

1 International Criminal Court

2 Trial Chamber III - Courtroom 1

3 Situation: Central African Republic

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

5 ICC-01/05-01/08

6 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and

7 Judge Kuniko Ozaki

8 Trial Hearing

9 Monday, 18 November 2013

10 (Witness appeared via videolink)

11 --- Upon commencing at 10.10 a.m. in open session

12 THE COURT USHER: Please be seated.

13 PRESIDING JUDGE STEINER: Good morning, everyone. Welcome.

14 I welcome Prosecution team, legal representatives of victims, and Defence

15 team, Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters, our

16 Court reporters.

17 Good morning, Mr Rojas.

18 THE COURT OFFICER (VIA VIDEOLINK): (Interpretation) Good morning,

19 Madam president, it is Caroline Bossette here.

20 PRESIDING JUDGE STEINER: Good morning, Ms. Bossette. And good

21 morning, Mr Witness.

22 THE WITNESS: (Interpretation) Good morning.

23 PRESIDING JUDGE STEINER: Mr Witness, you were a witness called

24 by the Chamber pursuant to its powers under Articles 64(6)(B) and D and

25 69(3) of the Rome Statute. And a pseudonym that were assigned to you is

1 CAR-CHM-PPPP-0001. So you are Chamber Witness number 1.

2 In accordance with the Chamber's decisions of 6 and 15 November
3 2013, filings 2863 and 2898 respectively, your testimony will be heard by
4 means of video technology. Pursuant to the Chamber's decision 2863 of
5 6 November 2013, the order for your questioning will be as follows:
6 Firstly, the Chamber will question you; following that, the Prosecution
7 will be given the opportunity to question you; then legal representatives
8 of victims that were authorised to put questions to you as well; and
9 finally, the Defence will be given the opportunity to question you last,
10 in accordance with Rule 140(2)(d) of the Rules of Procedure and Evidence.

11 In line with the Chamber's usual practice, the Chamber may intervene at
12 any time during the parties' or participants' questioning in order to
13 pose additional questions or require any clarification from you.

14 Mr Witness, the Chamber was informed that you would like to
15 address the Chamber at the beginning of this hearing. For that purpose,
16 I ask, please, the Court officer to turn into private session.

17 *(Private session at 10.14 a.m.) Reclassified as Open session

18 THE COURT OFFICER: We are in private session, Madam president.

19 PRESIDING JUDGE STEINER: Mr Witness, on 15 November 2013, the
20 Chamber issued a decision on in-Court protective measures, granting you
21 the continued use of a pseudonym, the use of image and voice distortion,
22 and the use of private or closed session as necessary to avoid your
23 identity to be known to the -- to those outside the courtroom.

24 The Chamber has been informed today that you would like to be
25 granted full protective measures, meaning closed session, during your
26

1 testimony. The Chamber notes that when ruling on protective measures,
2 either upon a request of a party, a participant, or a witness, or on its
3 own motion and after having consulted the victims and witnesses unit
4 pursuant to Rule 87(1) of the Rules, the Chamber shall seek to obtain the
5 consent of the person in respect of whom the protective measures is
6 sought. Therefore the Chamber wishes to ensure you, Mr Witness, that
7 you, Mr Witness, understands the protective measures and that you have
8 been made an informed decision in relation to them.

9 Mr Witness, can you please confirm to the Chamber that you would
10 like to be granted full in-Court protective measures and explain the
11 reasons why you would be like to be granted such measures?

12 THE WITNESS: (Interpretation) Thank you, your Honour. As you
13 have indicated, and may I say that from the time I began testifying, I
14 had requested these protective measures to be put in place because of the
15 importance and the delicate nature of the ongoing proceedings, and also
16 in relation to my security, as well as to the security and safety of my
17 family. This being (Redacted)
18 (Redacted), whether it be in (Redacted). You
19 know (Redacted) and it is for this reason that I requested
20 full protective measures to be implemented so that my testimony can take
21 place in closed session in its entirety. I have (Redacted)
22 today, I am here, and I have (Redacted) as well, and I
23 know that these protective measures do not only apply to myself but also
24 to my family members who live (Redacted). This is a very
25 important point.

1 PRESIDING JUDGE STEINER: Mr Witness, the Chamber has a
2 consistent approach that in-Court protective measures should be granted
3 on a case-by-case basis, and based on precise information on the risk
4 that the relevant witness is exposed to. In the case at hand, in your
5 specific situation, based on the assessment provided by the VWU, based on
6 what has been indicated by you right now, and based on the very specific
7 nature of the information you are likely to provide, the Chamber is in a
8 position to determine whether you should be granted full protective
9 measures. The Chamber considers, on the basis of the assessment made by
10 the VWU, completed by what you just said, that you may face objectively
11 justifiable risks as a result of giving your testimony in the present
12 case. (Redacted)
13 (Redacted)
14 (Redacted)
15 Chamber is of the view that limited in-Court protective measures would be
16 insufficient to avoid such risks.

17 It will be -- the Chamber considers that it will be very
18 difficult for you to answer to the questions without identifying yourself
19 (Redacted). Under these
20 specific circumstances the Chamber considers that more extensive
21 protective measures, namely full closed session, are necessary to avoid
22 your identity to be coming known to those outside the courtroom.

23 In terms of fairness of the proceedings, the Chamber stresses
24 that protective measures requested to protect a witness's identity solely
25 with regard to the general public and not deny the parties or legal
26

1 representatives of victims knowledge of the witness's identity,
2 furthermore the parties and the legal representatives will be able to
3 listen to, see and question you via videolink. As such the use of full
4 closed session will not be prejudicial to a fair trial.

5 In view of the foregoing and pursuant to Article 68(1) and (2) of
6 the Statute and Rule 87 of the Rules of Procedure and Evidence, balancing
7 its duties to protect the witness and the respect to the publicity of the
8 proceedings, the Chamber considers that the measures requested are
9 strictly necessary to avoid the risks posed to the witness. No less
10 intrusive measures would suffice. Full closed session is therefore both
11 necessary and proportionate. The Chamber therefore grants full in-Court
12 protective measures for you and orders that your testimony will be heard
13 in full closed session.

14 I ask, please, Court officer, to go back briefly into open
15 session in order for the Chamber to inform the public about the present
16 decision.

17 (Open session at 10.24 a.m.)

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

19 PRESIDING JUDGE STEINER: I am informed that we are facing some
20 problems with the French real time transcript. I hope we can proceed
21 once the technicians are already working on it.

22 THE COURT OFFICER: If I may, Madam president, I've just been
23 informed that the French transcript is working again and I do see that
24 it's working also.

25 PRESIDING JUDGE STEINER: Thank you very much. The Chamber --

1 the Presiding Judge ordered the Court officer to go into public session
2 just in order to inform the public in general that the Camber has just
3 issued a decision granting the testimony of witness -- Chamber Witness
4 number 1, to be heard in full closed session. So full protective
5 measures were granted. Court officer, please turn back into closed
6 session.

7 Yes, Mr Haynes?

8 MR HAYNES: Just before we go into full closed session, can
9 I inquire whether it is possible to achieve a better quality of videolink
10 reception? At the present point in time, I can't discern this man's
11 facial features at all and that is part of the point of seeing a video
12 image is to see what his face looks like when he gives answers, and
13 I really don't think this is good enough.

14 PRESIDING JUDGE STEINER: At the beginning of the hearing,
15 Mr Haynes, the image was better. Now, it's suffered really a
16 deterioration, and I'm sure the Court officer will check for the
17 improvement of the image. Court officer, please turn into closed
18 session.

19 *(Closed session at 10.26 a.m.) Reclassified as Open session

20 THE COURT OFFICER: We are in closed session, Madam President and
21 for your information we just cut the line in order to redial and
22 hopefully have a better connection. Thank you.

23 PRESIDING JUDGE STEINER: Mr Witness, we are in full closed
24 session. Before we start, I would like the parties and participants to
25 this hearing to introduce themselves and their teams, starting by Office
26

1 of the Prosecutor. And you may remain seated, if you prefer. You may
2 remain seated, Maître.

3 MR BADIBANGA: (Interpretation) Thank you, Madam President.
4 Madam President, your Honours, for the OTP present in Court are to my
5 left Sanyu Ndagire, legal assistant; Sylvie Vidinha, our case manager,
6 behind me; and I am Jean-Jacques Badibanga, trial lawyer, and I will be
7 examining this witness.

8 PRESIDING JUDGE STEINER: Thank you, very much, Maître Badibanga.
9 Legal representative of victims, please.

10 MS DOUZIMA LAWSON: Thank you, Madam President. Good morning,
11 Mr Witness. My name is Marie Douzima Lawson and I'm the
12 legal representative of victims in this trial. Our case manager, sitting
13 behind me and our legal assistant as well is Ms. Virginie Roche.

14 MR ZARAMBAUD: (Interpretation) I am Mr Zarambaud, Assingambi,
15 legal representative of victimes.

16 MR HAYNES: Thank you. Good morning, Mr Witness. You know who I
17 am, we spoke earlier this morning. My name is Peter Haynes. Sitting
18 next to me is a lady called Natacha Lebaindre, and behind her or behind
19 me you can probably see Jean-Jacques Kabongo, and next to him is
20 Cécile Lecolle, and we represent Mr Bemba.

21 PRESIDING JUDGE STEINER: Thank you, Mr Haynes. Mr Witness,
22 we -- for the record -- we inform you that also Mr Jean-Pierre Bemba
23 Gombo is present at the present hearing.

24 Mr Witness, I hope that somewhere in front of you there is a card
25 on which is printed a solemn undertaking. Could you please read out the
26

1 words on the card.

2 THE WITNESS: (Interpretation) I solemnly declare that I will tell
3 the truth, the whole truth, and nothing but the truth.

4 WITNESS: CAR-CHM-PPPP-0001

5 (The witness speaks French)

6 PRESIDING JUDGE STEINER: Mr Witness, now that you have taken the
7 oath, can you confirm that you understand what the oath means?

8 THE WITNESS: (Interpretation) Yes. I do understand what it
9 means.

10 PRESIDING JUDGE STEINER: Do you understand it to mean that you
11 must give answers to questions asked of you that are true and accurate to
12 the best of your knowledge and belief?

13 THE WITNESS: (Interpretation) Yes.

14 PRESIDING JUDGE STEINER: Mr Witness, I have already explained to
15 you, and I know that victims and witnesses unit also explained to you
16 during the familiarisation process, you will be questioned first by the
17 Defence, then by the Prosecution, then by legal -- sorry, I correct,
18 first by the Chamber, then by the Prosecution, then by legal
19 representatives of victims, and finally by the Defence.

20 Are you experiencing any kind of problems in the interpretation,
21 Mr Witness?

22 THE WITNESS: (Interpretation) I can understand you. I can
23 understand you well.

24 PRESIDING JUDGE STEINER: The Chamber may intervene at any time
25 during the parties and participants questioning in order to pose
26

1 additional questions to you. As you know the Chamber has put in place
2 measures to protect your identity, and you'll be giving your testimony in
3 full closed session. It is important for you, Mr Witness, to bear in
4 mind that because we speak different languages, there is interpretation
5 so that we can all understand each other. Because of the interpretation,
6 and because you are giving your testimony via videolink, it is very
7 important, Mr Witness, that you speak slower than normal, as I am doing
8 right now, in order to allow the interpreters to do their job.

