

Trial Hearing
Witness: CAR-OTP-PPPP-0031

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 2
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki
6 Trial Hearing
7 Friday, 4 November 2011
8 (The hearing starts in open session at 2.02 p.m.)
9 THE COURT USHER: All rise. The International Criminal Court is now in session.
10 Please be seated.
11 THE COURT OFFICER: Good morning, your Honours, Madam President. We are in
12 open session.
13 PRESIDING JUDGE STEINER: Good afternoon, court officer. Could you please call the
14 case.
15 THE COURT OFFICER: Good afternoon, indeed. Situation in the Central African
16 Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo, case reference
17 ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you very much.
19 Good afternoon. Welcome Prosecution team. New faces. Could, please, Prosecution
20 introduce its team for today's hearing?
21 MS SCHMIDT: Thank you, Madam President. I'm here today with: Petra Kneuer,
22 senior trial lawyer; Eric Iverson, trial lawyer; with Sylvie Wachom, legal assistant; and
23 Sylvie Vidinha, trial support assistant; and my name is Bärbel Schmidt, associate trial
24 lawyer.
25 PRESIDING JUDGE STEINER: Thank you very much.

Trial Hearing
Witness: CAR-OTP-PPPP-0031

(Open Session)

ICC-01/05-01/08

1 Good afternoon, Maître Zarambaud, Maître Douzima. Good afternoon the Defence team,
2 Mr Jean-Pierre Bemba Gombo. Welcome our interpreters and court reporters.
3 We will start today with the testimony of Witness 31, and for that purpose I ask, please,
4 court usher to bring the witness in.
5 (The witness enters the courtroom)
6 WITNESS: CAR-OTP-PPPP-0031
7 (The witness speaks French)
8 PRESIDING JUDGE STEINER: Good afternoon, Mr Witness.
9 THE WITNESS: (Interpretation) Good afternoon, your Honour.
10 PRESIDING JUDGE STEINER: You are most welcome to this Court to give your
11 testimony in the present case.
12 Before you start testifying, Mr Witness, I would ask you, please, to take the oath by
13 reading the words of the oath that are probably in front of you.
14 THE WITNESS: (Interpretation) "I declare solemnly that I will tell the truth, the whole
15 truth and nothing but the truth," and I swear this.
16 PRESIDING JUDGE STEINER: Thank you, Mr Witness. Now that you have taken the
17 oath, can I confirm that you understand what the oath means?
18 THE WITNESS: (Interpretation) I understand it full well.
19 PRESIDING JUDGE STEINER: Do you understand it to mean that you must give
20 answers to questions asked of you that are true and accurate, to the best of your
21 knowledge and belief?
22 THE WITNESS: (Interpretation) Yes, I do. I understand it in that way.
23 PRESIDING JUDGE STEINER: Mr Witness, you might have been informed that no
24 protective measures have been granted to you as a witness in the present case because
25 protective measures were not requested. That means that you are going to testify in

Trial Hearing
Witness: CAR-OTP-PPPP-0031

(Open Session)

ICC-01/05-01/08

1 public session.

2 Although you will be testifying in public session, and with your identity known to the

3 public, I need to remind you that we may have victims, other witnesses, or persons

4 connected with this case whose identities are not publicly known. I would therefore ask

5 you to exercise caution in mentioning names of persons that could may be considered as

6 vulnerable in the context of the proceedings.

7 If need be that in an answer you mention names of potentially vulnerable persons, you

8 just let us know and we can go into private session. In private session you can speak

9 freely, because what is said here inside the courtroom is not heard outside the courtroom.

10 Mr Witness, another point that I need to inform you. Because we speak different

11 languages, there is interpretation so that we can understand each other. Because of the

12 interpretation it is important that you speak slower than normal in order to allow the

13 interpreters to do their job. It's also important, Mr Witness, that when any counsel put a

14 question to you, that you wait about five seconds before you give your answer in order to

15 allow the court reporters to complete the transcript of the question. This is what we used

16 to call "the five-seconds golden rule." So as soon as counsel finishes to put you a

17 question, you wait about five seconds before you start giving your answer. Is that fine

18 with you, sir?

19 THE WITNESS: (Interpretation) That suits me down to the ground, your Honour.

20 PRESIDING JUDGE STEINER: Wait five seconds before answering to my question.

21 Mr Witness, sometimes speaking slower may seem unnatural and it's possible that you

22 start speeding up. In that case I will have to interrupt you and ask you to slow down.

23 Please don't take offence. This is just for practical purposes and should not discourage

24 you from speaking.

25 Any doubts about any of these preliminary instructions, Mr Witness?

Trial Hearing
Witness: CAR-OTP-PPPP-0031

(Open Session)

ICC-01/05-01/08

1 THE WITNESS: (Interpretation) I am always used to speaking very quickly, but I'll do
2 my best to slow down to facilitate the understanding of what I have to tell the Court.
3 Thank you very much, your Honour.

4 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. That will allow our
5 interpreters to do their job.

6 Mr Witness, I need to put some questions to you. Have you been given the opportunity
7 to read the statement, or statements, that you made to the Court?

8 THE WITNESS: (Interpretation) Yes, your Honour. Since yesterday morning I have
9 been reading my written statements. I finished doing so at midday.

10 PRESIDING JUDGE STEINER: Mr Witness, at the time when you made the statement,
11 or statements, did you do so voluntarily?

12 THE WITNESS: (Interpretation) Yes, your Honour, I did indeed do it on a voluntary
13 basis.

14 PRESIDING JUDGE STEINER: Is the information that you have provided in your
15 statement, or statements, true and accurate to the best of your knowledge and belief?

16 THE WITNESS: (Interpretation) Yes, your Honour, but I realised that there are one or
17 two errors, many more, with regard to the dates. I did this when I was at the war
18 academy. This was in the period where I was sitting some examinations, so I wasn't
19 precisely clear about the dates and so I realise now that the dates that I originally stated
20 are not necessarily correct and I would just like to bring this to your attention now.

