 had been occupied. I can say that such events were numerous. Many of
20 them took place during that period. (Redacted)

21 (Redacted)

22 That is my answer to that question, and it is in fact linked to
23 the problem of co-ordination that I have been talking about throughout my
24 testimony.

25 Q. Thank you, Mr Witness. I am going to question 13, the

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1 last-but-one question, and the Chamber asked me to provide references for
2 the extract that I mentioned. My question was as follows. You stated
3 that the MLC's radio communications were not coded but, and I quote:
4 "They did not use the same channels as our radios." My question was how
5 do you know that?

6 MR ZARAMBAUD: (Interpretation) And, Your honours, the reference
7 is CAR-OTP-0008-0219-R-01, page 0266, lines 6 and 7.

8 Q. So, Mr Witness, my question to you is this: How do you know that
9 you did not have the same channels or frequencies as the MLC radios, or
10 you could also elaborate on the statement that you made as follows: "It
11 was not the same channels as our radios"?

12 A. Counsel, we were in a situation of crisis. The former chief of
13 general staff had gone into rebellion and had left with some soldiers who
14 had followed him, and to be sure he would have gone with certain radio
15 sets. This means that during that period, it was no longer possible to
16 use the usual radios which could have been monitored by the rebels who
17 also had those types of radios on the other side since they went into the
18 rebellion with some of those radio sets. I also said that given the
19 situation, the most widely used means of communication was the Thuraya
20 satellite phone, and it seems to me that it was those Thuraya satellite
21 phones that the detachments used frequently. Even the FACA detachments.
22 It was no longer the radio equipment that had been used previously, as I
23 have explained. Most of the communication was through the Thuraya
24 radios, and the MLC detachment owned Thuraya phones to communicate with
25 the base, the commander of their detachment, and the units deployed in
26

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1 the field. The military radios at that time were practically no longer
2 used for fear that the communications could be intercepted by the rebels,
3 some of whom had left with the radio equipment of the loyalist forces.

4 So, Counsel, for security reasons this could not be done. Now,
5 regarding the channels. Yes, indeed, there are communication channels in
6 the military radios that changed frequently, and it is not the same ones
7 used by the MLC and the FACAs at the same time. That is why the radio
8 was hardly used, because communications could have been monitored by the
9 rebels who had left with some radios belonging to the Central African
10 Armed Forces.

11 Q. Just to be clear, if I can summarise what you are saying, you
12 were not aware of which channels the MLC was using?

13 A. That is correct, because when it comes to the channels you really
14 need co-ordination between the radio operators, the officers in charge of
15 radio communications in the MLC and in the FACA, and it is quite a lot of
16 work that has to be done. What I know is that during that time it was
17 the Thuraya phones that were mostly used, and for local communications
18 local cell phones were used also.

19 Q. Thank you, Mr Witness, for having kindly answered all my
20 questions. I have no further questions for you.

21 MR ZARAMBAUD: (Interpretation) Madam President, the three
22 documents of my list number 2, 3, and 4 have been or were classified as
23 confidential. I believe that this was just a precautionary measure. I
24 would like these documents to be made public because these are decrees
25 that are in the public domain already. I would also we shall to tender

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1 those three decrees as exhibits.

2 I have concluded my questioning, Your honours.

3 PRESIDING JUDGE STEINER: Maître Badibanga, any comment on the
4 reclassification of the documents?

5 MR BADIBANGA: (Interpretation) We have no objection, your Honour.

6 PRESIDING JUDGE STEINER: Mr Haynes.

7 MR HAYNES: Your Honour, no. No objection.

8 PRESIDING JUDGE STEINER: The documents mentioned by
9 Maître Zarambaud and used during the questioning of the current witness
10 are therefore reclassified as public.

11 Thank you, Maître Zarambaud.

12 In relation to the submission of the documents as evidence, the
13 normal procedure of parties and participants of submitting documents as
14 evidence shall be followed.

15 Mr Witness.

16 And I refer to the parties decision 2898 and the dead-line
17 thereby stipulated, which is the 29th of November.

18 Mr Witness, Maître Douzima Lawson, Legal Representative of
19 victims, was also authorised to put some questions to you, and therefore
20 I'll give the floor now to Maître Douzima.

21 Maître.

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

23 QUESTIONED BY MS DOUZIMA LAWSON:

24 Q. (Interpretation) Good morning, Mr Witness.

25 A. Good morning, Counsel.

26

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1 Q. Mr Witness, I introduced myself on Monday. You know my name and
2 my role. Just like Maître Zarambaud, I will ask you a few questions
3 relating to your statements to the Prosecutor in 2008 and also in
4 relation to the testimony that you have given here before the Court ever
5 since Monday.

6 Mr Witness, in one of your statements given in 2008, and it is
7 CAR-OTP-0008-0219-R-01, page 0224, you stated that the MLC was at the
8 front with the presidential security units, that is the guards of
9 President Patassé, and you have repeated throughout your testimony here,
10 and even this morning -- and I would like to share with you, Mr Witness,
11 an analysis of the situation in the CAR at that time. And I'm referring
12 to an expert report which was previously referred to by the Prosecutor,
13 and it is CAR-D04-0003-0342, and I am referring to page 385. It is
14 stated as follows, and I will begin with paragraph 232:

15 "The operations were carried out by joint detachments, FACA, MLC,
16 USP, under a single command from the beginning up until the return of the
17 ALC to the DRC upon the decision of President Patassé."

18 In paragraph 231 it is stated:

19 "One can conclude that the conduct of operations up until their
20 return to Zongo confirms the permanent subordination of MLC forces to the
21 Central African forces, whether they came from CEMA through CCOP or from
22 President Patassé through General Bombayake."

23 Now you have heard these extracts which are contrary to your
24 statements and the testimony that you have given. What is your comment
25 on that, Mr Witness?
26

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1 A. Counsel, I have already comment and described the situation that
2 prevailed during that period. This is what I said. The
3 Central African Republic, right up to that time, had been affected by
4 military and political upheavals. There were mutinies, attempted
5 coup d'états, and coup d'états. During the attempted coup d'état of
6 2001, President Patassé had requested and been granted MLC soldiers in
7 order to restore order, and this was already in 2001.

8 Now in 2002 the attack occurred that went as far as Bangui when
9 Bozizé rose up and became a rebel. President Patassé then called upon
10 MLC troops, who came to provide assistance. Now, I had said that in
11 light of all the upheaval during which military leaders were the
12 instigators, that was in 2001 - for example, André Kolingba with another
13 former mutineers who were mostly from his ethnic group and a number of
14 military leaders - in 2001, Bozizé began a rebellion and left with a
15 number of soldiers following him. So you must understand that the
16 government was very suspicious of the loyalist forces, in particular the
17 FACA forces.

18 The government trusted the -- the presidential guard and the USP
19 far more. I said that. I made that point. Now, (Redacted)
20 co-ordination amongst the MLC and the USP was handled by the director
21 general of the USP. (Redacted)
22 (Redacted) MLC soldiers
23 were at the front, and those soldiers were far more involved in combat
24 with support provided by USP units, which reported to General Bombayake.
25 That is what I've explained already.

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted) So there you have it, Counsel. This is what I

7 would like to give you to understand. (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. Thank you, Witness. You've made that point several times. Now
11 does this mean that you are challenging the fact that this report states
12 that there was a joint detachment made up of MLC, FACA, and USP troops?