9 It's also very important, Mr Witness, then that after the
10 question is put to you, that you wait five seconds before you start
11 giving your answer, in order to allow the interpreters to conclude the
12 translation of the question. We call that our five seconds golden rule,
13 and we are aware, Mr Witness, that this may seem unnatural, and so it's
14 very likely that you will start speeding up. In that case, I will have
15 to interrupt you and ask you to slow down or to remember the five seconds
16 golden rule. Please don't take offence, Mr Witness. This should not
17 discourage you from speaking. It is just for practical reasons. Do you
18 understand our ground rules, Mr Witness?

19 THE WITNESS: (Interpretation) Your Honour, I will do my best. I
20 will make the necessary effort in order to respect the golden rule of
21 five seconds, whereas normally I do speak a bit quickly. But I'm going
22 to make the effort before your Court in order to respect this rule.

23 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness.
24 Mr Witness, have you been given the opportunity to read the written
25 statements that you gave to the office of the Prosecution in March 2008
26

1 (Redacted)?

2 THE WITNESS: (Interpretation) Yes.

3 PRESIDING JUDGE STEINER: Sorry, proceed.

4 THE WITNESS: (Interpretation) Yes. I have had the opportunity to
5 read them, when the team came to meet me here.

6 PRESIDING JUDGE STEINER: Mr Witness, at the time you gave those
7 statements, did you do so voluntarily?

8 THE WITNESS: (Interpretation) Yes, I did it voluntarily.

9 PRESIDING JUDGE STEINER: Mr Witness, is the information that you
10 have provided in your statements with the Office of the Prosecution true
11 and accurate, to the best of your knowledge and belief?

12 THE WITNESS: (Interpretation) Indeed.

13 PRESIDING JUDGE STEINER: Mr Witness, in case the parties or the
14 Chamber intend to submit the statements as evidence in this case, do you
15 have any objection?

16 THE WITNESS: (Interpretation) I have no objection because when
17 I reread them I was able to make certain small corrections. But there is
18 no particular objection.

19 PRESIDING JUDGE STEINER: Thank you, Mr Witness. Mr Witness, in
20 order to ensure that your rights are respected and that you are fully
21 aware and informed of the consequences of potential self-incrimination,
22 and of the protection that will be given to you when answering questions
23 before this Court, you will have talked with an independent lawyer who
24 should have notified, read out, and explained to you the content of
25 Rule 74 of the Rules of Procedure and Evidence. The duty counsel you
26

1 were assigned for this specific purpose is (Redacted)

2 On 12 and 13 November 2013, (Redacted)

3 (Redacted) in which he informed the Chamber that he has

4 notified and discussed with you the consequences of potential

5 self-incrimination and the guarantees provided by the court's legal

6 framework.

7 Mr Witness; is that correct, that you have talked to

8 (Redacted) for the specific purpose of receiving information on

9 the consequences of potential self-incrimination and having the content

10 of Rule 74, and implications of that rule, notified and explained to you?

11 THE WITNESS: (Interpretation) Yes, during the interview that I

12 had with the lawyer, the counsel.

13 PRESIDING JUDGE STEINER: Mr Witness, in case you have any doubts

14 about the information you received or the implications of the legal

15 provisions that were notified and explained to you, you are entitled to

16 discuss these issues again with (Redacted). It is

17 important for you to know that everything you discussed with him is

18 considered as privileged communication; that is to say, it will and

19 should remain between you and him. Therefore, he will not inform anyone,

20 not even the Chamber, the details of what you have told him. By the same

21 token, you should also avoid mentioning, in court, any of the issues you

22 discussed with him. Is that clear, Mr Witness?

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

24 PRESIDING JUDGE STEINER: I would like to assure you, Mr Witness,

25 that whenever you would like to speak again with (Redacted) about

26

1 the specific issue of potential self-incrimination, you can just let us
2 know and we will suspend the hearing for as long as you need in order to
3 talk to him and seek clarification. Is that agreeable for you,
4 Mr Witness?

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

6 PRESIDING JUDGE STEINER: Mr Witness, for your information, today
7 we'll have three sessions. One session of two hours in the morning
8 followed by one and a half hour of lunch break and after that, two
9 sessions of one and a half hours each. The afternoon session therefore
10 will start at 1.30. If, for any reasons, Mr Witness, you need a break,
11 just let us know and the break will be given.

12 Mr Witness, before you start giving your testimony, would you
13 have any question you would like to put to the Chamber?

14 THE WITNESS: (Interpretation) Your Honour, Presiding Judge, I
15 don't have any particular questions. Mr Dubuisson also informed me that
16 the Office of the Prosecutor or the Prosecutor could not prosecute me
17 with regard to my testimony before the Court. That is also the
18 information that I had and that I wanted to mention, to mention to the
19 Presiding Judge of our session.

20 PRESIDING JUDGE STEINER: Mr Witness, as with all other witnesses
21 in this case, you were given guarantees that anything or nothing that you
22 say during your testimony can be or will be used against you. The only
23 risk that a witness may face is when the witness does not tell the truth.
24 The guarantees against self-incrimination do not cover the false
25 testimony or, in other words, these guarantees do not cover any of the
26

1 conducts described in Article 70 of the Rome Statute. So in relation to
2 the guarantees against self-incrimination, I can see that you were
3 well-informed, so please feel free to tell the truth to the best of your
4 knowledge and belief, that none of your -- any part of your testimony can
5 be used against you. Did you understand that, Mr Witness?

6 THE WITNESS: (Interpretation) I've understood that well. And as
7 I stated, in my solemn undertaking, I will tell the truth, the whole
8 truth and nothing but the truth. But, your Honour, you know that the
9 events that we are speaking about today took place ten years ago. Ten
10 years is a long time. And we have to take account of that fact. But as
11 I said to the Office of the Prosecutor, on two or three occasions,
12 information that I've given in my previous statements is true.

13 PRESIDING JUDGE STEINER: Mr Witness, whenever a question is put
14 to you, if you are not sure, for instance, about a date or about a
15 specific location, you just let us know that you don't know. You are
16 here to tell the truth about what you know.

17 Mr Witness, we will now start with your testimony, and as you
18 have been informed I am Judge Steiner, Presiding Judge. I will be asking
19 you some questions related to the case of the Prosecution against
20 Mr Jean-Pierre Bemba Gombo which relates to the situation in the
21 Central African Republic from October 2002 to March 2003. The Bench is
22 composed as well by Judges Aluoch, Joyce Aluoch to my right, and
23 Judge Kuniko Ozaki to my left, and they will likely interject from time
24 to time with additional questions for you.

25 QUESTIONED BY THE COURT:

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1 PRESIDING JUDGE STEINER: First, Mr Witness, let us start with
2 you introducing yourself. Please state for the record your name and date
3 of birth.

4 A. (Redacted)

5 PRESIDING JUDGE STEINER: Mr Witness, could you please tell us
6 where is (Redacted) and what is your nationality?

7 A. (Redacted) of the Central African Republic. I'm
8 Central African by way of nationality.

9 PRESIDING JUDGE STEINER: Mr Witness, can you briefly describe to
10 the Chamber your academic background.

11 A. (Redacted)

12 PRESIDING JUDGE STEINER: You can briefly explain to us your
13 academic life, everything.

14 A. Well, I carried out my studies, (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (Closed Session)
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1 PRESIDING JUDGE STEINER: Thank you, Mr Witness. Let's focus
2 more attentively on your professional career. Can you describe to the
3 Chamber the various steps of your professional career?

4 A. Your Honour, Presiding Judge, (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted) That is where it concerns my military career.

11 I therefore also held different posts (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 PRESIDING JUDGE STEINER: Thank you, Mr Witness.

7 Mr Witness, during the period of the events that are relevant to
8 the present case, meaning October 2002 to March 2003, what were exactly
9 the functions you occupied?

10 A. First of all, as I have already stated, (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 PRESIDING JUDGE STEINER: Thank you, Mr Witness. Let us begin

16 with your role (Redacted)

17 (Redacted)

18 A. (Redacted)

19 PRESIDING JUDGE STEINER: Who was the president at that time,

20 Mr Witness.

21 A. At the time, the president was Mr Ange-Félix Patasse.

22 PRESIDING JUDGE STEINER: And what exactly were your duties while
23 occupying this position (Redacted)

24 A. In my capacity (Redacted)

25 (Redacted)

26

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 PRESIDING JUDGE STEINER: (* previous translation continues)...

5 to while you held this position?

6 A. (Redacted)

7 PRESIDING JUDGE STEINER: (Redacted)

8 (Redacted)

9 A. (Redacted)

10 (Redacted)

11 (Redacted)

12 PRESIDING JUDGE STEINER: (Redacted)

13 (Redacted)

14 A. (Redacted)

15 (Redacted)

16 PRESIDING JUDGE STEINER: (* Previous translation continues)...

17 (Redacted)

18 A. (Redacted)

19 (Redacted)

20 PRESIDING JUDGE STEINER: (Redacted)

21 (Redacted)

22 A. (Redacted)

23 (Redacted)

24 (Redacted)

25 PRESIDING JUDGE STEINER: Just before --

26

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1 A. As I stated before, (Redacted)

2 (Redacted)

3 (Redacted)

4 PRESIDING JUDGE STEINER: I didn't put the question correctly.

5 I wanted to know which rank you occupied in the military career.

6 A. (Redacted)

7 (Redacted)

8 (Redacted)

9 PRESIDING JUDGE STEINER: (Redacted)

10 (Redacted)

11 (Redacted)

12 A. (Redacted)

13 (Redacted)

14 PRESIDING JUDGE STEINER: (Redacted)

15 (Redacted)

16 (Redacted)

17 A. (Redacted)

18 (Redacted)

19 PRESIDING JUDGE STEINER: (Redacted)

20 (Redacted)

21 A. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26

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1 PRESIDING JUDGE STEINER: (Redacted)

2 A. I did not understand your question.

3 PRESIDING JUDGE STEINER: (* Previous translation continues)...

4 (Redacted)

5 (Redacted)

6 A. (Redacted)

7 (Redacted)

8 PRESIDING JUDGE STEINER: (Redacted)

9 (Redacted)

10 A. (Redacted)

11 PRESIDING JUDGE STEINER: And by which means these ranks or

12 grades are granted? I'm not from the military so that's why I wanted to

13 understand. (Redacted)

14 (Redacted)

15 A. (Redacted)

16 (Redacted)

17 (Redacted)

18 PRESIDING JUDGE STEINER: This appointment or assignment is made

19 by way of a law, a decree? How is it made?

20 A. An instrument is issued, or a text, whereby the periods during

21 which soldiers may be promoted in their ranks is defined. Now, regarding

22 officers, let us take the promotion from second-lieutenant to lieutenant.