21 PRESIDING JUDGE STEINER: For sure, counsel from the Prosecution or Defence will
22 give you the opportunity to make the corrections that you deem necessary and
23 appropriate.

24 Mr Witness, in case the parties or the Chamber intend to introduce your statement or
25 statements as evidence in this case, do you have any objection?

Trial Hearing
Witness: CAR-OTP-PPPP-0031

(Open Session)

ICC-01/05-01/08

1 THE WITNESS: (Interpretation) No objection, your Honour.

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

3 As you were informed during the familiarisation process, you will be questioned first by
4 the Prosecution, then by legal representatives of victims and finally by the Defence. So
5 we will start today with your questioning by the Prosecution. Ms Schmidt, you have the
6 floor.

7 MS SCHMIDT: Thank you, Madam President.

8 QUESTIONED BY MS SCHMIDT:

9 Q. Good afternoon, sir.

10 A. Good afternoon, madam.

11 Q. We met on Wednesday, but I will briefly introduce myself again. My name is
12 Bärbel Schmidt, I represent the Office of the Prosecutor and I will be asking you questions
13 today.

14 Madam President has already advised you on how the interpretation system works in this
15 courtroom, so I simply remind you to speak clearly and slowly into the microphone and
16 thank you for making an effort to respect the five-second golden rule, as you mentioned.
17 If at any point you do not understand my question, please let me know and I will rephrase
18 the question and provide clarifications. If you would like me to repeat the question,
19 please also let me know, and then take your time to answer to each question so that you
20 can provide the Judges with a full account of what you know.

21 Further, sir, during your testimony I will ask you many questions such as "When?",
22 "Why?", and "How do you know?" I ask you to be patient with such questions and
23 answer them as best as you can, as this will assist the Chamber to understand the basis of
24 your knowledge of the facts.

25 Also, sir, you will have the opportunity to provide us with any clarifications in relation to

- 1 your statement.
- 2 It is also very important that you listen carefully to the questions and, when you answer,
- 3 please focus straight on the content of the question. Please do not take this as an offence.
- 4 I recommend proceeding this way simply to facilitate your testimony.
- 5 Lastly, if you need a break, please let me know.
- 6 Sir, are you ready to start with the questioning?
- 7 A. Yes, I am ready.
- 8 Q. Can you please state your full name?
- 9 A. My name is Lengbe Thierry. I'm a colonel in the Central African Army.
- 10 Q. Where were you born?
- 11 A. I was born in Bangui, in the Central African Republic.
- 12 Q. And what is your date of birth?
- 13 A. I was born on 18 September 1965.
- 14 Q. What is your nationality, sir?
- 15 A. I was born in the Central African Republic, so I am of Central African nationality.
- 16 Q. What is your marital status?
- 17 A. I have a partner and I have two children -- ten children.
- 18 Q. What is your place of residence and please only state the city, not the
- 19 neighbourhood?
- 20 A. I live in Bangui.
- 21 Q. And, in addition to French, which languages do you speak?
- 22 A. I speak French as well as our -- as well as Sango, the language in the Central African
- 23 Republic. I also have one or two notions of English.
- 24 Q. You told us that you are a colonel in the Central African Army. What is the exact
- 25 name of the Central African Army?

1 A. The Armed Forces of the Central African Republic that goes by the acronym FACA.
2 F-A-C-A.

3 Q. For how long have you been a colonel in the FACA?

4 A. I have been a colonel since April 2007.

5 Q. And what are your functions and duties in your current position?

6 A. Since August of last year, I was appointed the director of the officers' training centre.

7 Q. Where is this officers' training centre?

8 A. It is located in Bangui, in Camp Kassaïe.

9 Q. Could you provide us with some more details on what exactly your functions are in
10 this post?

11 A. This is a school for training non-commissioned officers and officers. Our officers
12 are otherwise trained elsewhere, so the current Head of State established this school and
13 so now I have been the head of this school for the last year.

14 Q. For how many trainees are you responsible at that school, sir?

15 A. It's for officers for a two-year programme. These are young students - university
16 students - at two years level of study. After the A-level period, they do a two-year
17 programme and they exit the school as a lieutenant. In addition to this, we have
18 non-commissioned officers. They follow a nine-year training programme and they exit
19 the school with the rank of sergeant within the army.

20 Q. I would like to go back to the start of your military career. When did you join the
21 FACA?

22 A. I started very young in a school, a school which is designed to have young people
23 enjoy schooling for children whose fathers were in the military and died, and so I
24 followed this until the A-level period and then I enlisted for active service in the army on
25 1 January 1987.

1 Q. After you joined in 1987, what was the next stage in your career?

2 A. I was entered into an office academy at Thies in Senegal and this was for a two-year
3 period. Following that, I returned to my country.

4 Q. On your return to Bangui, or to your country, what did you do next?

5 A. I returned to Bangui as a commander. I was in a parachute regiment at Bangui and
6 then I left to follow a training programme in an Academy of Applied Infantry Training.
7 This particular establishment was located in France, in Montpellier.

8 Q. Before you went to Montpellier and acted as a commander for the parachutists, how
9 many soldiers did you command?

10 A. In a normal army a section leader commands 30 soldiers, so when I returned I had
11 under my orders a section of men numbering 30.

12 Q. When did you return from France, sir?

13 A. I went to Montpellier in 1992, I spent one year there and then I returned in 1993.

14 Q. Where exactly did you return to?

15 A. I went back to Bangui, where I rejoined my regiment.

16 Q. So I understood correctly that you returned in 1993 from Montpellier. What did
17 you do afterwards, sir?

18 A. Following my return as a commander, I embarked upon a fresh training programme.
19 I went to Montpellier once again to follow the training session to become a captain. In
20 the meantime, I also followed a training session for a parachutist monitoring training
21 programme in the city of Pau in France in 1995.