13 A. As far as I know, Counsel, there was no such joint detachment
14 with MLC, USP, and FACA soldiers. You see, there was a great deal of
15 distrust regarding the FACA soldiers at that time.

16 Q. Thank you, Witness. Once again I'd like to make a reference to
17 this particular report. This time, it's page 381, paragraph 203, which
18 reads as follows:

19 "The population were at their wits end, angry, shocked, and far
20 from the combat zones. They came back only after they regained
21 confidence, after the arrival of the loyalist forces."

22 Paragraph 204 goes on to say that:

23 "After reaching PK12, there was a timeout for three weeks by the
24 loyalist forces. General Gambi, chief of general staff, visited the
25 troops several times."

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1 Now, Witness, what would your comments be in relation to these
2 points that I've made? These extracts from this report.

3 A. Counsel, I'd like to hark back to what I've said previously. The
4 Bangui attack -- the rebel attack occurred in October 2002. The MLC
5 soldiers arrived at that time to drive the rebels back, and those
6 soldiers were stationed for a long period of time at PK12. They were
7 there so that they could organise themselves and then begin their
8 movement to head up the Boali-Bossembélé road, heading toward Bossangoa,
9 Bossemtélé-Bozoum, and then move to Damara, and then continue on to
10 Buka, Sibut to go to Dekoua and possibly Kaga-Bondoro.

11 (Redacted)

12 (Redacted) If MLC soldiers had remained billeted or stationed at PK12, and
13 if they had left the field wide open to the rebels, Bangui would have
14 fallen. Bangui would not have fallen in March 2003. Bangui would have
15 already fallen, perhaps in November or December or January, February, and
16 so on and so forth.

17 So you see, there were movements and those soldiers who were
18 stationed at PK12 preparing themselves to continue the offensive. (Redacted)

19 (Redacted)

20 (Redacted)

21 THE INTERPRETER: (Redacted)

22 THE WITNESS: (Interpretation) They were already moving along the
23 various main roads headed towards the combat zones that I've mentioned
24 already.

25 MS DOUZIMA LAWSON: (Interpretation)

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1 Q. Thank you, Witness. (Redacted)

2 (Redacted)

3 A. (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. Thank you, Witness. Now, Witness, in your statement, the
12 statement that you gave in 2008, CAR-OTP-0069 --

13 THE INTERPRETER: Correction.

14 MS DOUZIMA LAWSON: (Interpretation)

15 Q. You said that General Bombayake was the head of the USP, and he
16 was under the orders of the president of the republic, and you reiterated
17 that point several times here during your testimony. Could I ask you,
18 what were the dealings like between the director of the USP and the chief
19 of general staff at the time?

20 THE INTERPRETER: Interpreter correction, reference
21 CAR-OTP-0008-0219.

22 THE WITNESS: (Interpretation) The dealings between the director
23 general of the USP, as I said earlier, were regular. They regularly met
24 at the Ministry of National Defence. In actual fact --

25 THE INTERPRETER: Inaudible.

26

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1 THE WITNESS: (Interpretation) -- the various officials gathered
2 there and met with the minister of defence as well as the minister of
3 interior. There were various officials there from the security forces:
4 The chief of general staff, joint forces; director general of the
5 national gendarmerie; the director general of the CAR police; the
6 director general of the presidential security unit; and the person who
7 was heading up intelligence.

8 During that meeting chaired by the minister of defence -- in
9 actual fact, information was exchanged. They took stock of the
10 situation. The police, for example, would provide information, the army,
11 the USP, each stakeholder provided information. The director of
12 intelligence provided information --

13 PRESIDING JUDGE STEINER: I'm so sorry to interrupt you, just to
14 ask you to slow down a little bit. You started going too fast. Thank
15 you.

16 THE WITNESS: (Interpretation) Thank you, your Honour. After all,
17 it's been four days. I've been talking for four days now. I said that I
18 was going to make an effort to slow down. I also said that, generally
19 speaking, I do tend to speak somewhat quickly.

20 Your Honour, I do thank you for reminder. Thank you for
21 reminding me. I thought that I was speaking and there was no
22 interpretation. I will abide by your reminder and slow down. I will
23 speak more slowly so that the interpreters can do their job. Thank you
24 very much for your reminder.

25 Let us now continue. I will continue with my explanations in
26

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1 response to the question that was put to me by Ms Douzima. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 MS DOUZIMA LAWSON: (Interpretation)

14 Q. Thank you, Witness. (Redacted)

15 (Redacted)

16 (Redacted)

17 A. (Redacted)

18 Q. Thank you, Witness. Now, Witness, on Monday, transcript 353,

19 page 52, edited version, French version, you made the following

20 statement. You said that the head of the MLC detachment in the CAR -

21 namely, Colonel Mustapha - reported to the head of the MLC. And just to

22 support that ascertainment, you said, at line 17, that the head of a

23 detachment reports to his superior. Now, does that also hold true when

24 the detachment in question is operating in a foreign country at the

25 request of that foreign country?

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1 A. Counsel, it's entirely normal that the MLC officials would need
2 to be in a position to know what was going on in the
3 Central African Republic since, well, as you know there were soldiers,
4 men, who in the field, and it was their men who had been sent there. So
5 like any mission, the MLC officials monitored the situation on a daily
6 basis as it evolved in the field. They were monitoring these operations
7 led by their soldiers in the Central African Republic.

8 Q. Thank you, Witness.

9 MS DOUZIMA LAWSON: (Interpretation) Before asking my next
10 question, with the leave of the Chamber, I would like to ask document 11
11 be put on the screen, CAR-D04-0003-0127. Could that document please be
12 shown to the witness.

13 THE COURT OFFICER (via video-link): (Interpretation) The document
14 is being shown to the witness.

15 MS DOUZIMA LAWSON: (Interpretation)

16 Q. Witness, now I believe when the Prosecutor was questioning you,
17 Mr Badibanga, you made some comments about this particular document. (Redacted)
18 (Redacted)
19 (Redacted)

20 PRESIDING JUDGE STEINER: Yes, Mr Haynes.

21 MR HAYNES: I know some of us have hard copy documents but the
22 accused doesn't and the document is not on his screen yet, so can we just
23 wait until it is so that he can see the point of the question.

24 PRESIDING JUDGE STEINER: Maître --

25 MR HAYNES: It is now.

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1 PRESIDING JUDGE STEINER: Yes. Maître Douzima, as a matter of
2 practice, we always wait for the court officer to confirm that the
3 document is shown to the witness.

4 Ms Bossette.

5 THE COURT OFFICER (via video-link): (Interpretation) I'd like to
6 confirm that document CAR-D04-0003-0135 is being shown to the witness.

7 PRESIDING JUDGE STEINER: This is in my, at least, maybe I'm
8 wrong, is document 12 on the -- on Ms Douzima's list, and not 11. Am I
9 correct?

10 THE COURT OFFICER (via video-link): (Interpretation) Counsel,
11 would be able to repeat the number for us?

12 MS DOUZIMA LAWSON: (Interpretation) It is the correct document up
13 on the screen, CAR-D04-0003-0135. This is indeed the correct document.

14 Now to answer the Presiding Judge's question, yes, this is indeed
15 document number 12 on my list.

16 Q. I shall repeat my question, Witness. Now in this document
17 mention is made of an interdepartmental commission. Was there an
18 interdepartmental crisis commission at that time?