23 What happens is that upon graduation from a school a second-lieutenant

24 becomes a lieutenant after one year, and then from the rank of lieutenant

25 to captain, it is a period of three to four years. From captain to

26

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1 major, the time span is three to four years. From major to
2 lieutenant-colonel is the same period, and from lieutenant-colonel to
3 colonel, you have the same time frame. But as you know, some ranks are
4 conferred pursuant to the discretionary powers of those in authority.

5 Now, in my specific case, (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 PRESIDING JUDGE STEINER: Thank you, Mr Witness.

12 Could I please ask Court officer to display document

13 (Redacted)

14 (Redacted)

15 THE COURT OFFICER: (VIA VIDEOLINK) Madam president, the

16 document

17 is being displayed to the witness.

18 PRESIDING JUDGE STEINER: I'm sorry, I verified that it should be

19 document (Redacted). In my binder, it received (Redacted). My mistake.

20 THE COURT OFFICER: (VIA VIDEOLINK) Madam president, to be sure

21 would you please kindly provide the ERN number of the document, please?

22 PRESIDING JUDGE STEINER: (Redacted).

23 THE INTERPRETER: From the interpreters, would the Presiding

24 Judge be kindly reminded to observe the five second rule? Thank you.

25 THE COURT OFFICER: (VIA VIDEOLINK) The document has been

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1 displayed to the witness.

2 PRESIDING JUDGE STEINER: (Redacted)

3 (Redacted). Could you please read just for the Chamber to be sure that we
4 are talking about the same document? Could you please read the head of
5 the document and the wording that are both?

6 A. (Redacted)

7 (Redacted)

8 PRESIDING JUDGE STEINER: You continue, please. (Redacted)

9 (Redacted)

10 A. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 PRESIDING JUDGE STEINER: (* Previous translation continues)...

18 to (Redacted)

19 THE COURT OFFICER: (VIA VIDEOLINK) Madam President, the
20 document is now on the screen.

21 PRESIDING JUDGE STEINER: (* Previous translation continues)...

22 A. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Witness: CAR-CHM-PPPP-0001 (Closed Session)
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1 (Redacted)

2 (Redacted)

3 PRESIDING JUDGE STEINER: (* Previous translation continues)...

4 (Redacted)

5 (Redacted)

6 A. (Redacted)

7 PRESIDING JUDGE STEINER: Mr Witness, (Redacted)

8 (Redacted) could you please read what

9 is written, handwritten in the very same document, very same copy?

10 A. (Redacted)

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE STEINER: (Redacted)

14 (Redacted)

15 A. (Redacted)

16 PRESIDING JUDGE STEINER: (Redacted)

17 (Redacted)

18 A. (Redacted)

19 (Redacted)

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

21 I would like to ask the Court officer to display document

22 (Redacted) it's document number (Redacted) on the Chamber's list of

23 documents.

24 THE COURT OFFICER: (VIA VIDEOLINK) The document has been

25 displayed, Madam President.

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1 PRESIDING JUDGE STEINER: Mr Witness, could you please just read
2 the head of this document and the wording that is in bold?

3 A. (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)

7 PRESIDING JUDGE STEINER: Could the Court officer turn the page
8 and display (Redacted)

9 THE COURT OFFICER: (VIA VIDEOLINK) The document is now being
10 displayed to the witness.

11 A. (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)

20 PRESIDING JUDGE STEINER: (Redacted)
21 (Redacted)

22 A. (Redacted)

23 PRESIDING JUDGE STEINER: (Redacted)
24 (Redacted)
25 (Redacted)

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1 A. (Redacted)

2 (Redacted)

3 PRESIDING JUDGE STEINER: (Redacted)

4 (Redacted)

5 A. (Redacted)

6 PRESIDING JUDGE STEINER: Can you confirm to the Chamber (Redacted)

7 (Redacted)

8 A. (Redacted)

9 (Redacted)

10 PRESIDING JUDGE STEINER: (* Previous translation continues)...

11 Mr Witness.

12 Mr Witness, would you say that these documents confirm your

13 testimony (Redacted)

14 (Redacted)

15 A. That is correct. That is correct, Madam President.

16 PRESIDING JUDGE STEINER: And would you say that the precedent

17 document confirms your testimony (Redacted)

18 (Redacted)

19 A. Yes, Madam President. (Redacted)

20 (Redacted)

21 PRESIDING JUDGE STEINER: I now would ask, please, Court officer,

22 to display to the witness document (Redacted) which is document

23 number (Redacted) of the Chamber's list of documents.

24 THE COURT OFFICER: (VIA VIDEOLINK) The document is being

25 displayed to the witness, Madam President.

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1 PRESIDING JUDGE STEINER: (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted) Could you please repeat to the

6 Chamber what are -- whether this document is true in its format and in

7 its content?

8 Yes, Mr Haynes?

9 MR HAYNES: Your Honour, I think his evidence has been a lot more
10 credible if you didn't lead him on crucial issues like this. Asking him

11 just to repeat what he said to the Office of the Prosecutor is not an

12 open form of question at all and I must formally object.

13 PRESIDING JUDGE STEINER: Your objection is registered,

14 Mr Haynes.

15 Mr Witness, could you please, having in your screen, document

16 (Redacted), could you please tell the Chamber whether this

17 document is true in its format or -- and/or in its content?

18 A. Your Honour, Presiding Judge, this document, as well as many

19 others, were put together in several different ways. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Secondly, the content and the format, as I also said previously,
2 all these aspects were just collated, they were just put together, and
3 (Redacted) It was put together,
4 it's a false document.

5 PRESIDING JUDGE STEINER: (* Previous translation continues)...
6 read for the record, for the sake of the record, le objet this -- of this
7 message porté. First, could you explain to the Chamber exactly what is a
8 message porté?

9 A. A message porté is a letter, an urgent letter. Particularly at
10 the (Redacted), you have an urgent document which the chief addresses
11 to the subordinates. This is a message porté due to the urgency of the
12 message. It's like a radio message. Message porté, signed by the
13 authority, is urgently addressed to the addressee. You asked me what the
14 subject was of this change and attribution of new frequencies for
15 communication. Governmental authorisation for operational cohesion in
16 the future, FACA, USP allied forces, MLC, Libyan army, urgent, urgency
17 and importance is stressed, stop. And end. I say that this document,
18 this is a montage, this document, it's been put together, (Redacted)
19 (Redacted)
20 (Redacted). All those aspects show that it is
21 fabricated, it is a false document.

22 PRESIDING JUDGE STEINER: What would you say in relation to the
23 subject, the content, of the document? Do you have any comment on that?
24 What exactly that mean, "changement et l'attribution de nouvelles
25 fréquences," et cetera.

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1 A. "Change and attribution of new frequencies," well, you have to
2 ask that question to the people who fabricated this document. Those are
3 the people who can give you explanations in that regard. I cannot give
4 an explanation. As I said, this is a false document. Even the president
5 of our session, at the end, he can see it says that the importance is
6 stressed, importance signalé, "accent signalé," but it doesn't say
7 importance signalé. Secondly they show -- well, they put the Xs, and
8 then afterwards they say stop and end, but they put the Xs as well. All
9 that -- all that shows that it is a document which has been fabricated.
10 It does not reflect the reality, taking into account what I've just told
11 you, Madam President.

12 PRESIDING JUDGE STEINER: Judge Aluoch.

13 JUDGE ALUOCH: Mr Witness, what is the document alleging to say?
14 What is it saying? (Redacted)
15 (Redacted)

16 A. As is said here, governmental authorisation for operational
17 cohesion in the future, FACA, USP, allied forces, MLC, Libyan army,
18 urgency and importance signalled. I don't understand anything. I can
19 tell you.

20 PRESIDING JUDGE STEINER: Thank you, Mr Witness.

21 I now ask, please, Court officer to display document
22 (Redacted), which is document (Redacted) on the Chamber's list of
23 documents.

24 THE COURT OFFICER: (VIA VIDEOLINK) The document has been shown
25 to the witness, your Honour.

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1 PRESIDING JUDGE STEINER: (Redacted)

2 (Redacted)

3 (Redacted). So in order for Mr Haynes not to take the work
4 of being on his feet and protesting, could you please explain to the
5 Chamber which document is this?

6 A. Your Honour, "the document origin, CEMA, info, MINDEF report
7 addressee commander chief second office, number 03 cab 7 January 2003,
8 very urgent. Honour to inform you the availability of the commander of
9 the military security service of the Minister of the Defence -- Ministry
10 of Defence, troops of the 2nd office, urgency and importance signalled,
11 stop and end."

12 Your Honour, Presiding Judge, I said also that this was a false
13 document, a false document, because -- well, for the same reasons that
14 I mentioned. (Redacted)

15 (Redacted)

16 (Redacted) And, your Honour, Presiding Judge, the second office is
17 intelligence in the army. Where it concerns intel, this is something
18 that we would not pass on in such a document. This is a false document.
19 The 2nd office is intelligence in the army. You cannot send a document
20 such as this one in order to ask for the availability of security agents.
21 Once again, your Honour, this is a fake document. It is a fabrication.

22 PRESIDING JUDGE STEINER: Thank you, Mr Witness. I ask, please,
23 Court officer now to display document CAR-D04-0003-0132, which is
24 document 5 on the Chamber's list of documents.

25 THE COURT OFFICER: (VIA VIDEOLINK) The document is being shown

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1 to the witness, your Honour.

2 PRESIDING JUDGE STEINER: (Redacted)

3 (Redacted)

4 (Redacted). Could you please inform the Chamber what you said

5 about this document, what exactly you think about the format and the

6 content of this document?

7 A. As I said when I was interviewed, this is a fabrication as well.

8 It's a fake document. (Redacted)

9 (Redacted)

10 Thirdly, (Redacted). This is a

11 fabrication. It's a fake document.

12 PRESIDING JUDGE STEINER: What is the subject of this document?

13 Could you read for us, Mr Witness?

14 A. Here it's stated, your Honour: "Origin, CEMA, chief of general
15 staff of the armies, info, MINDEF, Minister of Defence by way of report,
16 addressee, commander CCO, number cab 17 January 2003. Subject: Very
17 urgent. Honour to inform you assignment of two MLC officers appointed
18 by -- appointment by their commander in your team, stop and end.

19 PRESIDING JUDGE STEINER: What this document wants to say,
20 intends to say?

21 A. Well, this message is saying that MLC troops are made available
22 to the centre of command, so the team of the central command, but as
23 I said, and as I have said, and I repeat, your Honour, this is a
24 fabricated, fake document.

25 PRESIDING JUDGE STEINER: What was exactly this "centre de

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1 commandment," Mr Witness?

2 A. Yes, your Honour. This command centre was a place where, when
3 there were operations the officers who would be responsible for the
4 conduct of the operation in the field, above all, the operational
5 officers of the staff, that's a command centre, but there wasn't only the
6 FACA offices, there was also the gendarme and there were also the police
7 as well. That, Madam President, is the meaning of this command centre.