22 Q. Could you please continue with the next step of your career?

23 A. So, as I was saying, for the captain programme I did this in 1997. When I returned I
24 had under my orders a company of infantry, some parachutists at Camp Kassaïe, and
25 subsequent to that I embarked upon another training programme for the school of Chief

Trial Hearing
Witness: CAR-OTP-PPPP-0031

(Open Session)

ICC-01/05-01/08

1 of Staff located in Cameroon.

2 Q. In which year was this, sir?

3 A. Well, that school in Cameroon, that was in the year 2000. It was in Cameroon.

4 Q. And how long did the training last in Cameroon?

5 A. That training lasted six months. I left in December of the year 2000 and I came back
6 in May, unless I'm mistaken. May 2001.

7 Q. What was your rank and your position in May 2001 when you returned from
8 Cameroon?

9 A. Well, first I went to Cameroon and I was a commander, you see? I was leading a
10 battalion of paratroopers in Bangui. When I came back from Cameroon I was sent to
11 Bouar to lead the military base there, 400 kilometres from Bangui.

12 Q. And in Bouar, how many people were under your command?

13 A. In Bouar it's one particular corps within the army. I don't know exactly how many
14 men were in that unit, but approximately 300 people, I would say.

15 Q. What corps was this, exactly?

16 A. Well, in Bouar, at the training centre, you see it's an instruction centre. It is used to
17 train the young recruits. When they come to the army they are trained there in Bouar,
18 and there's a garrison there with soldiers.

19 Q. If I understand correctly, you were training soldiers in Bouar. In what did you
20 train the soldiers?

21 A. The usual training. Ever since our country -- correction, our country became
22 independent, that centre has been in existence and we provide basic military training
23 there.

24 Q. Thank you, sir. How long did you stay in Bouar?

25 A. I didn't stay there for very long, one year, and after that I was appointed assistant to

- 1 the Deputy Chief of Staff for the land forces.
- 2 Q. Who was the Deputy Chief of Staff for the land forces at the time?
- 3 A. At that time -- may I give the person's name? Colonel Seregaza.
- 4 Q. Do you recall the date when you were appointed assistant to Colonel Seregaza?
- 5 A. Yes, I believe it was in August, unless I'm mistaken. August 2002.
- 6 Q. For how long were you the assistant of Colonel Seregaza?
- 7 A. I occupied that position until 2003.
- 8 Q. Can you provide us with a month in 2003?
- 9 A. Well, I don't want to say so because after that I left. After the events, 22 October, I
- 10 left. I went to Cameroon and I came back in 2003.
- 11 Q. When did you leave for Cameroon?
- 12 A. I went to Cameroon, unless I'm mistaken, I think it was 22 November 2002.
- 13 THE INTERPRETER: Interpreter correction: The 25th.
- 14 MS SCHMIDT:
- 15 Q. And when did you come back?
- 16 A. I came back after the current president came to power. That was in May 2003.
- 17 Q. Just for clarification, when did the current president come to power?
- 18 A. The current president took up his duties on 15 March 2003.
- 19 Q. When you came back from Cameroon in May 2003, which position did you occupy?
- 20 A. As soon as I returned, I was appointed official representative to the Chief of all
- 21 Defence Staff.
- 22 Q. Who was the Chief of Staff at that time?
- 23 A. General Antoine Gambi.
- 24 Q. For how long did you hold this post?
- 25 A. I believe I remained in that position for one year, until 2004.

Trial Hearing
Witness: CAR-OTP-PPPP-0031

(Open Session)

ICC-01/05-01/08

1 Q. And who had appointed you to this position of chargé de mission?

2 A. All the appointments were signed by the Head of State. He would sign a decree
3 regarding these appointments.

4 Q. Could you please provide us with the name of the Head of State at that time?

5 A. As I was saying earlier, in 2003 it was President Bozizé who was in power in 2003.
6 So my appointment as the chargé de mission, the official representative or the assistant to
7 that general, General Gambi, the order in question was signed by the president.

8 Q. After being chargé de mission, what was your next position?

9 A. I was appointed to the position of commander of the Presidential Guard.

10 Q. Could you please explain what the Presidential Guard is?

11 A. That is the unit that ensures the protection of the president of the republic and the
12 institutions of the republic.

13 Q. For how long did you hold this post?

14 A. I held that position end of 2004 until I left to go to the military academy in France in
15 2007.

16 Q. Do I understand correctly that, when you came back from the military academy in
17 France, you obtained your current position?

18 A. No, ma'am. When I came back from France, it was a new position. I was
19 requested to take on that position but, you see, that was before -- before I went to France
20 for that study. I was -- before I was in charge of the Presidential Guard, and then after
21 when I returned I took up a new position at the CCOP; the Command Centre for
22 Operations, or the operational command centre if you will.

23 Q. Do you recall when you took up this position at the operational command centre?

24 A. When I came back from the military academy I accepted that position, and that was
25 in August and I held that position in October.

Trial Hearing
Witness: CAR-OTP-PPPP-0031

(Open Session)

ICC-01/05-01/08

1 Q. Sir, you told us before that currently you're a director at the officers' training school,
2 so when did you assume this position that you have now?

3 A. When I came back from France in 2008 I was appointed to the operational command
4 centre, the CCOP, and then after that I was appointed -- well, I was -- I was the
5 commander of the Presidential Guard, 2009 to 2010, and then from 2010 until
6 now - August 2010 up until now - I have been the director of this training school, or
7 training centre, for officers.

8 Q. I will come back to that issue in more detail later, but for now could you tell us
9 briefly what the CCOP is?

10 A. Thank you, ma'am. The CCOP is the Centre for the Command of the Operations.
11 Initially it was called the CCOP, or the command centre, or the command post. There
12 were various ways of referring to this unit. It is a centre that is -- well, it really is an
13 instrument for the Chief of Defence Staff, and there are various units and people work
14 within these various units and it all comes under the command of the Chief of Defence
15 Staff.