19 A. Counsel, as I've said previously, there were security meetings
20 held on a weekly basis chaired by the minister of national defence at
21 Camp Béal. The minister of defence was assisted by the minister of the
22 interior, they took part in the meeting. The junior minister of defence
23 took part; the chief of general staff, joint forces; the director general
24 of the national gendarmerie; the director general of the CAR police; the
25 director general of the presidential security unit; and the person who
26

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1 was responsible for military intelligence. So the meeting was held in
2 the office of the minister of defence at Camp Béal.

3 THE INTERPRETER: Correction, "the meetings," in the plural.

4 THE WITNESS: (Interpretation) (Redacted)
5 (Redacted)

6 MS DOUZIMA LAWSON: (Interpretation)

7 Q. And what decisions were made within this crisis working group?

8 A. Let me reiterate: During these meetings, the various officials
9 would take stock of the situation, would take stock of the crisis. They
10 would take stock of how the operations were unfolding in the field, in
11 the zones, and the information held by the various officials: The
12 minister of interior regarding the administrative authorities; the
13 ministry of defence; the director general of police, he would provide
14 police-related information; the director general of the gendarmerie would
15 provide police information; the director general of the USP would provide
16 information about operations in the field. As I was saying earlier, the
17 MLC soldiers were much more engaged in fighting.

18 Now, so you see, they would take stock of the situation and how
19 it was unfolding. So the director of intelligence would be there, and
20 the information exchanged would then be passed on and the minister would
21 provide a report to the head of state.

22 Q. Witness, in response to a question by the Prosecutor you said
23 that this document was a forgery, and you've just acknowledged that there
24 was an interdepartmental crisis commission, and you justified that by
25 saying that the junior minister, the junior defence minister of the day
26

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1 was Buba, not Regonessa. Now, who was the -- no, rather, the minister of
2 defence was Regonessa, but the junior minister was not Yangongo. Is it
3 possible that an officer would sign on behalf of the minister of defence?

4 A. Counsel, a document of this importance, an officer cannot sign
5 such a document on behalf of the minister of defence.

6 Q. Now just to conclude with this particular document, given --

7 (Redacted)

8 (Redacted) now, (Redacted)

9 (Redacted)

10 (Redacted)

11 A. (Redacted)

12 (Redacted)

13 (Redacted)

14 MS DOUZIMA LAWSON: (Interpretation) I no longer require this
15 document up on the screen.

16 Q. (Redacted)

17 (Redacted)

18 (Redacted)

19 A. (Redacted)

20 Q. I will revisit this point later. Mr Witness, in transcript 353,
21 you stated that General Betibangui was still alive. He was not dead. He
22 was the chief of staff in 2002 until his death in December 2002, and yet
23 the expert report that I referred to a short while ago, it concerns the
24 same period, page 355, paragraph 30, stated that Betibangui died in
25 November 2002 as a result of illness. In that same statement, you say
26

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1 that he -- in that same transcript, you say he died suddenly in
2 mid-December and that he was not ill. What do you say to that,
3 Mr Witness?

4 A. Counsel, maybe I do not remember the exact date of
5 General Betibangui, it could have been November or December, but
6 General Betibangui died following a brief illness. He died following a
7 brief illness. He was not bedridden for days before he died. I think he
8 died after being ill for 24 to 48 hours. It was a brief illness. But,
9 as I said, Counsel, I know that it was towards the end of the year,
10 November, December. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. Thank you, Mr Witness. And regarding Pierre Angoa, the minister
16 of defence, you said that he was ill and that he travelled to Europe for
17 treatment. Now, did he die?

18 A. No, Counsel. He was ill, he was evacuated for treatment, and
19 then he returned. Minister Angoa is still alive.

20 Q. Mr Witness, I'm asking you that question because in the same
21 military expert report, 0351, paragraph 8, it is stated:

22 "In 2002 CAR, this level was represented. The minister of
23 defence was collaborating with President Patassé and he later died."

24 But now you have said that he did not die and that he is still
25 alive; is that correct?

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1 A. That is correct, Counsel, because mention is made of a military
2 expert report which does not respect or reflect the reality of the facts.
3 Maybe Minister Angoa is dead now, but he was evacuated, treated, and he
4 returned. I do believe that he is still alive now. Maybe the experts
5 who wrote that report know a different Mr Angoa, but it seems to me that
6 that former minister did not die either in 2001 or in 2002. That is the
7 answer to your question, Counsel. I should also say that all those
8 documents which were presented are documents that were fabricated using
9 inconsistent information, and talking about someone who is alive, even in
10 2013 and saying that that person died in 2001, 2002, that is false.

11 Q. Thank you, Mr Witness. I would like to come back to a question
12 that I put to you a short while ago. I was looking for the reference.

13 MS DOUZIMA LAWSON: (Interpretation) So with the leave of the
14 Chamber, I would like document CAR-D04-0003-0137 to be shown to the
15 witness.

16 Q. (Redacted)
17 (Redacted)
18 (Redacted)

19 THE COURT OFFICER (via video-link): (Interpretation) I am sorry
20 to interrupt you, Maître Douzima, but I do not have that document with
21 me.

22 MS DOUZIMA LAWSON: (Interpretation) But it is the document that
23 is on the screen.

24 THE COURT OFFICER: (Interpretation) Maître Douzima, what is
25 being shown is -- on the screen is shown from the courtroom.

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1 Madame Bossette was supposed to receive all the documents you were going
2 to show. I don't know whether she has it.

3 PRESIDING JUDGE STEINER: That document is not in your list of
4 evidence, is it? Because I am also trying to find it out, and I
5 couldn't.

6 MS DOUZIMA LAWSON: (Interpretation) Yes, indeed, Madam President.
7 I did not have it on my list. In your decision, you asked parties and
8 participants to send a list of additional documents, if I really
9 understood the English text well, that is apart from the documents that
10 are in the case file of the witness. And if I'm not mistaken, this is
11 one of the documents that is appended or annexed to the case file of the
12 witness, and it is document number 8 of the Chamber.

13 THE COURT OFFICER (via video-link): (Interpretation) The
14 document, a hard copy of it, is being shown to the witness.

15 MS DOUZIMA LAWSON: (Interpretation)

16 Q. (Redacted)

17 (Redacted)

18 (Redacted)

19 A. (Redacted)

20 (Redacted)

21 (Redacted) Now,

22 beginning with the letterhead of this document, it is stated: "Ministry
23 of National Defence, General Staff Headquarters, Cabinet." Generally
24 speaking, on the letterhead you have the institution, but on the right it
25 is stated "Central African Republic, Unity, Dignity, Work," and that does
26

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1 not exist on the letterhead of this document which as I described as a
2 fabrication. There is the Ministry of Defence on the left but there is
3 no mention of the Central African Republic, whereas this appears on the
4 official documents.

5 PRESIDING JUDGE STEINER: Let me check if we are -- if we are
6 discussing the same document.

7 Maître Douzima, the document that you are discussing is not
8 number 8 of the Chamber's list but rather number 10.

9 You can continue, Mr Witness.

10 THE WITNESS: (Interpretation) Thank you, Madam President. This
11 document is dated the 25th of November, 2002, and it mentions:

12 "Brigadier-General Chief of General Staff, Bangui, to MLC
13 commander.

14 "Subject: Total engagement of MLC forces alongside the FACA in
15 counter-offensive operations.

16 "I have the honour to ask you to kindly place your battalion at
17 the disposal of the general staff headquarters for counter-offensive
18 operations in the centre and north zones of the CAR.

19 "Signed, Antoine Gambi.