8 PRESIDING JUDGE STEINER: What can you tell us about the
9 functioning of this CCO or CCOP during the period under examination from
10 October 2002 to March 2003?

11 A. This centre of command, as I told you -- well, there were maps,
12 and on the maps there were positions, rebel positions, the towns that
13 were occupied by them in the north, the centre, et cetera, and the west.
14 And there were rebel positions, there were also the positions of friendly
15 forces who were dealing with these rebel positions, who carried out
16 actions towards Bangui, and each day, each morning, mid-day, and evening,
17 the officers of the centre would meet in order to look at the situation,
18 to assess the status of the day. That is how this centre would function
19 Madam Presiding Judge.

20 PRESIDING JUDGE STEINER: (Redacted)

21 (Redacted)

22 (Redacted)

23 A. (Redacted)

24 (Redacted)

25 They had relations with the centre.

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1 PRESIDING JUDGE STEINER: (Redacted)

2 (Redacted)

3 A. (Redacted)

4 (Redacted)

5 PRESIDING JUDGE STEINER: Judge Aluoch wants a clarification.

6 JUDGE ALUOCH: (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted) If you can clarify that, please,

12 following that answer.

13 A. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE STEINER: (Redacted)

22 (Redacted)

23 (Redacted) Who was the chief of the -- the commander or the

24 head of the CCOP at that time?

25 A. Madam Presiding Judge, there were a lot of officers who succeeded

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1 each other. I can't have an exact idea of the officers who were there at
2 that time, and as I said, it was ten years ago. I can't remember
3 everything. But you had officers who took over from each other in the
4 CCOP.

5 PRESIDING JUDGE STEINER: (* Previous translation continues)...
6 able to remember who was the head of CCOP (Redacted)
7 (Redacted)

8 A. No.

9 PRESIDING JUDGE STEINER: Have you ever met Colonel Lengbe?

10 A. Yes, those are staff officers, and as I said, the officers would
11 meet at the CCOP, your Honour. These weren't fixed officers. They would
12 replace each other. The officers of the gendarmerie, officers of police,
13 they would exchange information at the CCOP.

14 PRESIDING JUDGE STEINER: Do you know whether Colonel Lengbe had
15 anything to do with the CCOP during the period between October 2002 and
16 March 2003?

17 A. Well, I do know that he was one of the staff officers at that
18 time, and it is possible that he did carry out duties within the CCOP,
19 and I say also to the Presiding Judge that the officers did meet with
20 each other, and they would rotate in groups of 2 and 3. You would have a
21 police officer, a gendarmerie, all of these people, to sum up, they would
22 be in the field. They would discuss what was happening in the field,
23 your Honour.

24 PRESIDING JUDGE STEINER: One of these documents that you have
25 just commented about allegedly informs that two elements of the MLC would

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1 be assigned to be part of the CCO, and this is document final numbers
2 0132. (Redacted)
3 (Redacted), were there any MLC
4 representatives?

5 A. To the best of my knowledge, well, I don't remember MLC
6 representatives at the CCOP.

7 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. It's
8 almost noon, 12.00. We are going to our lunch break. Take your time for
9 having lunch and take some rest. We will be back at 1.30. The hearing
10 is suspended.

11 (Recess taken at 12.00 p.m.)

12 *(The hearing resumes in closed session at 1.48 p.m.) Reclassified as Open session

13 THE COURT USHER: Please be seated.

14 PRESIDING JUDGE STEINER: Good afternoon. The Chamber apologises
15 to those present and to the witness for the delay. For some reason, the
16 Prosecutor not only did not appear but did not inform the Chamber that he
17 would be delayed, so the Chamber was waiting for the Prosecution, which
18 in my humble view should not occur. So I -- I welcome Mr Scaliotti and
19 I hope you transmit to Maître Badibanga the fact that the Chamber and the
20 parties and participants should have been informed if for any reason he
21 was unavailable to come on time.

22 Mr Witness, good afternoon.

23 THE WITNESS: (Interpretation) Good afternoon, Madam President.

24 PRESIDING JUDGE STEINER: I hope you managed to take some rest
25 during the lunch break.

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1 A. Yes, I had lunch.

2 PRESIDING JUDGE STEINER: We continue with your testimony, sir.

3 A. Yes, indeed. We were there at the agreed time.

4 PRESIDING JUDGE STEINER: We will then ask the Court officer,
5 please, to display to the witness document (Redacted), which is
6 document number (Redacted) on the Chamber's list of evidence.

7 THE COURT OFFICER: (VIA VIDEOLINK) The document is being
8 displayed to the witness, Madam President.

9 PRESIDING JUDGE STEINER: Mr Witness, could you please read for
10 the transcript the document that you have in front of you?

11 A. Yes, Madam President. "Message porte. Origin, CEMA. Info,
12 MINDEF (ATCR). Addressees: Commander chief, 4th Bureau." Then you have
13 the number, "Priority: Very high. Honour to inform, you placement on
14 disposal of friendly forces, logistic means, and the fuel, six troop
15 transport vehicles and ten jeep vehicles, fuel provided and maintenance
16 of the said vehicles. Stop and end. Brigadier-general Gambi." I think
17 this is 17 January 2003.

18 PRESIDING JUDGE STEINER: (Redacted)
19 (Redacted)
20 (Redacted). Could you please tell the Chamber whether this
21 document is authentic in its format and content?

22 A. Once again, Madam President, this document is not authentic. It
23 is a fabricated document, (Redacted)
24 (Redacted)
25 (Redacted)

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1 (Redacted) As far as I'm concerned,
2 this is a forged document.

3 PRESIDING JUDGE STEINER: What would you have to say, if any,
4 about the content of the document? What this document meant?

5 A. Yes, Madam President. Mention is made of placement at the
6 disposal of the friendly forces MLC, logistic means, and fuel, six troop
7 transport vehicles and ten jeeps. I can tell you that at that time we no
8 longer had any vehicles. We no longer had jeeps in the armed forces, and
9 here it is mentioned ten jeep vehicles, and so, as far as I'm concerned,
10 as I told you a short while ago, this is a fabricated document. So who
11 put those vehicles at the disposal of the MLC? Well, as I have said, we
12 did not have any jeeps. At the time, the army was very short of
13 logistics resources.

14 JUDGE ALUOCH: Mr Witness, when you say "at the time we no longer
15 had jeeps," do you mean that did you have jeeps before that time? Or at
16 any time, did the army have jeeps at all?

17 A. As I said, regarding the structure of the drafting, "jeep," what
18 does that mean? It is what has been included in this document. (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)

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

23 Now I ask please court officer to display document
24 (Redacted) document (Redacted) on Chamber's list of documents.

25 THE COURT OFFICER: (VIA VIDEOLINK) The document is being shown

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1 to the witness, Madam President.

2 PRESIDING JUDGE STEINER: (Redacted)

3 (Redacted)

4 (Redacted) And now I ask you,

5 Mr Witness, in relation to this document, if you can tell the Chamber

6 whether this document is authentic in its format and in its content.

7 A. Madam President, I said that this document is not authentic, and

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted). As to the format of this document, origin CEMA. Info, MINDEF.

14 ATCR. Addressees: All the unit commanders. And in fact, you see

15 addressee, "destinataire," is even lacking an S.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted) So once again, Madam President, it is a

25 fabricated document.

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Madam President, as I have said before, (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Madam President, that is the explanation that I believe is

17 necessary relating to this document, which is a fabrication and a fake

18 document.

19 PRESIDING JUDGE STEINER: Mr Witness, (Redacted)

20 (Redacted)

21 (Redacted)

22 A. (Redacted)

23 (Redacted)

24 PRESIDING JUDGE STEINER: Thank you, Mr Witness.

25 And I now ask, please, court officer to display document

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1 (Redacted) which is document number (Redacted) in the Defence list.

2 THE COURT OFFICER: (VIA VIDEOLINK) The document is being shown
3 to the witness.

4 PRESIDING JUDGE STEINER: (Redacted)

5 (Redacted)

6 (Redacted) Can you tell the Chamber

7 whether this document is authentic in its format and/or in its content?

8 A. Madam President, I repeat: This is a forgery. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE STEINER: Thank you, Mr Witness. And the last

22 document that I wanted to show you is document (Redacted)

23 document (Redacted) on the Defence list -- sorry, on the Chamber's list.

24 A. Your Honour, a piece of information which I'd like to bring to

25 your attention with regard to the fact that this document is forged.

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1 When you have a copy, gendarmerie, Ministry of Defence, national –
2 Ministry of Defence, and a former combatant and arms and the situation of
3 the armies by way of report, that is false, false. Ministry of Defence,
4 in 2002 was not a general in the army. This is false.

5 PRESIDING JUDGE STEINER: Mr Witness, are you still referring to
6 the previous document, document --

7 A. Indeed I am, the previous document, your Honour. I mentioned the
8 document. As I said, it was a false document, a forgery. This was
9 additional information that I wanted to provide you with regards to the
10 copy of 2002.

11 PRESIDING JUDGE STEINER: Thank you, Mr Witness. And now in
12 relation to document 0140, (Redacted)
13 (Redacted)
14 (Redacted)

15 THE COURT OFFICER: (VIA VIDEOLINK) The is being shown, your
16 Honour.

17 PRESIDING JUDGE STEINER: So as I said, you have already seen
18 this document, and this is on page 0034 of that statement. Would you
19 please inform the Chamber whether this document is authentic in its
20 format -- form and its content?

21 A. (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted) That,

4 your Honour, means basically this document once again is a forgery.

5 PRESIDING JUDGE STEINER: Can you read the subject of the
6 document, please?

7 A. Yes, your Honour. "Message, message porte, from CEMA, CC mini
8 Def, Ministry of Defence about by way of report. To commander of
9 military engineering, and date that's given is November 2002. Subject,
10 very urgent. Honour to inform you to take all the measures by your
11 services for the sanitation warehousing stocking of weapons and
12 ammunition at Begoa school for the allied battalion MLC, the urgency and
13 importance are stressed. Stop and end.

14 PRESIDING JUDGE STEINER: Do you have any comment on the content
15 of this message, Mr Witness?

16 A. Yes. The comment is that, as I've already said, the form in
17 which it's drafted is -- that's not the way it was done, and -- by the
18 staff. They don't draft documents in this manner. Furthermore, when you
19 write to the commander of the military engineering and you speak about
20 what we call lodging or "couchage," it's not the military engineering
21 who's responsible for that. When it comes to clothing, it's not the
22 military engineering who are responsible for clothing or "couchage."
23 This is a document which has been fabricated and it's fraudulent (Redacted)
24 (Redacted)
25 (Redacted)

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1 PRESIDING JUDGE STEINER: Thank you, Mr Witness.

2 Now we are moving forward, as stated in the Chamber's decision,
3 the main factor or the main reason for the Chamber to call you to testify
4 was to assist the Chamber in better understanding the role of the
5 Central African Republic high officials at the time of the events. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 So, Mr Witness, in the statement you gave to the Office of the
14 Prosecution in March 2008, and this is CAR-OTP-0008-0219, at page 0243,

15 (Redacted)

16 (Redacted) First I would like you to

17 explain to the Chamber what forces comprised the loyalist forces during
18 the time of the events.