16 Q. Can you briefly tell us which units the CCOP has?

17 A. Yes, ma'am. I believe I said in my statement, actually, that our army had
18 experienced turbulent times, so there wasn't this centre. There was just a small
19 command post. Consequently -- well, this position, this post, I was the one who actually
20 set it up in the year 2002. October 2002.

21 Q. Sir, you mentioned the events of October 2002 and you told us that you were
22 assistant to the Chief of the Army Staff at that time. Could you tell us what exactly your
23 responsibilities were as assistant to the Chief of the Army Staff at that time?

24 A. Thank you. I was appointed to serve as the assistant to the Chief of Staff land
25 forces and, you see, there was a period of training in China. 22 October 2002, when the

Trial Hearing
Witness: CAR-OTP-PPPP-0031

(Open Session)

ICC-01/05-01/08

1 current president wanted to take power in Bangui, that is when I decided to set up this
2 operational command post.

3 Q. Sir, maybe I haven't understood you correctly. Could you please explain what you
4 mean that there was a training in China?

5 A. Well, I didn't go to China. It was my commander, Seregaza. He was the one who
6 went to China. He was the commander. He was the one who went to China and I
7 stayed. In 2002 - in October 2002 - I remained, and that is when the events of 22 October
8 occurred and I was finding -- I found myself in Bangui. That was the same day, the day
9 of the attack, that is when I set up this operational command post from which all the
10 various operations would be co-ordinated. That is what I can tell you, ma'am.

11 Q. Thank you sir. I would like to go with you step-by-step through what you just
12 mentioned. You mentioned 22 October and the attack that happened. Could you
13 please tell us what happened on 22 October?

14 A. Thank you. It was 21 October, in the evening. I was summoned by the minister,
15 the Minister of National Defence. I was summoned to his residence at 11 in the evening.
16 I arrived and there the general, who was the Deputy Chief of Defence Staff, he was there.
17 The minister asked us -- he asked me personally to try to go and conduct inquiries about
18 an island, the island of monkeys, or the Bongosoi island. It is a very small island that
19 separates us from the DRC, because apparently there had been a mutiny and some
20 mutineers were on this island and someone had to go and verify whether this information
21 was correct.

22 So I went to this island and it was at about 3 in the morning, and very early in the
23 morning General Mazi, Deputy Chief of Staff, caught up with me, he also crossed over
24 and reached me there, and I reported to him that we had gone around the island and no
25 one was there. He went back, I stayed there and I patrolled along the river, and about 9

Trial Hearing
Witness: CAR-OTP-PPPP-0031

(Open Session)

ICC-01/05-01/08

1 in the morning I got a phone call. I was on Olbor (phon) and I received a call from the
2 minister - the delegate minister - and he asked me to immediately return to Bangui
3 because we were being attacked from Chad, and so I turned around and went back, I
4 alerted the various commanders and I went to Camp Béal to follow the orders.

5 THE INTERPRETER: Interpreter's correction: In the reply from this witness, when
6 speaking of a mutiny he specified that these mutineers were former soldiers of the former
7 president, Kolingba.

8 MS SCHMIDT:

9 Q. You said that on the 21st in the evening you were summoned by the Minister of
10 Defence. Who was the Minister of Defence at that time?

11 A. General Sylvestre Yangongo.

12 Q. How do you know that it was on 21 October?

13 A. Because that was the night before the attack. One can't forget that. They crossed
14 at night, between the 23rd and the 24th, and I went back in the morning, the day of the
15 attack; the attack by the men, or the soldiers, of General Bozizé.

16 Q. You said that you received another phone call at 9 o'clock in the morning from the
17 delegate Minister of Defence; is that correct? Who was the delegate Minister of Defence?

18 A. The delegate Minister of Defence was General Yangongo.

19 THE INTERPRETER: Interpreter's correction: In the previous reply, the witness said
20 the night of the 21st to the 22nd.

21 MS SCHMIDT:

22 Q. So it was the same person that sent you to the island and called you to come back?

23 A. That's quite right, ma'am.

24 Q. You said that on the 22nd the men of Bozizé attacked. At what time did they
25 attack?

Trial Hearing
Witness: CAR-OTP-PPPP-0031

(Open Session)

ICC-01/05-01/08

1 A. They left Chad. They left Chad I don't know when, but they entered Bangui in the
2 afternoon, at about 3 in the afternoon, and already they were in Bangui, already at that
3 time.

4 Q. What did you do at that time?

5 A. As I told you earlier, I was replacing the deputy head of staff, so at first I alerted the
6 commanders and I set up a security mechanism which made it possible to stop the
7 progression of the rebels, General Bozizé's rebels. So that day I was the one with my
8 soldiers, we were alone and we halted the progression. They were 400 metres away from
9 the residence of President Patassé, so with our soldiers we were able to halt their
10 progression.

11 Q. Who had instructed you to set up this security mechanism?

12 A. Well, you see, my leader was there, General Mazi, and his -- I was his direct deputy
13 at that particular time because, you see, I was on an acting basis. I was replacing the
14 deputy and I had most of the land forces, and with that, following his instructions, I was
15 able to set up this mechanism, or make these arrangements, to halt the progression of
16 General Bozizé's soldiers.

17 And some time after that, for his security, you see, because the general was a danger - I'm
18 speaking of General Mazi, who I reported directly to - I was called. General Bombayake
19 called me in the evening, the same day of the attack, and then in the evening he said that
20 the general had gone to the Chinese Embassy to ensure his own safety. 100 Villas is
21 nearly at the same spot as where Bozizé's men were.

22 Q. Do you know how many men of Bozizé were there?

23 A. I have no idea, but there were quite a lot of them. I can't give you an exact figure,
24 though. In the morning, when I came back, we knew he was going to come and I sent a
25 platoon to block the road, but our men didn't manage to and the platoon leader was killed,

Trial Hearing
Witness: CAR-OTP-PPPP-0031

(Open Session)

ICC-01/05-01/08

1 with a number of the men as well, so they had to come back and they came back to Bangui.