20 "CC: General Minister of National Defence, ex-combatants, war
21 victims disarmament, and restructuring of the armies for information."

22 Regarding my point of view as concerns this document, Counsel, as
23 I have told you, the top-right part of the letterhead is missing; that
24 is, Central African Republic, unity, dignity, labour. It is a part of
25 the letterheads of all documents of this type. Furthermore, with regard
26

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1 to the period on the 25th of November, 2002, Counsel, Gambi was not the
2 chief of general staff. Gambi did not have the rank of brigadier-general
3 at that time. (Redacted)
4 (Redacted)
5 (Redacted) Regarding the person the
6 letter is copied to, in 2002 there was no general, no army general who
7 was a minister of national defence, ex-combatants, and war victims. No.
8 Secondly, coming back to the letterhead and then to the document, "copied
9 to minister of defence, national defence, ex-combatants, and victims of
10 war," this should have figured at the top of the document.

11 Just like all documents, most of those documents that have been
12 presented to me are forged documents. (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)

18 PRESIDING JUDGE STEINER: Maître Douzima, for the sake of the
19 record, I have to apologise, document CAR-D04-0003-0137 is document 8 in
20 the Chamber's list. It was my mistake and I apologise for that. You may
21 continue, Maître.

22 MS DOUZIMA LAWSON: (Interpretation) Thank you, Madam President,
23 and we all understand that to err is human.

24 Q. Mr Witness, who was the minister of defence at that time since
25 you have stated that it was not a general?

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1 A. Counsel, I know that in 2001 right up to the month of August, if
2 I remember correctly, it was Mr Demafouth who was minister of national
3 defence. When Mr Demafouth was dismissed, it was Mr Jean-Pierre Angoa
4 who became minister of national defence. Thereafter, when Mr Angoa was
5 dismissed, it was General Regonessa who became minister of
6 national defence. So at that time it was not a soldier.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. Mr Witness, it is always difficult to take the floor after
11 several other parties, the Chamber, the Prosecutor, and one of the legal
12 representatives, so I believe I have no further questions for you and I
13 thank you for having kindly answered all my questions.

14 A. I thank you, Counsel, for the various follow-up questions that
15 you have asked, and I believe that my answers were satisfactory to you.

16 PRESIDING JUDGE STEINER: Thank you very much, Maître Douzima.
17 We have still six minutes, but I will leave to Mr Haynes to decide
18 whether you want to start your questioning of the witness now or after
19 the lunch break.

20 MR HAYNES: I'll try a couple of introductory questions.

21 PRESIDING JUDGE STEINER: You have then the floor, Mr Haynes.

22 QUESTIONED BY MR HAYNES:

23 Q. Well, Mr Witness, it's a long time since we've spoken to one
24 another on Monday morning, isn't it?

25 A. That is correct. This is the fourth day of my testimony.

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1 Q. And I apologise for the fact that I look like I'm dressed as a
2 Catholic priest here, but we have to have this measure of formality even
3 though we're completely in private. Will you do me a favour, will you
4 listen to the questions I ask and try and answer them? I know everything
5 has a background, but if you do find yourself saying, "as I said before,"
6 then you know you've said it before and it's not necessary. Do you
7 understand?

8 A. Counsel, I fully understand what you are saying. However, if I
9 am asked a question a second time on the same thing, then I think it is
10 logical for me to say that, even here before the Court. Unless the
11 question is just similar. But if it is actually the same question, then
12 I really need to answer you in that way. Should I simply repeat what I
13 said or answer "yes" or "no" to you, Counsel, because we need to
14 understand each other. Ever since I started my testimony, as you have
15 said, this is the fourth day, several of the questions put to me have
16 been similar. Several of the questions have been exactly the same, and I
17 was asked to answer. That is why I always added that introduction.

18 So you, also, Counsel, you can help me by asking me questions
19 other than those that have already been put to me.

20 PRESIDING JUDGE STEINER: Mr Haynes, if you allow me for
21 clarification to the witness.

22 Mr Witness, we never ever asked any witness in this trial to
23 answer to questions on the basis of "yes" or "no." What we ask the
24 witnesses is to be more objective, clear, and direct as possible. So
25 feel free to answer to the questions in a direct, objective, and clear
26

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1 way. Don't be concerned about the need of answering just "yes" or "no."

2 Mr Haynes.

3 MR HAYNES: Thank you, your Honour.

4 Q. Sir, just a couple of questions before we take our lunch. On

5 Monday, you set out your academic and professional career, (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 A. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. No, I don't, and I did only ask you about the period after 2003,
10 but I think we'll take a break now.

11 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

12 Mr Witness, it's time for our lunch break. We'll give you and
13 our interpreters and court reporters the opportunity to take some rest as
14 well. We will resume at 2.35. The hearing is suspended.

15 (The witness stands down via videolink)

16 (Recess taken at 1.04 p.m.)

17 *(Upon resuming in closed session at 2.40 p.m.) Reclassified as Open session

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

19 (The witness enters the courtroom via videolink)

20 PRESIDING JUDGE STEINER: Good afternoon, everyone.

21 Good afternoon, Mr Witness.

22 THE WITNESS: (Interpretation) Good afternoon, your Honour.

23 PRESIDING JUDGE STEINER: Are you ready to continue, Mr Witness?

24 THE WITNESS: (Interpretation) Yes, your Honour. After the break,
25 I am now ready to continue with my testimony.

26

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1 PRESIDING JUDGE STEINER: Mr Witness, it is the Chamber's
2 intention to relieve you as soon as possible, as practicable, and in that
3 sense the Chamber consulted the parties and participants and there was an
4 agreement that this afternoon we are going to sit for two hours instead
5 of one and a half-hour, meaning that we will extend our afternoon session
6 until 4.30.

7 Mr Haynes, you have the floor.

8 MR HAYNES: Your Honour, thank you very much. Good afternoon to
9 you and everybody else here in the courtroom.

10 Q. And good afternoon to you, sir. I don't necessarily want a
11 response, but can you confirm you heard what I said?

12 A. Counsel, who is supposed to respond? If it's me, well, yes, I
13 have understood you, Counsel.

14 PRESIDING JUDGE STEINER: Just one minute, Mr Haynes.

15 I ask, please, Ms Bossette, to put the microphone a little bit
16 closer to the witness.

17 Mr Haynes.

18 MR HAYNES: Thank you.

19 Q. (Redacted)
20 (Redacted)
21 (Redacted)

22 A. (Redacted)
23 (Redacted)

24 Q. (Redacted)
25 (Redacted)

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1 A. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. (Redacted)

7 A. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. (Redacted)

13 A. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 PRESIDING JUDGE STEINER: Mr Witness, let me try to explain to

24 you. The parties are allowed to put some questions to the witnesses, no

25 matter who these witnesses are, in order to check the credibility of the

26

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1 witnesses. There is no other dossier ongoing. It's not relevant for any
2 other dossier what you are doing now or where you are now. You can
3 answer the questions put by Mr Haynes. However, you are not under the
4 obligation to answer to any question that refers to where you are now,
5 what you are doing now, where is your family. This kind of information
6 for your own security is you are allowed not to disclose. But parties
7 are allowed to put questions to check the credibility of the witness, so
8 I will be attentive in order to ensure that the questions put by Defence
9 do not go beyond the relevance for the credibility check.