19 A. At the time of events, your Honour, there was the FACA,
20 Central African armed forces. You also had the national gendarmerie,
21 USP, but that came under the president of the republic, so that, your
22 Honour, it's those forces, central African forces, FACA, national
23 gendarmerie, and the USP that came under the president of the republic.
24 The USP is a unit which comes directly under the president of the
25 republic.

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1 PRESIDING JUDGE STEINER: Mr Witness, could you explain to the
2 Chamber, in your own words, what exactly happened in
3 Central African Republic in October 2002?

4 A. Your Honour, there was a rebellion that happened in central
5 Africa, Central African Republic. This rebellion was led by the former
6 chief of staff of the armies, Francois Bozizé, General Francois Bozizé.
7 This rebellion therefore carried out attacks right to Bangui. I say
8 right up to Bangui. And, in particular, in the northern neighbourhoods,
9 PK12, the northern exit, Gobongo, Boy-Rabé, et cetera. And that is how
10 there were these reinforcements in order to drive back this rebellion out
11 of the capital. That's what happened.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted). The former

22 chief of staff, having gone into the rebellion, this rebellion got as far
23 as Bangui. There were attacks in the northern neighbourhoods, PK12,
24 Gobongo, Boy-Rabé, et cetera.

25 There were therefore reinforcements who came to drive back this

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1 attack, this rebellion, such that they could not reach Bangui and that is
2 how things went, Madam Presiding Judge of the Chamber.

3 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. But
4 let's try now to split up some of your -- some of your words in, in order
5 to understand step by step what happened. (Redacted)

6 (Redacted)

7 (Redacted)

8 A. (Redacted)

9 (Redacted)

10 PRESIDING JUDGE STEINER: But were you in Bangui when the
11 rebellion started?

12 A. Indeed, I was. I was in Bangui, yes, I was in Bangui.

13 PRESIDING JUDGE STEINER: But you said in your previous answer
14 that the forces that comprised the loyalist forces were FACA and
15 le gendarmerie. Were these loyalist forces all from
16 Central African Republic or you had help from outside the country?

17 A. Your Honour, when there was this attack on Bangui, indeed there
18 was help, outside help. There was the MLC group which came to provide
19 help, and also there was support -- air support from Libya, in order to
20 contain this rebellion.

21 PRESIDING JUDGE STEINER: So summarising, Mr Witness, at the end,
22 what were the forces involved in the conflict?

23 A. Involved how?

24 PRESIDING JUDGE STEINER: Which armoured forces or groups were
25 involved in the conflict between October 2002 and March 2003?

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1 A. The forces that were involved, as I said, you had the loyalist
2 forces, but you have to understand, your Honour, it was the former Chief
3 of General Staff of the armies who entered into rebellion, so the
4 power -- or the authorities were suspicious of the FACA already, and
5 that's the reason why there was a call that was made for rescue from
6 external forces, as I said, in particular, MLC troops and I think there
7 was also air support from Libya during this period.

8 PRESIDING JUDGE STEINER: To your knowledge, who was the
9 authority that called for reinforcements from the -- from other
10 countries?

11 A. Your Honour, as I said, the MLC troops were already there, (Redacted)
12 (Redacted), the process and the arrival of
13 these troops is something that I can't tell you about. These troops had
14 already arrived in the field (Redacted)
15 (Redacted)

16 PRESIDING JUDGE STEINER: So you don't know who took the
17 initiative of calling the MLC to come to Central African Republic?

18 A. I'll say again: (Redacted)
19 (Redacted)

20 PRESIDING JUDGE STEINER: Mr Witness, I understood perfectly well
21 your answer. What I'm trying to obtain from you is an information as to
22 whether, (Redacted) you
23 heard, you acknowledged, when and by whom the troops of the MLC were
24 called.

25 A. Your Honour, this was a decision taken at very high level, (Redacted)

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1 (Redacted)

2 (Redacted)

3 PRESIDING JUDGE STEINER: Thank you, Mr Witness.

4 What was, in your -- as far as you know, the role of the FACA
5 during the period between October 2002 and March 2003? Start by saying,
6 please, describe the command structure of the FACA. Can you help us in
7 that?

8 A. Yes. The command structure of the FACA, we had the Chief of
9 General Staff of the armies, and under -- under his orders, you had the
10 Central African FACA forces, they were the battalion, infantry battalion,
11 BIT, BIT 2, BIT 3, infantry battalion, territorial infantry battalions.
12 You also had the BIMA, the Mixed Intervention Battalion. There was also
13 the amphibious battalion for river operations. There was the air force
14 for the small airplanes that there were in the army. And you also had
15 the health service of the army as well. So there were battalions,
16 infantry, navy, mixed battalion, mixed intervention, the air force.
17 Those were the units that were placed under the command of the Chief of
18 General Staff of the armies.

19 PRESIDING JUDGE STEINER: Can you give the Chamber some names of
20 these commanders of battalions of the FACA that were under the orders of
21 the Chief of General Staff?

22 A. Madam President, to remember all the names of those commanders
23 ten years ago, even though they have been replaced at the head of those
24 corps, that would be impossible for me. So these people replace each
25 other. It is not possible for me to know precisely those who were in

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1 position in 2002-2003, and I repeat: This was more than ten years ago.

2 But I have given you the configuration of the structure of the army at
3 the time, and even today.

4 PRESIDING JUDGE STEINER: What was the number of military persons
5 or between officials, soldiers, of the FACA forces? How many military
6 belonged to the FACA forces at that time?

7 A. Madam President, if I were to estimate, a battalion was made up
8 of about 400 to 500 soldiers, and also of two, three, or even four
9 companies. And the strength of the FACA at the time would have been
10 around 4.000 to 5.000. So if you have ten corps, times four or five, you
11 will have about 4.000 to 5.000 men. That is the same strength today.

12 PRESIDING JUDGE STEINER: (* Previous translation continues)...
13 on the number of -- do you have any information on the number of soldiers
14 that left FACA and followed General Bozizé into the rebellion?

15 A. I cannot confirm that to you but, as I have said before, the fact
16 is that it was the Chief of General Staff who rebelled, and there were
17 officers and soldiers who followed him. I cannot give you an
18 approximation of the numbers of those who joined the rebellion.

19 PRESIDING JUDGE STEINER: Mr Witness, who commanded the unite de
20 securite presidential, was part of the FACA or was a separate body?

21 A. The USP, Presidential Security Unit, is a unit that comes under
22 the direct authority of the president of the republic and head of state.
23 At that time, there was a general who was the director general of the
24 USP.

25 PRESIDING JUDGE STEINER: And who was this general?

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1 A. At that time, it was General Ferdinand Bombayake.

2 PRESIDING JUDGE STEINER: Mr Witness, were you informed or did
3 you eyewitness the arrival of the ALC troops into CAR?

4 A. As I have said, the MLC troops had arrived well before. I was
5 not there to observe their arrival, but as I said, they had arrived well
6 before.

7 PRESIDING JUDGE STEINER: (Redacted)

8 (Redacted)

9 A. (Redacted)

10 (Redacted)

11 (Redacted)

12 PRESIDING JUDGE STEINER: Who were the officers who were leading
13 those troops? Do you remember?

14 A. Yes. As I said in my prior statement, the commander of the
15 detachment at that time was a colonel known as Colonel Moustapha.

16 PRESIDING JUDGE STEINER: (Redacted)

17 (Redacted) Where were the

18 loyal FACA forces deployed? Try to be as more specific as possible about
19 the places where FACA forces were present and stationed.

20 A. Yes. The FACA forces were mainly occupying Bangui town,
21 especially the southern neighbourhoods of Bangui town, the residential
22 neighbourhoods, the administrative centre, and others. So the FACA
23 forces were defending Bangui town. The FACA were also deployed in the
24 outlying areas that were not -- in places that were not much affected by
25 the fighting, in the east of Bangui and in Bouar. In the east of the

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1 country where there was no conflict, the FACA were occupying those
2 positions. So they were in Bangui, the centre-east and centre-west of
3 the country.

4 PRESIDING JUDGE STEINER: Mr Witness, in your statement
5 CAR-OTP-0008-0219 at page 2, 0248, you said that the MLC and the USP were
6 the main forces fighting against the rebels. What exactly was the role
7 of the USP in that conflict?

8 A. As I have already stated before, the MLC forces and the USP were
9 fighting together to repulse the rebels who had advanced right to Bangui.

10 PRESIDING JUDGE STEINER: Where were the USP forces deployed?

11 A. They were deployed on the various main roads where the fighting
12 was taking place. The two roads in the north of Bangui. One road that
13 goes to the direction of the north-west, Bangui, Boali, Bossembélé, and
14 onward to Cameroon, and also in the direction of Bossangoa. Further on,
15 there is a road from Bossembélé towards Bozoum. Now, still as from PK12
16 to the east you have Damarasi Bout (* phon) in the direction of Bambari.
17 And then the roads that branch off from Damara to Gangalo (* phon),
18 Bouca, and others, and then on the south, Begoua, Gabando (* phon),
19 towards the north, and this is based on the fact that the rebellion was
20 advancing from the north of the country.

21 PRESIDING JUDGE STEINER: Mr Witness, in your statement,
22 CAR-OTP-0008-0219, at pages 0256, 57, and 63 to 65, (Redacted)
23 (Redacted)
24 (Redacted). What is exactly who were stationed in Camp Béal,
25 what these meetings -- why these meetings were held at Camp Béal, and who

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1 was present in those meetings, Mr Witness?

2 A. Madam President, the country was in a situation of crisis. (Redacted)

3 (Redacted) there

4 were daily meetings organised by the Minister of Defence in his office at

5 Camp Béal. Those who attended those meetings included the minister of

6 the interior, the Chief of General Staff, the director general of the

7 gendarmerie, the director general of the USP, the presidential security

8 unit, and the director of military intelligence. So you had the minister

9 of defence, the minister delegate for defence, the director general of

10 the gendarmerie, the director general of the police, the director general

11 of the USP, and the director of military intelligence.

12 PRESIDING JUDGE STEINER: What types of operational issues were

13 discussed in these meetings, Mr Witness?

14 A. The type of operational issues discussed included the positions

15 of the are rebels who were advancing, who had occupied certain towns,

16 Kalabando (* phon), Bozoum, Bossangoa, so they were advancing. So the

17 gendarmerie, the police, and the intelligence services provided

18 information, but there was also the positions of the loyalist forces. As

19 I have said, those who were in Bambari, for example, at their -- rebel

20 movements there, those who were in Bouar, were the rebels advancing

21 towards Bouar, (Redacted) the positions of the troops of the

22 fighting units including particularly the MLC troops and the USP unit,

23 which was on the front line in contact with the rebellion.