2 There were quite a lot of them, but I cannot give you a precise figure.

3 Q. Sir, I'm not a military person, so could you tell me how many people are in a
4 platoon?

5 A. A platoon, that's 30 men. A company, 120/150. It depends. A battalion, 400 to
6 500.

7 Q. Thank you for the clarification. You said that the platoon could not hold
8 up -- could not prevent Bozizé's men from advancing, so what happened next?

9 A. After that, they went directly to the residence. They wanted to head off straight to
10 the residence of President Patassé, but as Camp Béal is in the middle and we were there,
11 we had positioned our men so as to halt their progression. In other words, it wasn't
12 possible for them to get through to President Patassé's residence. They were advancing
13 as a front and we were standing off. There was a stand-off between us, in other words,
14 and that's what happened and it remained like that until the MLC arrived.

15 Q. How many men were there at Camp Béal that day?

16 A. Camp Béal is the Ministry of Defence. The people who work there are working in
17 the offices, but the ones I brought to protect the Camp Béal and President Patassé's
18 residence were the people from the paratroop regiment that I had been commanding. It
19 was an elite corps, the people there are always available and they were the ones that I
20 brought in, plus the soldiers in the support battalion, so we were considerable numbers to
21 hold back the attempted advance on the part of Bozizé's troops.

22 Q. I understand these units were part of the security mechanism that you had set up, as
23 you mentioned before. Could you give us more details how this security mechanism
24 looked like?

25 A. As I was saying earlier on, I was the person who was in charge of the land forces.

1 I -- the Deputy Chief of Staff wasn't there, so I was in charge of the elite military corps
2 who were still there. Following the orders of my superior, I called up the commanders
3 saying that we had been attacked and it was necessary to have soldiers sent in to block the
4 progression of General Bozizé's men and that is what was done. It's an army, madam,
5 with commanding officers in charge of them, and above them you have the Deputy Chief
6 of Staff of the armed forces, but he at that time was absent and so I was the one who was
7 in charge. I gave them the orders and they carried out the orders, and it was in this way
8 that we were able to halt the progress of Bozizé's men right on the very first day.

9 Q. Is it possible to give us an idea of the organisational structure of this mechanism of
10 the hierarchical order of this body?

11 A. Of the armed forces at the time, is that what you're after? Well, as I was saying
12 earlier on, there was the mixed intervention battalion in Kassaïe. That was the most
13 structured army corps and I brought in some of the men from there. They came to Camp
14 Béal. In addition, we had engineering and support battalion elements who were there,
15 who were at Camp Béal. They had certain weaponry, and together with them we
16 managed to halt the progression of General Bozizé's men.

17 Q. If I recall correctly, you mentioned before that you worked at the CCOP in 2004,
18 so -- and you mentioned that you had set up this body before. The security mechanism
19 you are referring to, is this the same body?

20 A. It's the same thing. I don't really know how to clarify this, but when I came back
21 from the staff school we were told that in times of crisis it was necessary to set up an
22 operational command post. At the same time, I was at the operational command post
23 and in the field. It wasn't very far from Camp Béal. It was -- the operational command
24 centre was actually in Camp Béal, under the orders of General Mazi and the Minister of
25 Defence. All of that was in Camp Béal. It wasn't any secret society anywhere. It was

1 there that we developed the manoeuvres, the operational plan. It was the operational
2 command post. Any army has this and we were taught that at the military academy.
3 When something happens, you need this in order to co-ordinate operations and actions to
4 avoid there being any problems, so that's the way it was.

5 Q. Thank you, sir. That was very clear. Do you remember at the time how many
6 different groups, or units, this centre had?

7 A. It's just one centre. It's an office. It's like here. It's a room like this. In that
8 office, you've got units. You've got the operations unit; you've got the logistics unit;
9 you've got the communications unit; then you've got intelligence. In the Chief of Staff of
10 any army you've got that. That's the way it works and that's how I set up this office, and
11 it's an office where the superiors came to see us working and all of the information was set
12 down in writing in that office to allow for correct co-ordination of operations.

13 Q. Who were the superiors that came to the cell at that time?

14 A. I worked directly under the orders of General Mazi, but there was the minister
15 delegate who came as well to the operational centre to see how we worked and then there
16 were some former colleagues who came to encourage us. They didn't have any official
17 function, but they came to encourage us in our work because what we were taught in the
18 military academy is precisely what I was trying to do to avoid there being any loss of
19 human life.

20 As you recall from my written statement, I made it clear that there was a general. I
21 admired him tremendously. He had died on 28 August, during the events on that day,
22 because there had been no co-ordination. He went off into the field, the people were not
23 contacted and when he arrived it was actually friendly fire that killed him because of the
24 lack of co-ordination. That was General Abrou and I was really struck by that. He was
25 a great man, a great leader, so for that reason I set up in our General Staff this operational

Trial Hearing
Witness: CAR-OTP-PPPP-0031

(Open Session)

ICC-01/05-01/08

1 command post that hadn't existed until then.

2 Q. In addition to General Mazi, were there any other superiors that came to the
3 operational command post?

4 A. Apart from the general, General Mazi, as I said there was the Minister for Defence
5 who came as well and at the time there was General Gambi. It wasn't under his orders.
6 It was under the orders of the Chief of Staff, but he was a former officer. He'd also been
7 to the military academy, so he came along to see what was going on and to help us
8 establish certain units and to advise us.

9 All of the events that were occurring were posted on a board, giving the times and so on,
10 and over time the way in which we worked improved and now the CCOP that I set up
11 during the crisis still exists and it's become the benchmark. It's a pretty impressive
12 centre. It's large. There are computers. It really works very well.

13 Q. You mentioned before that one day you received a call from General Bombayake,
14 who informed you about the security issues of General Mazi. Did Bombayake come to
15 the CCOP as well?