10 Do you understand how it works, Mr Witness?

11 THE WITNESS: (Interpretation) Yes, your Honour, indeed.

12 Counsel Haynes is asking a question that goes beyond the scope.
13 Remember, I had stressed in relation to my testimony before the Chamber,
14 I stressed that I would be testifying in closed session, your Honour, and
15 you agreed to that. That is why I have testified, and that is why this
16 testimony is going on in closed session. Why am I speaking to Mr Haynes
17 in such terms? Well, he is asking me where I went, which way I went,
18 with whom I went, and I'm not answering those questions.

19 PRESIDING JUDGE STEINER: If these kind of answers, Mr Witness,
20 can lead to the identification of your current location, the location of
21 your family or close friends, you just let us know and the Chamber will
22 decide whether you have to answer the question or not. I would like to
23 call the attention of the witness and remind the Defence that in
24 accordance with Article 68 of the Rome Statute, paragraph 1: "The Court
25 shall take appropriate measures to protect the safety, physical and
26

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1 psychological well-being, dignity and privacy of victims and witnesses,"
2 and also remind counsel that counsel is under the obligation to refrain
3 from intimidating, harassing, or humiliating witnesses or victims or
4 subjecting them to disproportionate or unnecessary pressure within the
5 courtroom.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 MR HAYNES: Of course he does also have Duty Counsel should he
10 wish to speak to that person, but I'll rephrase the question.

11 PRESIDING JUDGE STEINER: Mr Haynes, the specific function of the
12 Duty Counsel is to provide information to the witness in relation to
13 Rule 74 of the Rules of Procedure and Evidence. The witness has no
14 counsel.

15 You can proceed.

16 MR HAYNES: Very well.

17 Q. Let's try it another way. (Redacted)

18 (Redacted)

19 A. As I said here -- well, since you said not to repeat anything,
20 Counsel, and I would like to reiterate what the Presiding Judge has just
21 said. I am here before this Court. I came to give testimony of my own
22 free will regarding a situation that prevailed in my country at that time
23 (Redacted)
24 (Redacted). I freely agreed to give testimony. Since members of the OTP had
25 come by here to come give testimony, it was under the same --
26

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1 THE INTERPRETER: Correction: To take statements.

2 THE WITNESS: (Interpretation) It was under the same conditions.

3 I stressed, I truly stressed the security aspects for myself, my family.

4 I must not be subjected to intimidation, pressure, to lead me to give

5 testimony before this Court. I wish to request the Defence counsel to

6 ask me specific questions in relation to my testimony. I have given

7 testimony ever since Monday. I am asking him to ask questions about my

8 testimony relating to these events that occurred ten or 12 years ago. (Redacted)

9 (Redacted)

10 (Redacted)

11 Your Honour, that is my answer to the question put by Defence

12 counsel.

13 PRESIDING JUDGE STEINER: Mr Witness, all parties and

14 participants know that you accepted to come and testify voluntarily. But

15 once you start giving your testimony, you have the obligation to answer

16 to the questions put to you unless these answers could lead to

17 endangerment of your security. So you don't need to repeat again what

18 you have just said. I will repeat, however, that the Defence is allowed

19 to put questions if the Defence intends to challenge your credibility.

20 So it's not only about the events of 2002/2003, but some questions that

21 could check your credibility can be put. So just let me know if you

22 think that the answer can endanger your security and that of your family,

23 then the question will not be allowed. Otherwise, you have to answer the

24 questions put to you to the best of your knowledge and belief. You have

25 taken an oath, Mr Witness. Do you understand the rules of a testimony,

26

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1 Mr Witness?

2 THE WITNESS: (Interpretation) Your Honour, up until this juncture
3 everything has gone very well. I have given testimony before your Court
4 since Monday, up until today. You asked questions, then the
5 Office of the Prosecutor asked questions, and then the
6 Legal Representatives of Victims put questions to me, and now it is the
7 Defence's turn to ask questions.

8 It was said that there needs to be mutual respect before this
9 Court, that mutual respect must prevail before this Court, be it for the
10 victims, the witnesses. People must show respect. And in my humble
11 opinion and as you pointed out, I have no counsel at this particular
12 point in time, but I think that my dignity and my credibility must be
13 respected by the Defence during my testimony before this Court. That is
14 what I can say by way of a reply, your Honour.

15 PRESIDING JUDGE STEINER: Mr Witness, let's try to continue with
16 your testimony. I just wanted to remind you, once again, in accordance
17 with Rule 65 of the Rules of Procedure and Evidence, a witness who
18 appears before the Court is compellable by the Court to provide testimony
19 unless otherwise provided for in Statute and the Rules.

20 I am the Presiding Judge. I am the one conducting the
21 proceedings. I am the one in charge of making sure that no disrespect
22 occurs in my Chambers. So, please, to the best of your knowledge, answer
23 the question put by Mr Haynes that, in the view of the Chamber, is not
24 offensive. (Redacted)

25 (Redacted) It's a simple question that deserves a simple

26

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1 answer.

2 THE WITNESS: (Interpretation) Madam President, I believe that my
3 credibility will be respected during my testimony. Once again, I do not
4 want to be subjected to any pressure or any other form of intimidation as
5 would appear to be the case at the beginning of this afternoon's session.

6 Now, regarding the question that has been put to me by Defence
7 counsel, if he wants to be aware - and I believe that he already is,
8 because the intentional media has extensively and continues to -- even
9 today continues to cover and to talk about the tragic events that my
10 country is experiencing, namely the Central African Republic, the tragic
11 events that the people of the Central African Republic are experiencing
12 today. Now, even the Prosecutor, Madam Prosecutor of the ICC, had to
13 issue a warning regarding what is happening in the
14 Central African Republic. Figures of importance in the world today have
15 raised a finger about what is happening across the world in my country
16 today. The United Nations, the United States, the colonial masters -
17 namely France - and even the European Union, to mention only those few,
18 all those parties are concerned about what is transpiring in my country,
19 what has been happening in the Central African Republic over the last
20 eight months and what the people of my country have been subjected to on
21 a daily basis.

22 Now turning to Mr Haynes' question on behalf of Defence, (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

26

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 PRESIDING JUDGE STEINER: You have answered in a very simple way
11 that it would be sufficient for the Chamber to understand your reasons, I
12 suppose.

13 Mr Haynes.

14 MR HAYNES: Thank you, your Honour.

15 Q. (Redacted)

16 (Redacted)

17 A. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26

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1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 Q. (Redacted)
16 A. (Redacted)
17 Q. (Redacted)
18 A. (Redacted)
19 Q. (Redacted)
20 (Redacted)
21 A. (Redacted)
22 (Redacted)
23 Q. (Redacted)
24 A. (Redacted)
25 (Redacted)
26

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1 Q. (Redacted)

2 A. (Redacted)

3 (Redacted)

4 Q. Okay. Well, we'll leave that for now, but we will be coming back
5 to it. I promise you. (Redacted)

6 (Redacted) Did you have
7 any combat experience?

8 A. What do you mean by that?

9 Q. Did you ever fight as a soldier in a war?

10 A. Counsel, maybe I didn't mention this in all my testimony, but you
11 may want to know that I participated (Redacted)

12 (Redacted)

13 (Redacted) We were part of the operations in
14 the fight against (Redacted).

15 Q. Thank you. How old were you then and what rank did you hold?

16 A. (Redacted)

17 Q. (Redacted)

18 (Redacted)

19 A. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. (Redacted)

25 (Redacted)

26

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1 A. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. Thank you. And I think the position is clear now. When you said
16 on Monday that there were 4- to 5.000 soldiers in the FACA (Redacted)
17 (Redacted), did that figure include the members of the USP or
18 not?