24 PRESIDING JUDGE STEINER: As a result of these meetings at

25 Camp Béal, were operational decisions or orders issued?

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1 A. Yes. For example, if there were logistical problems, for example
2 the provision of allowances, daily subsistence allowances for the troops
3 in the field, or also if there were difficulties linked to the
4 operational situation, the minister of defence would then be able to
5 report to the head of state. (Redacted) so that
6 the minister should be able to report back to the head of state.

7 PRESIDING JUDGE STEINER: But as a result of these meetings, were
8 any military or operational orders issued to those that were in the
9 field, in the battlefield?

10 A. As I have already said, the troops which were in contact with the
11 rebellion and which were chasing off the rebels were the MLC and the USP,
12 and it was the director general of the security -- the presidential
13 security, who was responsible for that, who consulted with the head of
14 state, to be responsible for that. For the other troops, if it came to
15 food rations for the troops in Bangui and so on, if it was necessary,
16 then the minister will issue the orders for measures to be taken to
17 provide food and so on and so forth.

18 PRESIDING JUDGE STEINER: Have you received during that period or
19 did you receive during that period any information about the behaviour of
20 the loyalist forces towards the civilian population in CAR?

21 A. I did not receive much information.

22 PRESIDING JUDGE STEINER: (Redacted)
23 (Redacted)

24 A. I know that, as I have already said, the loyalist forces, which
25 were in Bangui, were also in the outlying areas, Bambari and Bouar, and

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1 those were towns that remained unaffected during that time, so where the
2 loyalist forces were, there were no problems. There was no fighting.
3 The problems took place in the areas of conflict where there was
4 fighting.

5 PRESIDING JUDGE STEINER: And in relation to the combat zones,
6 areas of conflict, have you received information about behaviour or bad
7 behaviour of any troops against the civilian population?

8 A. What I know is that in the villages along the road, and as you
9 know in the area of logistics, if the foreign troops that were there,
10 they had to eat the goats or domestic animals in the villages that they
11 went through when chasing out the rebels. These cases were frequent.

12 THE INTERPRETER: From the English booth, the sound quality seems
13 to be deteriorating.

14 PRESIDING JUDGE STEINER: (* Previous translation continues)...

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 A. As I have already explained, the FACA troops were mainly focused
19 on defending the greater Bangui area, and there were meetings with the
20 leaders of the various corps. As I have already explained, it was the
21 northern part of the town that was affected by the rebel attack in
22 October 2002. I have talked about the northern neighbourhoods, PK12,
23 Begoa, Gobongo, and others. It was the northern exit of Bangui. In the
24 south, the administrative centre, and the west, these areas were not
25 affected and these were the areas that were guarded and defended by the

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1 FACA. There were also the outlying areas in the east of the country,
2 Bandaky (* phon) and to the west, Bouar, and others were areas that were
3 not affected by the rebellion.

4 PRESIDING JUDGE STEINER: Mr Witness, if I conclude from your
5 statement -- from your testimony that FACA soldiers were not involved in
6 combat on the field, what would you say? Am I correct in my
7 interpretation or I'm wrong?

8 A. Let me repeat, Madam President: It was the Chief of General
9 Staff who had gone into rebellion, and soldiers followed him. From that
10 moment on, the head of state distrusted the FACA. It is for this reason
11 that after the attack of October, and the reinforcements by the MLC
12 troops, it was the USP which was, in fact, the president's guard unit,
13 that was leading the operations, together with the MLC forces. I hope
14 I've made myself clear.

15 PRESIDING JUDGE STEINER: Could you describe for us what kind of
16 uniforms were worn by the FACA soldiers, the USP soldiers, and the ALC
17 soldiers?

18 A. Madam President, it must be acknowledged that the CAR Defence
19 forces have equipment problems. Most of the FACA had camouflage
20 uniforms, and I believe the USP had green army uniforms, and the MLC also
21 had green army uniforms. The fact remains that there was a problem of
22 equipment, specifically uniforms, in the Central African defence and
23 security forces.

24 PRESIDING JUDGE STEINER: Who provided the uniforms to the ALC
25 soldiers?

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1 A. It was the presidential security unit, the USP.

2 PRESIDING JUDGE STEINER: So the ALC soldiers were wearing
3 uniforms similar to those of the USP?

4 A. Yes, indeed. Yes.

5 PRESIDING JUDGE STEINER: And different from the uniforms of the
6 FACA soldiers?

7 A. As I said before, there was a problem of uniforms. Most of the
8 FACA soldiers wore camouflage uniforms, while the USP wore green army
9 uniforms. But I must point out also, Madam President, that when the --
10 the units fighting together had arm bands so as to be able to identify
11 themselves, yellow, red, or blue depending on the corps so as to identify
12 themselves, and this happens even till today, they wear arm bands,
13 coloured arm bands to identify themselves.

14 PRESIDING JUDGE STEINER: Mr Witness, it's almost 3.00. We will
15 have a half an hour break. We will be back at 3.30.

16 The hearing is suspended.

17 (Recess taken at 2.59 p.m.)

18 *(The hearing resumes in closed session at 3.34 p.m.) Reclassified as Open session

19 THE COURT USHER: Please be seated.

20 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

21 A. Good afternoon.

22 PRESIDING JUDGE STEINER: Before you continue with your
23 testimony, I've heard that Maître Badibanga may wish to address the
24 Chamber.

25 Maître.

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1 MR BADIBANGA: (Interpretation) Thank you very much, your Honour.
2 I wish to merely apologise in the most formal tone possible for my delay
3 earlier this afternoon and my absence from the hearing. Unfortunately,
4 they were quite unusual circumstances and I was unable to inform the
5 Chamber in advance, and I do sincerely apologise to the Bench. Thank
6 you.

7 PRESIDING JUDGE STEINER: Thank you very much, Maître Badibanga.
8 We left in the record some words of confusion because this is not a
9 regular behaviour of any of the parties. So not only the Chamber was not
10 informed, but there was nobody to give any information. So we thank very
11 much for you coming and giving your excuses, asking your excuses for the
12 record.

13 Mr Witness, I still have some questions to put to you, but before
14 that, I will give the floor now to Judge Joyce Aluoch, who has some also
15 a group of questions to put to you.

16 Judge Aluoch, please.

17 JUDGE ALUOCH: Thank you. (Redacted)
18 (Redacted)

19 Nevertheless, I will ask you if you're able to describe the troop
20 movements of the MLC forces throughout the CAR during the period of the
21 conflict. Are you able to describe that to us with specific -- specifics
22 as to the names of the cities, where they were? Are you able to do that,
23 please.

24 A. Yes. Yes, your Honour. (Redacted)
25 (Redacted)

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1 (Redacted) As I explained
2 earlier as well, the rebels attacked Bangui in October 2002. So there
3 was that initial attempt by the MLC to drive back the rebels and to
4 continue their flight. Now those troops, when they arrived, when I was
5 there, that was at PK12, the north exit out of the town of Bangui, and it
6 was from that point where the troops organised themselves to continue
7 their advance northward towards the towns of the north which were
8 occupied by the rebels. I also said that there were two main roads that
9 cross at PK12 to the northern part of Bangui, the north exit. There is
10 the Boali road, Bossembélé, that goes on to Cameroon, and then from
11 Bossembélé there is a road that goes on to the centre north, Bossangoa,
12 towards the north, and you see it was the road towards Bossantele, and so
13 another road that continues towards Bozoum in the north-west. If we look
14 to the east, the road goes to the town of Damara and a road goes on from
15 Damara to Batangafo, Kabo, towards the north. Also from Damara, you can
16 go towards Sibut, there is another road that goes to the north.

17 So Sibut, Tekwa (* phon), Kabandro (* phon) towards the north,
18 and Kabandro and Debili (* phon) both towards the north border. Sibut,
19 the road that goes.

20 THE INTERPRETER: Inaudible.

21 THE WITNESS: (Interpretation) Bambari, Mobaye, Ubangasu (* phon),
22 Ebugambari (* phon) towards Boali. As I said, it was far more the towns
23 of the centre, the centre north, that were affected by the rebels.
24 I also explained that the rebel -- the rebellion came from the north,
25 from the centre-north, Bossangoa, for example, in the central-north area,

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1 Bozoum, somewhat in the western-centre, Kabandro in the centre-north.
2 And there was involvement all the way to Damara, to Bouca or Batangafo.
3 When the MLC troops arrived at PK12, the north exit of the town, it was
4 because they wanted to advance towards those roads, as I explained. The
5 western road, Bangui-Sibut, Bangui-Boali-Bossembélé, eventually towards
6 Bossangoa and Bangui. Bossembélé, Bossantele, and eventually Bozoum, and
7 to the east, Bangui-Damara-Sibut, or Damara-Boganglolo-Batangafo, or
8 Damara-Sibut-Dekoa-Kabandro

9 So there you have it. Those were the roads that the troops --
10 that the MLC troops advanced along, following those rebels who had
11 attacked Bangui in October 2002.

12 JUDGE ALUOCH: Thank you, Mr Witness. In your statement of March
13 2008, document CAR-OTP-0008-0219, you stated that there were at least
14 three MLC battalions in CAR comprising about 1.500 to 2.000 soldiers. Do
15 you still stand by this statement? Do you still stand by this number?
16 That's the number that -- of the troops that there were in CAR, MLC
17 troops?

18 A. That's an estimate that I provided in relation to the roads that
19 I was speaking of earlier and also in relation to the combat zones in
20 2003. I had said a thousand, a 1500, at least three battalions.

21 Q. Now sometime this morning you described to the Chamber the
22 command structure of FACA. Would you be able to do the same and describe
23 to us the command structure of the MLC, to the best of your knowledge?

24 A. I'm not in a position to describe that because they were not the
25 same modes of operation.

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1 JUDGE ALUOCH: I see. Now I'll refer to another statement that
2 you made to the Prosecution in March of 2008, document CAR-OTP-008-0219,
3 where you describe Colonel Moustapha's role as a commander of the MLC.
4 What were his duties, if you can remember?

5 A. As I said earlier, he was the commander of the MLC detachment in
6 the CAR. He was the one who ensured coordination of all the operations.

7 Q. And did you find -- did you get to know to whom he reported?

8 A. He reported to the head of the MLC.

9 PRESIDING JUDGE STEINER: Mr Witness, just a clarification, you
10 just said in your last -- last answer that Colonel Moustapha was the
11 commander of the MLC detachment in the CAR. He was the one who ensured
12 coordination of all the operations. What you meant by "coordination of
13 all the operations"?

14 A. That means that he was the one who monitored the MLC troops, the
15 operations of the MLC in the field, along the various roads, in the
16 various zones. He was the one, and he would go back and forth,
17 practically every day, to see how things were going in the field.

18 JUDGE ALUOCH: And when you say he reported to the head of MLC,
19 what do you mean, who do you mean?

20 A. Well, you see, at the time it the head of the MLC was Mr Bemba.

21 JUDGE ALUOCH: Can you tell the Chamber anything -- can you
22 describe Colonel Moustapha's position in relationship to Mr Bemba who you
23 say was the head of MLC? Do you have any information in that respect,
24 any interactions between them and their relationship at all?