16 A. No, he didn't, madam. General Bombayake didn't come. He was in charge of the
17 Presidential Guard. He just called me up to say - and I didn't know this - that my
18 superior on that particular day, for the reasons of his security because he had been
19 threatened by people, was at the embassy and that a vehicle had to be sent to pick him up
20 at the Chinese Embassy. That's how I went to pick him up and brought him back to
21 Camp Béal, and we were there together with General Mazi at Camp Béal.

22 Q. You explained that there were different cells responsible for operations, logistics,
23 communications and intelligence. How did -- who were the leaders of these particular
24 cells?

25 A. There were four or five units at the time. I think I gave the names. There was

1 Commander Dobigue, who was there. He was in charge of the operations unit, amongst
2 other things. There was Commander Mamadou. He was -- he was a transmitter, a
3 radio operator. The people who were appointed were people who had practical
4 experience in the area concerned by the unit, the transmission unit. He was in charge of
5 the radio transmissions of the armed forces and that is why I put him in charge of that
6 unit. Logistics, that was an officer, Barsin, who had worked on logistics. Intelligence,
7 that was an officer whose specialisation was intelligence. He was in charge of it. So
8 they weren't chosen at random. They were expert specialists who were selected to lead
9 the units, and all of the units worked to the superior - superiors, rather - who came along
10 and then we explained to them what was going on and so everything was passed on to
11 the superiors. They were reported to on a regular basis, morning and evening.

12 Q. Who had appointed these officers?

13 A. I proposed the names and I put my proposal to General Mazi, who accepted them,
14 so I was the one who did.

15 Q. Do you remember how many people in total were at the CCOP at that time?

16 A. There were not many of us. We wanted to avoid there being any leaks, so there
17 weren't too many of us. There were the five units I referred to and there were deputies;
18 one deputy per unit. That is how we started up, so we were no more than ten. That
19 was the maximum.

20 Q. In addition to the heads of the different cells and their deputies, was there any other
21 subordinate staff?

22 A. Well, after that I thought it would be a good idea to bring into the centre external
23 officers. Somebody from the gendarmerie, one of the gendarmerie officers, he was there
24 with us, and then from the presidential security side I asked that they sent an officer, so an
25 officer came from the presidential security. He came to work there with us. Obviously

1 it was important because, if there was something happening as regards the presidential
2 security, we had to know about it. If something was happening that concerned the
3 gendarmerie, we had to know about it as well. So they were people who were brought
4 into the centre to work there as well, and it was a centre that was working round the clock,
5 24 hours a day.

6 Q. Could you please provide us with the names of the people from the gendarmerie
7 and the presidential protection?

8 A. From the presidential security, I think it was Bengagombe. Lieutenant-Colonel
9 Bengagombe, if I am not mistaken. From the gendarmerie, well, every 48 hours we got
10 somebody different. I'm not too sure who it was, actually. Selesson, who was captain I
11 think at the time, but he came. Anyhow, for the gendarmerie every 48 hours there was
12 somebody different. It wasn't always the same person. For presidential security it was
13 Lieutenant Bengagombe.

14 Q. Sir, you told us that your soldiers were able to hold back Bozizé's men on that day
15 until the MLC arrived, as you said. How did you find out about the MLC's arrival?

16 A. I think it was two days later. The attack occurred on the 22nd. I think -- I'm not
17 sure of the date, but I think it was two days afterwards that General Yangongo, delegate
18 Minister of Defence, called me up to tell me that the MLC militiamen were going to come
19 to help us.

20 Q. Who are the MLC militiamen?

21 A. The militiamen of Senator Jean-Pierre Bemba.

22 Q. Where did they come from to help out?

23 A. He told me that the link with -- there was a link with the colonel in charge of the
24 naval forces, because they were on the other side in Zongo and so they were brought
25 across to come over to our side of the river. They were on the other side in the

Trial Hearing
Witness: CAR-OTP-PPPP-0031

(Open Session)

ICC-01/05-01/08

1 Democratic Republic of the Congo, just opposite Bangui. It's not very far away.

2 Q. When the minister told you that the MLC troops were arriving to help out, what did
3 you do?

4 A. He asked me to get in touch with Colonel Danjito and, as soon as they arrived, to
5 take them over to Camp Béal; so to take them to Camp Béal. And I said it would be a
6 good idea, given that that was the Ministry of Defence, it was the nerve centre, it might be
7 better to put them in the support battalion, or close to the support battalion, because there
8 weren't enough people.

9 So that is what happened. When they came over Colonel Danjito, who was by the banks
10 of the river, told us that they were approaching, and we co-ordinated so that they went to
11 the support and service battalion which wasn't very far from Camp Béal. It was pretty
12 much opposite.

13 Q. What was the exact position of Mr Danjito?

14 A. Colonel Danjito was the Deputy Chief of Staff of the navy. At the time, as I have
15 already said, there was the General Chief of Staff of the armed forces, the Deputy Chief of
16 Staff and three -- three sub-Chiefs of Staff, and Colonel Danjito had the same rank as I was
17 replacing. We had the same role, an equivalent role. So there was somebody for the
18 land forces, the navy and the air force, and Colonel Danjito was the one who was the
19 sub-Chief of Staff for the navy and he was by the banks of the river.

20 PRESIDING JUDGE STEINER: Mr Witness, I'm sorry. This is the first time. You are
21 going very well, but I'm asked to remind you to slow down a little bit. You started
22 speaking too fast and the interpreters are having difficulties in following you. Thank
23 you.

24 MS SCHMIDT: Thank you, Madam President.

25 Q. You mentioned that the MLC troops were put in a support regiment which is not far

Trial Hearing
Witness: CAR-OTP-PPPP-0031

(Open Session)

ICC-01/05-01/08

1 from Camp Béal. Can you tell us the precise distance?