19 A. No. Well, we must acknowledge that I have said it, and I will
20 say it again, let me repeat: The USP, the president security unit, in
21 the same manner as the presidential guard previously, reported to the
22 head of state and we did not have an exact idea of its strength or
23 numbers. Now, so as I said earlier, the numbers provided were in
24 relation to the FACA.

25 Q. Thank you. So the USP was an additional resource?

26

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1 A. Let me attempt to explain. You see, the defence and security
2 forces of the Central African Republic, in total, can be approximated to
3 be about 10.000 men; namely, FACA, gendarmerie, and police. These
4 together. Then there is the USP whose strength is not specifically
5 known, that is, in relation to that period.

6 Q. Thank you very much. Another thing I just want to clear up.
7 When you were telling Mr Badibanga about the MLC troops arriving with
8 their own arms and communications devices in the
9 Central African Republic, were you talking about troops you had seen in
10 October 2002 (Redacted)?

11 A. Madam President, do I have to repeat myself again? (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)

23 Q. I'll try the question again: Did you see troops arriving with
24 arms and communication devices in October or later?

25 A. Once again, let me say that when Bangui was attacked, and there
26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
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1 was a call for assistance from those troops, (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. (Redacted)

6 A. (Redacted)

7 Q. (Redacted)

8 (Redacted)

9 (Redacted) allegations of rape?

10 A. I already stated that regarding rape, the nation at large was
11 aware of this. There was an association of people who had been victims
12 of rape. There was even a situation where men or women were raped in the
13 presence of their husbands or wives and children. So everybody in the
14 Central African Republic was aware of this. It was in the public
15 opinion. People talked about it. And I heard mention of it.

16 Q. Sir, I'll simplify the question: (Redacted)

17 (Redacted)

18 A. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. So not rape?

23 A. Now, when we talk about abuses or acts of violence, it is all
24 encompassing. It is pillaging, it is rape, and so on and so forth.

25 Physical acts of abuse include rape, torture, and what have you. So I

26

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1 think we have to understand this in its globality. Now, if we break it
2 down to details, then you're looking at rape, at pillaging, and other
3 such excesses and acts of violence.

4 Q. Okay. Now we're going to break out into something different now.
5 (Redacted)

6 A. (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)

19 Q. (Redacted)
20 (Redacted)

21 A. (Redacted)
22 (Redacted)

23 Q. And who was the supreme commander of the armed forces in central
24 Africa?

25 A. The head of state.

26

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1 Q. To whom the minister of defence reported, presumably?

2 A. Yes, correct. The minister of defence reports to the
3 commander-in-chief of the army, the head of state, head of the army.

4 Q. (Redacted)
5 (Redacted)

6 A. (Redacted)
7 (Redacted)

8 Q. (Redacted)
9 (Redacted)

10 A. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. (Redacted)

26

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1 (Redacted)

2 (Redacted)

3 A. (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. Thank you very much. Now, I just want to leave that to one side
12 for a minute and talk about something a little different, and that is how
13 you become a soldier in the Central African army. Presumably you go
14 along and you go to a recruitment office, do you?

15 A. Yes. There are recruitment campaigns during which young people
16 who would like to become soldiers make applications, and those
17 applications are reviewed, and those chosen are tested. They have a
18 health test, a physical to determine whether they are able to become
19 soldiers. If they are not ill -- to ensure that they are not ill, that
20 they can accept a mission. After that, those people, once recruited, are
21 sent to a training centre. And the training lasts up to six months, and
22 the training centre for the Central African Republic army is
23 Camp LeClaire in Bouar, in the south -- well, the centre-north-west of
24 the country. That is where those people are trained, and then after that
25 they are allocated to the various units. So that is basically the path
26

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1 that one takes when the armed forces are recruiting soldiers.

2 Q. Okay. And recruitment and payment of the soldiers, is that dealt
3 with by the first office of the staff?

4 A. I was saying that the 1st Bureau is responsible for managing
5 personnel; in other words, all soldiers recruited are given a regiment
6 number by the 1st Bureau. So each soldier receives a regiment number for
7 that period during which he is recruited. So that office, that bureau
8 provides him with his number. After that, the person is deemed to be a
9 member of the army. As for pay, wages, it is the supply office that
10 handles pay matters and that is where the wages are determined and the
11 file is sent to finance, and then the Ministry of Finance, like -- pays
12 the soldiers. And that's the case for all government employees, just
13 like civilian employees of the state.

14 Q. Your answers are very helpful. And that would include soldiers
15 in all units - wouldn't it? - including the USP?

16 A. Counsel, as I've been saying, the USP had its own 1st Bureau for
17 the people there. And you must also acknowledge that some members of
18 that unit -- you see, that people -- well, sometimes people from the
19 gendarmerie or the police or FACA are seconded to the USP and those
20 people go to the USP. From an administrative point of view, that is what
21 is done. The USP also does that sort of work, managing the personnel of
22 the presidential security unit.

23 Q. Thank you. And we've heard some evidence in this case about FACA
24 soldiers who were transferred into the USP. That's also possible, isn't
25 it?

26

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1 A. That is what I'm saying. Owing to their belonging, the FACA
2 soldiers are transferred to the USP, but also that can be done for
3 police officers or members of the gendarmerie. So people from those
4 various units can be transferred to the presidential security unit.

5 Q. (Redacted) The
6 situation that confronted the republic in October 2002 was very unusual,
7 wasn't it?

8 A. Well, I'm repeating myself, but, you see, the country had gone
9 through a number of upheavals, social and political in nature, and the
10 attack on Bangui in October 2002 was one such case of upheaval. The
11 upheaval also included General Bozizé's rebellion.

12 Q. Absolutely. And the situation demanded a very particular
13 operational command structure, didn't it?

14 A. Once again, I repeat myself: (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted) And in relation to that specific special situation, the
20 government of the day distrusted. They did not trust the armed forces of
21 the Central African Republic. They were suspicious. They had more trust
22 in the presidential security unit. Those people were closer to the
23 government. That is what happened, (Redacted).

24 Q. The presidential security unit was seen as the most loyal forces
25 in the Central African Republic, weren't they?

26

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1 A. The presidential security unit was seen as the most loyal
2 service, the people most loyal to the head of state, because they were
3 responsible for his security.

4 Q. But in order to protect the republic, an alliance was formed with
5 other forces including foreign forces. That's right, isn't it?

6 A. That's what happened, Counsel.

7 Q. There were Libyans and Congolese, do you agree?

8 A. Yes. In the meantime, there were the Libyans and the MLC.

9 Q. And there were also some militia forces.

10 A. Yes, the USP had militia.

11 Q. Well, I'm not talking about the USP. Do you remember the name
12 Abdoulaye Miskine?

13 A. Yes, Abdoulaye Miskine was one of the right-hand men of
14 President Patassé.

15 Q. Did he have a rank?

16 A. I don't know. But I do know that he was one of the right-hand
17 men of President Patassé.

18 Q. And how many militia men did he have?

19 A. Counsel, I couldn't give you a number. I don't know how many
20 people belonged to Miskine's militia. I don't know.

21 Q. Do you know the name Paul Baril?

22 A. Yes. Up until recently, Mr Paul Baril's services were called
23 upon.

24 Q. And was he fighting on the side of the president with his men?

25 A. Paul Baril came for the security in relation to the situation,
26

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1 alongside President Patassé. President Patassé was the one who brought
2 in Paul Baril.