25 A. Well, I do think that he was the head of the detachment of the

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1 MLC that was operating in the CAR, and he had to report to the head of
2 the MLC.

3 JUDGE ALUOCH: So this is what -- this is what you assume. This
4 is logical, really. I cannot ask you who told you this. This is the way
5 you understood it, isn't it?

6 A. Well, a head of a detachment has to report back to his superior.

7 JUDGE ALUOCH: I will -- I will -- I'll ask you about some
8 testimony in this Court so far. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 A. (Redacted)

15 JUDGE ALUOCH: (Redacted)

16 (Redacted)

17 (Redacted)

18 A. (Redacted) As I was saying earlier, the MLC forces that had
19 arrived, were operating with the USP, the presidential security unit, and
20 they would exchange information with each other. (Redacted)

21 (Redacted)

22 (Redacted)

23 THE INTERPRETER: Inaudible.

24 THE WITNESS: (Interpretation) (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 JUDGE ALUOCH: So, then, who was ultimately in command of the MLC
4 forces that were fighting in CAR?

5 A. Well, I told you. I said that the commander of the MLC
6 detachment in the CAR was Colonel Moustapha. The MLC units, on
7 conducting operations, with the presidential security unit, they would
8 talk to one another and you would see Libyans and the MLC forces, the MLC
9 detachment were fighting in the field with soldiers from the presidential
10 security unit. That is what I said. And this is what I am repeating.

11 PRESIDING JUDGE STEINER: Mr Witness, in your statement in March
12 2008, document CAR-OTP-0008-0219, at page 0251, you said that Mr Bemba
13 was the one providing arms, weapons, to his soldiers in the CAR.
14 According to you, it was Mr Bemba who provided his troops with small
15 weapons, Kalashnikovs, AKs, heavy arms such as 12.7 and 14.5 cannons and
16 ammunitions. What is the source of this information?

17 A. Well, troops that are sent off on a mission do not go off with
18 empty handed. Troops that are sent off as part of a detachment come with
19 their weapons and their ammunition, and that is what happened.

20 PRESIDING JUDGE STEINER: (* Previous translation continues)...
21 provided the MLC troops with heavy weaponry?

22 A. The chief of the -- the head of the MLC, who sent those troops
23 with their weapons and ammunition, other supplies and equipment needed.

24 PRESIDING JUDGE STEINER: You're saying that no weapons of any
25 kind were given to the MLC troops that were fighting on the field? Given

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1 by the Central African authorities, of course.

2 A. Well, ourselves, within the CAR, we did not have enough weapons
3 for our own forces, for our own troops, so for that particular reason, we
4 were certainly not able to provide weaponry to foreign forces.

5 PRESIDING JUDGE STEINER: But you provided them with uniforms,
6 didn't you?

7 A. I had said that the uniforms were uniforms from the USP that had
8 been donated and distributed to those troops.

9 PRESIDING JUDGE STEINER: And you talk as well about an
10 allowance. Who paid the allowance to MLC soldiers?

11 A. Well, I think that for the support of the men in the field,
12 within the USP and through the office of the president of the republic,
13 amounts of money were provided for the support, I think daily allowances
14 were provided for those soldiers who were fighting in the field.

15 PRESIDING JUDGE STEINER: And in terms of food, who provided food
16 to the MLC soldiers?

17 A. Well, the same thing holds true. It was through the presidential
18 security unit. Those soldiers were operating together.

19 PRESIDING JUDGE STEINER: Mr Witness, do you know how the MLC
20 forces in the field and the loyalist forces communicate with each other?

21 A. As you realise, the MLC soldiers had their leader, but as well,
22 the USP soldiers who fought with them had their leaders, and they
23 manoeuvred together. In any event, the MLC soldiers operated,
24 manoeuvred, on foot, much more. They were on foot far more often.

25 PRESIDING JUDGE STEINER: Mr Witness, I asked you about the means

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1 of communications among them.

2 A. It seems to me that the MLC soldiers had Thurayas. Also, the USP
3 soldiers had Thurayas. There were not enough radios. At the time, the
4 telephones were already working, but mainly it was the Thuraya satellite
5 telephones.

6 PRESIDING JUDGE STEINER: (Previous translation continues)...
7 Thurayas, do you know?

8 A. I'm not in a position to say.

9 JUDGE ALUOCH: Mr Witness, I believe that from where you are
10 sitting, you can see the courtroom quite clearly. Can you see Mr Bemba
11 in the courtroom?

12 THE COURT OFFICER: (VIA VIDEOLINK) Madam President, your
13 Honours,
14 the screen on which the witness can see you is relatively small.

15 JUDGE ALUOCH: Okay. All right. Sorry, Mr Witness, I will ask
16 the question in another way. Do you know Mr Bemba, please, Mr Witness?
17 Do you know him? Have you ever seen him before?

18 A. Mr Bemba is one of the high-ranking political personality of a
19 brotherly and friendly country, the DRC. And Mr Bemba is known in his
20 capacity as a high-ranking political official or personality of the
21 Democratic Republic of Congo.

22 JUDGE ALUOCH: (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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

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1 A. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 JUDGE ALUOCH: I'll ask you something that comes from your
6 statement again of 28 March about rapes committed by the MLC. This is
7 document CAR-OTP-0008-0219, at 0274-276 to 79. How did you come to get
8 this information, these alleged rapes? How do you come to know this?

9 A. Just like everyone else. Those rapes became known to the general
10 public. People spoke about them. There were even testimonies from rape
11 victims. So the general public was aware of what had happened.

12 JUDGE ALUOCH: So did you also hear anything about the identity
13 of the perpetrators of these rapes?

14 A. I have said before that when the MLC troops came to Bangui, they
15 were positioned at PK12, at the north exit. That is where they spent a
16 lot of time, and it was there, in those northern neighbourhoods,
17 specifically PK12, Gobongo, and others, that there were a lot of reports
18 about those cases of rape.

19 JUDGE ALUOCH: Now, in those same areas, were the loyalist FACA
20 troops also present or were there just MLC troops in those particular
21 areas?

22 A. I have said that the MLC troops were positioned there before
23 beginning their advance on the various main roads that I have mentioned.

24 JUDGE ALUOCH: Other than rapes, did you hear any complaints
25 about pillaging or any -- anything like that?

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1 A. Yes. There were also complaints about pillaging in the towns and
2 the villages that those troops went through.

3 JUDGE ALUOCH: During that period, Mr Witness, did you hear of
4 the term "Banyamulengue" being used? And if you did, to whom was it
5 referred, this term "Banyamulengue"?

6 A. It is a term that was widely used in the CAR and in Bangui, and
7 this term relates to the MLC troops, and you should not forget that these
8 troops had already come there in 2001, in May 2001, when there was an
9 attempted coup d'état in the CAR. Those troops had already come to
10 provide assistance before going back home and returning later in October
11 when Bangui was attacked.

12 JUDGE ALUOCH: Going back to your statement of March 2008 to the
13 Prosecution, you stated that victims identified their perpetrators as
14 Banyamulengue. How did you get to know this information? Did any
15 victims complain to you personally? Or complain to people that you knew?

16 A. As I have stated before, this was not a secret to anyone when
17 those rapes and the pillaging took place. There were even associations,
18 there were victims who testified, who expressed themselves over the
19 radio, on the television, women who had been raped by one, two, or three
20 individuals, and sometimes women who were even raped in the presence of
21 their husbands or other members of their families. The general public in
22 the Central African Republic was aware of all that. It was not a secret.

23 PRESIDING JUDGE STEINER: Mr Witness, we heard information before
24 this Chamber, and I just wanted to check with you some of this
25 information. For instance, in transcript 234, confidential English,

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1 edited version, (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 (Redacted)
16 A. (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted) In November 2002,
22 General Betibangui, the chief of staff at the time, was still alive and
23 had a -- and enjoyed all his faculties. He died around mid-December and
24 he was not sick. How do you imagine that there was a chief of staff who
25 was in position and then another one still there? That would mean two

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1 chiefs of staff. If that information was given to the Court, I would say
2 this is absolutely wrong. Betibangui was still in position until he died
3 in December 2002, his deputy was Mazi, and in January 2003, Colonel Gambi
4 was appointed Chief of General Staff.

5 PRESIDING JUDGE STEINER: (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

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22 (Redacted)

23 (Redacted)

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25 (Redacted)

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- 1 (Redacted)
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- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
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- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
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- 12 A (Redacted)
- 13 (Redacted)
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- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

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5 (Redacted)

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10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 PRESIDING JUDGE STEINER: (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 A. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 PRESIDING JUDGE STEINER: And what about the UPS? Who
3 commanded the UPS at that time? It was General Bombayake, was it?

4 A. Yes, indeed.

5 PRESIDING JUDGE STEINER: (Previous translation continues)...
6 participated in these meetings at the Camp Béal?

7 A. He took part in the daily or weekly meetings chaired by the
8 Minister of Defence. As I also said, this brought together the Minister
9 of Defence, the Minister of the Interior, the Chief of General Staff, the
10 director general of the police, the director general of the police, the
11 director general of the USP, and the chief of intelligence.

12 PRESIDING JUDGE STEINER: And at these meetings,
13 General Bombayake also made reports on what was happening in the field?

14 A. Exactly, because it was his soldiers, in cooperation with the
15 MLC, who were at the front.

16 PRESIDING JUDGE STEINER: (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 A. (Redacted)

21 PRESIDING JUDGE STEINER: (Redacted)

22 A. (Redacted) the FACA soldiers were far more
23 involved in the defence of the town of Bangui in relation to the attacks
24 that had occurred. The FACA were in the outlying areas around Bouar and
25 also Bambari, and those were areas that were not affected by the rebels.

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1 Those were the zones. You see, there was the river, the Ubangi river,
2 the amphibious units, so that area was held, but the operational areas,
3 the fronts as I said, Bangui-Bossembélé road, Bossangoa, or
4 Bangui-Bossantele-Bozoum, or Bangui-Damara-Bouka-Batangafo, those roads,
5 and Kadabangaro (* phon), those were areas where combat was underway, and
6 in those areas operations were being led by the MLC troops and the units
7 from the USP.

8 PRESIDING JUDGE STEINER: (Redacted)
9 (Redacted) how would you
10 explain the interaction between the USP forces and MLC in the
11 battlefield? What was the chain of command? How were the
12 responsibilities shared between these two main groups that were in the
13 field?

14 A. As I said, the MLC troops were led by Colonel Moustapha, and the
15 USP troops were led by General Bombayake, so the coordination of
16 operations between those two units, who were at the front, was the
17 responsibility of those two people, General Bombayake and
18 Colonel Moustapha.

19 PRESIDING JUDGE STEINER: But how can we conceive a coordination
20 of operations without a chain of command, without a command, a superior
21 command? Were each one doing whatever they want?

22 A. The superior of Mr Moustapha was the head of the MLC, the
23 hierarchical superior of Bombayake was the chief of -- was the head of
24 state. As I said, the USP was a unit that was made available to the head
25 of state and it did not report to the General Staff or to the army

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1 headquarters.