2 A. 200 metres. It's not far.

3 Q. And how far is the river from Camp Béal?

4 A. I would say it's -- well, it's not far. I would say it's about three to four kilometres
5 between the river bank and Camp Béal, or the support battalion. So when they arrived,
6 the first who arrived came on foot. They walked off the ferry and walked up to Camp
7 Béal -- sorry, to the support battalion.

8 Q. Do you know why the MLC troops intervened in the conflict?

9 A. Personally, I don't know. I was surprised when the minister called me up to tell me
10 that the MLC men were coming. Let me say once again that that was the case. For two
11 days, we had been there. We'd been fighting against Bozizé's men. They didn't manage
12 to get through to President Patassé's residence. I honestly can't give you an answer to
13 that question. I was surprised. I was told that the MLC men were arriving and as a
14 soldier, well, we saw them arrive and that was that, and I was asked to install them and
15 that's what I did. I installed them in the support battalion.

16 MS SCHMIDT: Thank you.

17 Madam President, with your permission, we might go into the break.

18 PRESIDING JUDGE STEINER: Thank you, Ms Schmidt.

19 Mr Witness, we'll have half-an-hour break. You can take some rest, as well as our
20 interpreters and court reporters. It's 3.30. We will resume at 4 o'clock.

21 Court usher, please take the witness outside the courtroom.

22 (The witness stands down)

23 THE COURT OFFICER: All rise.

24 (Recess taken at 3.30 p.m.)

25 (Upon resuming in open session at 4.06 p.m.)

Trial Hearing
Witness: CAR-OTP-PPPP-0031

(Open Session)

ICC-01/05-01/08

- 1 THE COURT USHER: All rise. Please be seated.
- 2 PRESIDING JUDGE STEINER: Welcome back.
- 3 Could, please, court usher bring the witness in.
- 4 (The witness enters the courtroom)
- 5 PRESIDING JUDGE STEINER: Mr Witness, welcome back.
- 6 THE WITNESS: (Interpretation) Good afternoon, madam.
- 7 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?
- 8 THE WITNESS: (Interpretation) Yes, I'm ready, madam.
- 9 PRESIDING JUDGE STEINER: Thank you very much.
- 10 Ms Schmidt, you have the floor.
- 11 MS SCHMIDT: Thank you, Madam President, your Honours.
- 12 Q. Welcome back, sir.
- 13 A. Thank you, madam.
- 14 Q. I would like to go back to the point where the MLC troops arrived in the Central
- 15 African Republic. Do you remember when the MLC first started arriving?
- 16 A. Thank you. They started arriving two days after the attack. It was at night.
- 17 They came. They crossed by ferry. They came in groups of 30 to 50 men. The ferry
- 18 wasn't big to convey a huge number of people at once.
- 19 Q. Was there only one ferry who brought the soldiers?
- 20 A. There was one ferry from the Central African shores and it was this particular ferry
- 21 that left with the 30 men and then took it over to the further shore.
- 22 Q. How do you know there was only one ferry?
- 23 A. I knew that because at Bangui there is just one ferry that was transporting vehicles
- 24 to reach the far shore.
- 25 Q. From where to where exactly did this ferry transport the troops?

1 A. This particular ferry conveyed troops from Zongo to Bangui.

2 Q. How far is Zongo from Bangui?

3 A. Zongo is not far away at all from Bangui, maybe 800 metres, one kilometre. I
4 couldn't really tell you with any great accuracy, but it's not far.

5 Q. How long do you estimate would it take to transport a group of 30 to 50 people on a
6 ferry from Zongo to Bangui?

7 A. I'm not well-placed to say. Perhaps you should ask this question to Colonel Danjito,
8 who was on the banks of the river, because I never traversed the river to reach the far
9 bank. I couldn't tell you.

10 Q. That's fine, sir. You said that the MLC troops arrived in groups of 30 to 50 men.
11 How many groups arrived?

12 A. I'm not really able to say, because as they came they made up a group of 50. Then
13 they left from the banks of the river to go to Camp Béal to join the support battalion.

14 Q. Sir, did I understand correctly that you cannot give us an estimate of how many
15 troops arrived?

16 A. The first day I couldn't really tell you, but I think the crossings took place
17 throughout the entire night. Consequently, in the morning there was quite a
18 considerable body of men, to the tune of 100. In the morning their numbers were
19 standing at around 100. A company, 120 men. 100/120 men.

20 Q. These 100/120 men relates to the first wave of troops that arrived during the first day
21 and night; is that correct?

22 A. That is exactly so, madam, but after that in the following days they continued to
23 come. They continued to come to make sure that the body of men would end up being
24 quite sizeable, but personally I didn't go to the banks of the river to see this. So those
25 who did arrive, they made up a body of men. Then they came by foot. On the first day,

1 they came by foot. After that, it was the lorry that -- belonging to the naval -- belonging
2 to the navy that transported them from the river bank to join the support battalion at
3 Camp Béal.

4 Q. Do you know how long it took the troops to all arrive in the Central African
5 Republic?

6 A. I'm not really well-placed to say, but I think on the 27th, on 27 October, I think even
7 as early as that the body of men was quite sizeable. They were all there with the
8 equipment on 27 October.

9 Q. When you say "the body of men was quite sizeable," can you give us a rough
10 estimate of how many troops you are talking?

11 A. I can't. Well, it could be -- I mean, I might get it wrong, but between 400 and 500,
12 so they were quite numerous.

13 Q. You said you didn't see the troops arriving yourself at the river, so when is it that
14 you saw these troops the first time?

15 A. The very night of their arrival, around I believe 2200 hours, around there. The very
16 night. Well, the attack took place on the 22nd, so between the 24th, or the night of the
17 23rd to the 24th. So those were the first and, when the general, the Minister of
18 Defence -- Minister of Defence said that I should contact Colonel Danjito, it was he who
19 was responsible for having the troops traverse the river because he was on the banks of
20 the river. Therefore, he was responsible for conveying them to the support battalion.