3 Q. Okay. And do you remember that there was a training camp
4 which -- where certain new trainees called Karako were based?

5 A. Well, to answer that question, the Karako were part of the
6 militia at that time. Since they were a militia that belonged to
7 Patassé, I don't know where the -- they were trained, but they were one
8 of the militia in the days of President Patassé.

9 Q. Thanks. And do you know approximately how many of them there
10 were?

11 A. I can't give you a number that I don't know.

12 Q. All right. And lastly, do you know what the initials SCPS stand
13 for?

14 A. SCPS, I don't know.

15 Q. Okay. Well, that's fine. So there were all these armed men who
16 had to be co-ordinated, who were all fighting for the republic. That's
17 right, isn't it?

18 A. Well, as I said previously, and I repeat myself again, there was
19 that co-ordination, there was that distrust. Let me repeat once again,
20 there was that distrust of the FACA. The main authorities were
21 distrustful. They did not trust the army in relation to what occurred,
22 and people like Baril, Miskine, who were under their orders, worked in
23 the country. They had their militia and I can give you numbers or
24 strength.

25 Q. But collectively, they were the forces that were loyal to
26

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1 President Patassé, weren't they? A portion of the FACA, the USP, the
2 MLC, Miskine's militia, the Karako, Baril's men, and the Kakawe (* phon),
3 if you remember them?

4 A. All those militia, as you've listed, the Karako, Paul Baril's
5 soldiers, Miskine's men, they worked for Patassé, since his government
6 was threatened.

7 Q. And an operational command structure had to be put in place to
8 make sure they were co-ordinated, to make sure they didn't kill one
9 another, for example?

10 A. Once again I repeat myself: Mr Baril, with his men, reported to
11 President Patassé; Abdoulaye Miskine and his men reported to
12 President Patassé. That is what I can tell you. The Karako that you
13 mentioned, also a militia, they reported to the presidential security
14 unit.

15 Q. Who co-ordinated all these forces?

16 A. I can't tell you. I don't know who co-ordinated all of that
17 within the state, given that, well, as I said, the government did not
18 trust the FACA.

19 Q. You --

20 THE INTERPRETER: Correction: The head of state did not trust
21 the FACA.

22 MR HAYNES:

23 Q. You understand the principle of unity of command, do you?

24 A. Yes, I am familiar with the concept of unity of command.

25 Q. That each unit has only one commander? Who commanded --

26

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1 A. Regarding the militia --

2 Q. (Redacted)

3 A. (Redacted)

4 (Redacted)

5 Q. Well, I want to look at something you said about this earlier in
6 2008 when you were interviewed by the Office of the Prosecutor.

7 MR HAYNES: And I wonder if the the court management service here
8 could put on the screen Defence document 1, and Ms Bossette could present
9 to the witness Defence document 1, that is CAR-OTP-0008-0219, and the
10 last four numbers of the relevant page are 0242.

11 I'm waiting for confirmation that the witness has that in front
12 of him.

13 THE COURT OFFICER (via video-link): (Interpretation) Mr Haynes.

14 MR HAYNES: Is that a yes?

15 THE COURT OFFICER (via video-link): (Interpretation) Yes.

16 MR HAYNES: Thank you very much.

17 Q. Sir, right in the middle of the page there is a question and
18 answer. If I read the question in my best French, can you read the
19 answer nice and slowly, please? The question is:

20 "(Interpretation) (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 A. Counsel, the answer reads as follows:

25 (Redacted)

26

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. (In English) (Redacted)

6 (Redacted)

7 A. (Redacted)

8 (Redacted)

9 Q. (Redacted)

10 (Redacted)

11 A. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. (Redacted)

18 (Redacted)

19 A. (Redacted)

20 Q. (Redacted)

21 A. (Redacted)

22 Q. And the USP and the MLC?

23 A. I said that the USP reported to the president of the republic,

24 and when the MLC came it was the USP who greeted them, who supported

25 them

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1 in the operations, since the head of state of the day was distrustful of
2 the loyalist forces; in particular, specifically the FACA. Some of the
3 FACA had been rebels, some had attempted to overthrow the government and
4 had taken refuge elsewhere, outside. That is what I said. There was a
5 complete lack of trust on that side.

6 Q. How was co-ordination between the FACA and the MLC and the
7 militia co-ordinated?

8 A. (Redacted)
9 (Redacted) What I'm saying,
10 clearly, is that when the MLC units arrived, they worked alongside the
11 USP. (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)

15 Q. What unit was responsible for the transport of MLC soldiers
16 across the river Ubangi?

17 A. I already stated that when it came to the river unit, we had
18 soldiers. There was a huge ferry at the Port Beach which shuttled
19 between Bangui and Zongo. We also had some rivers boats, and I may --
20 want to say that the USP also had Zodiac vessels, and so, in addition to
21 the naval forces, we had speedboats of the USP which were stationed at
22 the Rock Hotel and which monitored the river.

23 Q. Which unit did the river boats belong to?

24 A. We had the river boats of the naval forces, then we also had some
25 speedboats of the naval forces as well as others belonging to the USP.

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1 Q. And is that unit part of the FACA?

2 A. Which unit are you referring to?

3 Q. The naval forces.

4 A. Yes, the naval forces were part of the FACA.

5 Q. So there had to be co-ordination between the FACA and the MLC to
6 get the soldiers across the river; is that correct?

7 A. Much more with the USP. Well, like I have already said, these
8 operations were carried out in secret. Not everybody was privy to what
9 was going on. And who are those who knew? It was more the people of the
10 USP who were trusted by the government in place at the time.

11 Q. It was more but not exclusively the units of the USP; is that
12 correct?

13 A. There were also some Zodiac and other vessels on the river. In
14 addition to the naval forces, the USP had some Zodiac vessels which it
15 used to conduct its own operations on the river, Counsel.

16 Q. Is the naval base at Port Beach a FACA facility?

17 A. Yes. It is a FACA barracks or garrison close to the Port Beach.

18 Q. That's where the MLC troops were first taken. (Redacted)

19 (Redacted)

20 A. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. Camp Béal is the headquarters of the Ministry of Defence and the
25 chief of general staff, isn't it?

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1 A. Camp Béal hosts the Ministry of Defence and all other services
2 relating to the Ministry of Defence. (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)

6 Q. Where was the CCOP?

7 A. The CCOP was located at Camp Béal.

8 Q. Was it in the same building as the chief of staff or the minister
9 of defence?

10 A. No. Camp Béal is made up of small buildings. But the CCOP was
11 not in the same building as that hosting the chief of general staff and
12 the minister of defence.

13 Q. But the command centre for operations was on the premises of the
14 Ministry of Defence; is that right?

15 A. The command centre, which is the CCOP. CCOP, that's the acronym
16 for the command centre. Yes, it was located in Camp Béal.

17 Q. Thank you. I just want you to look at another document now.
18 This isn't your interview. This is a document of the Prosecution, and I
19 want to see if you agree with what it says.

20 MR HAYNES: And it's Defence document 52, which has no ERN
21 number. And I'd like the witness to be shown page 22, but I will read it
22 to him because it's an English document.

23 THE COURT OFFICER (via video-link): (Interpretation) Mr Haynes,
24 will you please kindly repeat the page you are referring to?

25 MR HAYNES: (Interpretation) Yes, page 22.

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1 PRESIDING JUDGE STEINER: I am not sure whether this is an
2 updated copy, but apparently it's an ex parte document. So I don't think
3 it's -- if it's still ex parte, it's a document that should not be shown
4 to the witness.