2 PRESIDING JUDGE STEINER: I think for the time being, I will
3 leave aside some further questions that I had to put to the witness.

4 Mr Witness, the Chamber, if need be, will come back to -- with
5 some further questions or clarifications. For the time being, I just
6 thank you very much for answering to all questions we put to you, the
7 Chamber has put to you. And therefore, I now give the floor to the
8 Office of the Prosecution who will start with your questioning.
9 Maître Badibanga, you may remain seated if you prefer.

10 MR BADIBANGA: (Interpretation) Thank you, your Honours.

11 QUESTIONED BY MR BADIBANGA:

12 Q. Good afternoon, Witness.

13 A. Good afternoon.

14 Q. Please don't be offended but I'll be referring to you as
15 Mr Witness throughout the examination because that is what you are before
16 this Court, a witness. Is that fine by you?

17 A. That's fine by me because ever since the beginning that is how we
18 have been proceeding and that is what I've been called. That is how I've
19 been referred to.

20 Q. When you heard the introductory remarks by the Presiding Judge
21 this morning, she reminded you of the golden rules here, in particular
22 the rule that one must speak slowly and wait five seconds between
23 question and answer. In this particular case, when I'm asking you
24 questions, that rule will be especially important because I myself tend
25 to speak quickly and since we -- the two of us are both speaking in

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1 French, you'll have to get into the habit of taking a five-second break
2 between questions, even though you understand the question perfectly
3 well, and I too will have to wait five seconds, even if I've understood
4 your answer perfectly well. So we'll have to make that effort so the
5 interpreters and court reporters can do their work properly. Is that all
6 right by you?

7 A. Well, I too speak somewhat fast and ever since the beginning I
8 have been saying that I would try my best before the Court to respect
9 this rule. I speak somewhat fast myself, but I will try my best, as I've
10 been doing ever since the beginning of this hearing.

11 Q. Very well. Just to make sure that we've understood one another,
12 in actual fact, when the Judges were asking you questions, they were
13 speaking in English and then you had to wait a little while for the
14 interpretation to arrive and vice versa. But since we are both speaking
15 French now, please be very careful about this rule. I will now begin my
16 questioning.

17 You reviewed a whole series of documents with the Presiding Judge
18 this morning, and you were asked whether the documents were authentic or
19 not, whether they were from you or not, and I would like to show you a
20 number of documents, the first one is document CAR-D04-0003-0128. This
21 is document number 31 on the Prosecution's list. Document 31. The Court
22 officer via?

23 THE COURT OFFICER: (VIA VIDEOLINK) The document is being shown
24 to the witness.

25 MR BADIBANGA: (Interpretation)

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1 Q. (Redacted)
2 (Redacted), I would like to ask you if we could take
3 advantage of your knowledge and experience (Redacted)
4 to make a few comments regarding this document, and if you're not in a
5 position to make any comments tell us so, but if you can -- if we can
6 benefit from your analysis, please allow us to do so. Could you read the
7 document, to begin, and familiarise yourself with it?

8 You can read it out loud, if you wish.

9 A. I'm reading it slowly. It's a copy here on the computer screen.
10 "Government authorisation, the minister of national defence, subsequent
11 to the resolution by the interdepartmental crisis commission, hereby
12 provides the following authorisation. The provision of military effects
13 of the allied forces, MLC --" I'm having some trouble reading this.

14 Q. I beg your pardon. I'll read it for you because, indeed, yes,
15 you are reading it off a computer screen. I will continue. "Government
16 authorisation, the minister of national defence, subsequent to the
17 resolution made by the interdepartmental crisis commission, hereby
18 authorises the provision of military effects to the allied forces, MLC,
19 organic weaponry, and identical uniforms. Operational radio frequencies
20 shall be attributed, tactical in nature, and a joint integrated command
21 shall be established, made up of the FACA, the USP and the allied force,
22 that is the MLC.

23 MR BADIBANGA: (Interpretation) If the Court officer could scroll
24 down and if we could look at the signature.

25 Q. Witness, can you read that name there at the very bottom, below

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1 the stamp?

2 A. Yes, yes, I can see. General Maurice Regonessa, and I can see by
3 the order of General Yangongo.

4 Q. Now this is dated 17 January 2003. Before I ask more detailed
5 questions about this particular document, now, after reading this
6 document, do you have any general comments for us?

7 A. This document is a fabrication. There are mistakes in this
8 document. I don't know whether on 17 January it was Yangongo, who was --
9 who was delegated minister and then General Luba (* phon). (Redacted)
10 (Redacted)
11 (Redacted)

12 Q. You just said that in your opinion there are some mistakes in
13 this document. Could you show us those mistakes?

14 A. Well, even the signature, that is not the signature of the person
15 in question. And in the heading, Minister of National Defence,
16 subsequent to the resolution by the inter-ministerial commission, and
17 then the provision of military effects, et cetera, et cetera, and the
18 signature, which I don't think is the signature of the general in
19 question, (Redacted), the junior minister was
20 Mr Duba (* phon).

21 Q. Regarding the signature, you said that -- well, the first time
22 you said it was not the signature of the person in question, and the
23 second time you said it was not the signature of the general in question.
24 Who are you referring to when you say the person in question or the --

25 A. General Yangongo.

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1 Q. I'll take this opportunity just to remind you of the five-second
2 rule, even if the answer comes to your mind immediately and seems
3 obvious. Now, just a question about the content. Provision of military
4 effects to the allied forces, weaponry, identical uniform, attribution of
5 tactical operation and radio frequencies, and the establishment of a
6 joint integrated command. Were those subjects or decisions that could be
7 taken within that framework or by that particular authority as is set out
8 in this particular document?

9 A. As I said, this document is a fabrication. It is full of
10 mistakes. As you said, the provision of military effects, and at the
11 very top, as I pointed out earlier, and then the signature, as I said a
12 few moments ago, this document to my mind is a fabrication.

13 Q. (Redacted)
14 (Redacted)

15 A. (Redacted)
16 (Redacted)

17 Q. (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)

21 A. (Redacted)
22 (Redacted)
23 (Redacted)

24 Q. Let us imagine for a moment that such a document has to be
25 produced or that decisions have to be taken. Who has the prerogative to

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1 decide that a joint integrated command will be established? Is that a
2 decision taken by the Minister of Defence, or is it a decision that would
3 be taken by the Chief of General Staff, or would it be taken by some
4 other body within the state?

5 A. Such a decision is the prerogative of the head of state.

6 Q. Once again, if we follow this same line of argument, who has the
7 prerogative to decide how tactical operational radio frequencies shall be
8 attributed? Is that something a minister would decide?

9 A. I think because the head of the transmission, that was something
10 that came under the Minister of Defence -- correction, the Ministry of
11 Defence.

12 Q. If I understand correctly, if we take these two examples, this
13 seems to be two decisions from two different parts of government that
14 have been mish-mashed?

15 A. Yes, quite so. As I said, the USP comes under the head of state,
16 and if foreign troops are in the country, it is the high authority that
17 decides what must be done. So this is, yes, a mish-mash. It is a
18 fabrication.

19 Q. So (Redacted)
20 (Redacted) your knowledge of the way that the army worked and the Ministry
21 of Defence and other CAR instructions are such that you conclude that
22 this document is a forgery?

23 A. That is correct.

24 Q. Thank you. This document can now be taken off the computer
25 screen.

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1 Now, we only have five minutes, I'm well aware of this, but could
2 we show the next document, document 32? And this is CAR-D04-0003-0129,
3 if that document could be shown to the witness.

4 THE COURT OFFICER: (VIA VIDEOLINK) That document is being shown
5 to the witness.

6 MR BADIBANGA: (Interpretation)

7 Q. I can see that the document has been blown up on the screen. Can
8 you read this?

9 A. Yes, I can read it. I can read it fine.

10 Q. Could you read this out to us, please?

11 A. Yes. "Hand-borne message, 099, MP/PR. From PR, to general
12 director of the presidential security unit. Highly urgent. Text: I
13 have the honour to inform you, please take command and organisation of
14 the FACA and allied forces, stop. For all counteroffensive military
15 operations, stop. Highly urgent, highly important, stop. End. 2
16 February 2003."

17 Q. Now, Witness, before I ask you more specific questions, could
18 I ask you this? Do you have a general impression that you would like to
19 share with the Chamber?

20 A. This document, like all the ones that have been shown, that comes
21 from the General Staff, and now this one from the president of the
22 republic, this appears to be a fabrication. This document is a
23 fabrication. Let us begin with the layout and then the content. And
24 even the signature of the head of state of the time, that is below. It's
25 the same sort of terms, the same person who concocted the other

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1 documents, the same person must have fabricated this one.

2 Q. Witness, we shall continue our analysis of this document
3 tomorrow. Perhaps could you just say a few words about the outline or
4 the way that the document is presented, the format?

5 A. The format, the layout? Well, hand-borne message signed by the
6 head of state, hand-borne message, that's more of a military expression,
7 a military usage. It's the same format as the -- as the documents that
8 were shown to me earlier. It says "note, very urgent. I have the honour
9 to inform you. Please take the --" the president does not inform. He
10 decides. He makes a decision. Either he makes the decision or issues a
11 presidential instruction. He does not inform a subordinate to whom he is
12 entrusting a mission. He makes a decision. So already right there you
13 can see that there is something wrong. How can the president of a
14 republic inform a subordinate to do something? He decides or he appoints
15 someone as an operational commander for the counteroffensive. He does
16 not inform anyone about these things. So already we see here that the
17 way it's worded, the format, this is a fabrication.

18 MR BADIBANGA: (Interpretation) Very well. We shall continue
19 tomorrow. I thank you, your Honour.

20 PRESIDING JUDGE STEINER: Thank you very much, Mr Badibanga.

21 Mr Witness, it's 5.00. It's enough for the first day. We will
22 adjourn and continue with your testimony tomorrow morning. I inform the
23 parties, participants, and of course the witness as well, that as from
24 tomorrow, we will sit on our old, regular hours, from 9.30 to 11.00,
25 11.30 to 1.00, and 2.30 to 1600, three sessions of one and a half hour

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1 each.

2 So, Mr Witness, we wish you have a very restful night and thank
3 very much Prosecution team, legal representatives of victims, the Defence
4 team, Mr Jean-Pierre Bemba Gombo. I thank very much our interpreters,
5 our court reporters. Thank you very much Ms. Bossette.

6 Ms. Bossette, are you there?

7 THE COURT OFFICER: (VIA VIDEOLINK) I'm there, Madam President.

8 PRESIDING JUDGE STEINER: Thank you very much.

9 THE COURT OFFICER: (VIA VIDEOLINK) You're welcome.

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

11 The hearing is adjourned.

12 (The hearing ends in closed session at 5.01 p.m.)

13 CORRECTIONS REPORT

14 Some inadvertently added blank lines have been removed in order to reflect the
15 correct page and line numbering of the present transcript.

16 RECLASSIFICATION REPORT

17 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and ICC-01/05-01/08-
18 3038, the version of the transcript with its redactions becomes Public.