5 MR HAYNES: Then I'll apply for it's reclassification to
6 confidential. I don't see how it can be ex parte when all the parties
7 have it.

8 PRESIDING JUDGE STEINER: I don't see as well, Mr Haynes. But I
9 think it's a very extensive document for the Chamber to decide on the
10 spot whether it can be reclassified or not. I see that it is redacted.

11 Which paragraph are you intending to refer to?

12 MR HAYNES: Portions of each of the paragraphs on page 22.

13 PRESIDING JUDGE STEINER: So you can read the document,
14 Mr Haynes, but I don't think -- I'm not in a position to decide on the
15 spot whether this document should remain ex parte Prosecution and Defence
16 only or not. But apparently, the paragraph that you are referring to
17 contain no information that could not be disclosed, so you are allowed to
18 read to the witness.

19 MR HAYNES: Thank you.

20 PRESIDING JUDGE STEINER: Or if you prefer, Mr Haynes, you leave
21 this -- the comments on this document for tomorrow. In the meantime, I
22 will check whether there is an updated version in which it is stated that
23 it has been reclassified.

24 MR HAYNES: I think I can go about this another way that will
25 save any difficulty. So the document isn't on our screens. I don't know

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1 if it's in front of the witness yet, but I'll put a simple question and
2 see whether he agrees with it.

3 Q. So I'm going to take a different course now because we have some
4 difficulties about the confidentiality of this document. What I want to
5 know from you is whether (Redacted)
6 you concede that there were combined military operations between FACA
7 forces and MLC forces?

8 A. Counsel, I think I've already answered that question. And I
9 think I already said that during the combat or deployment on the ground,
10 the MLC troops were the ones most involved in combat and were supported
11 by the USP troops. I have said this over and over again.

12 Q. I want to know whether you agree that MLC troops were also
13 supported by FACA troops on the ground in combat?

14 A. From the very beginning, those troops were supported by the USP
15 soldiers.

16 Q. Exclusively by the USP soldiers? Or were FACA troops used in
17 combat?

18 A. Counsel, I don't know whether I need to repeat myself again in
19 answering your question. You see, this question was already put to me
20 and I answered it already. Do you think I really need to repeat my
21 answer?

22 Q. Well, I think you do. I think you need to tell us whether it is
23 your evidence that FACA troops were never used in combat during these
24 events.

25 A. I was told here that it was not necessary to repeat what I have

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1 already stated and that is why I am putting this question to you, given
2 that I have already provided several answers several times over to this
3 very question, which has been put to me throughout my testimony.

4 Q. All right. Well, we'll try it a different way.

5 MR HAYNES: Can we go back, please, to Defence document number 1,
6 that is the interview, and this time can the witness be shown the page
7 where the last four numbers of the ERN are 0248.

8 THE COURT OFFICER (via video-link): (Interpretation) The document
9 is being shown to the witness.

10 MR HAYNES: We need to look at the bottom of the page. It's the
11 last-but-one answer.

12 Q. And again, I'll read the question to you and can you read us your
13 answer:

14 "(Interpretation) (Redacted)
15 (Redacted)"

16 A. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. (In English) (Redacted)

21 (Redacted)

22 A. Counsel, I think this is very clear. I have stated and I repeat
23 again, that when the MLC troops entered the Central African Republic,
24 they did not come to be billeted in any barracks or garrison. They had
25 come to engage in operations on the ground, and that is what happened.

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1 When they arrived or in relation to the attack, which I already mentioned
2 in my testimony, from PK12, there was a reorganisation and a deployment
3 to the various combat zones. I have talked about the various locations
4 in a -- in the long paragraph that you find at the middle of the page.
5 Those are the troops that were engaged in combat and supported by the USP
6 troops. I have already said this because the USP soldiers were those who
7 knew the area, they knew the zone, and were therefore able to assist the
8 MLC troops to conduct the operations. That is a very clear answer. What
9 else do you want me to say, Counsel?

10 PRESIDING JUDGE STEINER: Mr Haynes, if I may take the
11 opportunity, the document 52 on the Defence list of documents, it's a
12 version that is not even numbered. But it is document ICC-0105-0108-129
13 and is annex, at least to now, remains classified ex parte - just for
14 your information - should not be, but it is still. Thank you.

15 MR HAYNES: Well, I think what I will do, your Honour, to
16 complete the point this afternoon, is, as it were, put the sentiment in
17 the exact phrase to the witness and see what he says about it, and that
18 may obviate the need for any order of the Chamber.

19 PRESIDING JUDGE STEINER: Mr Haynes, I am almost sure that there
20 must be a more recent version of the document containing the charges that
21 is public, so we'll come back to these details tomorrow.

22 MR HAYNES: Okay.

23 PRESIDING JUDGE STEINER: For the time being, if you need you
24 continue using -- just reading --

25 MR HAYNES: Yes.

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1 PRESIDING JUDGE STEINER: -- the excerpts. Okay.

2 MR HAYNES:

3 Q. Sir, what I want you to tell me, if you agree or disagree, is
4 that either FACA or USP forces were deployed on the ground to support the
5 MLC when the MLC was unfamiliar with the territory?

6 A. Counsel, let me repeat: Those who were more attached to the MLC
7 troops were the USP soldiers.

8 Q. Thank you very much. So you agree that the FACA forces were also
9 attached to them.

10 A. Counsel, do not put words into my mouth. Do not put words into
11 my mouth.

12 MR HAYNES: Your Honour, that's a topical conclusion, even though
13 it's a few minutes before the tape runs out.

14 PRESIDING JUDGE STEINER: Mr Haynes, updated information: There
15 is a revised second amended document containing the charges, which is
16 filing 856, confidential annex A. So if you need to come back to the
17 document containing the charges, please come to the second amended
18 document, 856. It is just confidential, so can be read or shown to
19 parties and participants and the witness.

20 MR HAYNES: Your Honour is being very kind to me today.

21 PRESIDING JUDGE STEINER: I'm trying hard, Mr Haynes. I'm just
22 kidding, please. For the record, don't take me seriously.

23 Mr Witness, we extended today in half an hour the timing for your
24 questioning. You must be tired. We are tired as well. So we will
25 adjourn for today.

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1 I want to inform parties, participants, and, of course,
2 Mr Witness, that in order to make sure that Defence has the time it needs
3 to complete its questioning, preferably tomorrow, the Chamber will sit
4 tomorrow at the extended hours, meaning first session from 9.00 to 11.00,
5 with a half an hour break; second session 11.30 to 1.30, followed by the
6 lunch break; and the last session, from 3.00 to 5.00. So six hours. We
7 hope that will help.

8 I thank very much the Prosecution team, Legal Representative of
9 Victims, Defence team, Mr Jean-Pierre Bemba Gombo. This room is so
10 different than the other that I get a little bit lost.

11 Thank you very much, Ms Bossette.

12 THE COURT OFFICER (via video-link): (Interpretation) You're
13 welcome, your Honour.

14 PRESIDING JUDGE STEINER: Yes, thank you very much. We will
15 adjourn for today and resume tomorrow morning at 9.00 sharp. The hearing
16 is adjourned.

17 The hearing ends in closed session at 4.26 p.m. - * Reclassified as Open session

18 RECLASSIFICATION REPORT

19 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
20 ICC-01/05-01/08-3038, the version of the transcript with its redactions
21 becomes Public.