21 Q. Were these troops accompanied by any commander?

22 A. Yes. It was the next day, maybe the 23rd, that I got in touch with the people there.
23 There was one person who I was very familiar with, a person called René. He was big,
24 like me, and he was white-skinned, or had a clearer colour of skin. Light-skinned.

25 Q. What was the position of René?

1 A. René? He was the big boss. Well, it wasn't him at that time. It was later on that I
2 learned who the big commander was, but René was among the deputies. He was
3 belonging to the body of deputies. Mustapha was the big commander, the senior
4 commander, that I learned to know after that.

5 Q. How did you get in touch with René?

6 A. When they arrived the general asked me to get in touch with him to try and find out
7 who the commander was, and it was in that way that the first who arrived, it was René,
8 this particular René, and I was told that it was this gentleman who was with the first wave.
9 He was very understanding, he was somebody with whom you can talk quite a lot and it
10 was in those circumstances that I was able to meet him.

11 Q. You said before that you were very familiar with René. Was that already when he
12 arrived, or was that later?

13 A. Well, I got to know him better later on and I say this because he was very
14 comprehensive. When times got tricky, we went to him so that he could liaise with the
15 commander, Mustapha, who was much further away.

16 Q. You mentioned that René came first and then Mustapha came. How long after
17 René did Mustapha arrive?

18 A. I don't know. I don't know whether they arrived together. I don't know. I didn't
19 know anybody, but the person I did see the first time was René. I don't know whether
20 they came together with Mustapha. I couldn't tell you, madam, but it was after that I
21 was told that the senior commander was commander, because it was easy to recognise
22 him as well. The others -- René spoke Lingala. He spoke Lingala, that goes without
23 saying, but he also spoke French, but when I went to him and asked him questions he
24 always needed an interpreter to speak to him in Lingala and that interpreter would
25 therefore translate into Swahili for the benefit of Mustapha. That's what struck me.

1 Maybe he didn't want to talk directly with us. I couldn't tell you, really.

2 Q. Who was this interpreter at the time?

3 A. I couldn't tell you. There was also sometimes somebody called Jonas - Jonas - and
4 at a given point in time the general, the minister, the delegate minister, asked us to go and
5 see somebody at the operations centre, in the command centre, and it was in this way that
6 when -- when Jonas was brought, this -- well, we really liked this because this was
7 somebody who spoke Sango, our language. It's somebody from the far shore, but also
8 somebody from the same family, if you will. So it was this gentleman who was
9 our -- who was our very, very close colleague, if you like.

10 Q. Sir, I would like to address this issue a little bit later, the contact that you had with
11 Jonas, René, Mustapha and the MLC troops. I would like to have some clarifications on
12 the logistics of the MLC. You said that they arrived with equipment. Can you please
13 tell us what you mean by that?

14 A. Thank you. They came with their weapons, their individual weapons, because a
15 fighter obviously moves around with his weapon particularly in an area which is not
16 secure. So they came with their individual weapons. It's much, much later that the
17 heavy weapons came: Mortars, 14.5 or 12.5 machine guns. These items came later, but
18 the men when they first came, when as I said the ferry wasn't big, the ferry was designed
19 to transport the troops and their weapons, but after that up until the 25th, up until
20 25 October, the entire arsenal was there with all the weaponry. There were no vehicles,
21 but the minister -- the minister asked us to provide them with vehicles for their shuttling
22 back and forth. That's why -- this is why René -- I mean even René, he also had a liaison
23 vehicle. It's not very big, but just to transport between five and eight men. These are
24 liaison. It was a liaison vehicle that was made available to them, and in addition to that
25 they had two big transporters that was used afterwards, I believe, to transport their

1 equipment from the river bank to the support battalion's location. So they didn't bring
2 with them any vehicles.

3 Q. You said "They first came with individual weapons." What do you mean "with
4 individual weapons"?

5 A. Well, an individual weapon is -- well, any soldier comes with his weapon. It's his
6 weapon. It's his own weapon and that's what we mean by an individual weapon, but
7 there are group weapons that are much bigger, like mortars, and that's the difference.
8 An individual weapon is say a Kalashnikov maybe for a fighter, or the automatic pistol for
9 the commander, and then the group weapons, it's either the 14.5 or 12.8 machine-guns.
10 That's what we mean by support weapons, or group weapons. So first off they came
11 with only their individual weapons, as we term them.

12 Q. Did they also bring ammunition?

13 A. Yes, madam, they came with their ammunition.

14 Q. You said that they did not bring their own vehicles and they were provided with
15 vehicles. Who provided them with the vehicles?

16 A. Vehicles of the Central African Republic. The others came from the chief. He
17 ordered that these vehicles be made available to them, so it was the ministry that asked us
18 to make these vehicles available to them so that they can do their errands, travel about, go
19 to the market and also prepare for the events.

20 Q. Do you know how many vehicles approximately were provided to the MLC troops?

21 A. I do know that there were two large transporters and then two or three liaison
22 vehicles. All in all, I believe five vehicles. No more than that.

23 Q. What about the food that the MLC troops needed?

24 A. Thank you. For their consideration, I believe they were given some money. They
25 weren't given rations, like we are. Our soldiers, if there's a crisis - you see, I'm telling

1 you this - they would be fed. They would be fed fish and rice, but the others they would
2 go and collect money from the paymaster.

3 Q. And who would instruct this money to be paid to the MLC troops?

4 A. I couldn't tell you. Perhaps it was on -- because of orders that came from higher up,
5 from the ministry. I know that those things were provided, because they had to be fed.
6 They had to eat, and so they would go and collect that money and then go and buy food.
7 The only time that we would see them more often, perhaps René or Mustapha, at Camp
8 Béal, and it was well-known that they would come and see us. They would come
9 directly to the paymaster to get that money for their food so that they could go to the
10 market and get their food.

11 Q. Apart from Mustapha, who would come to collect the money for the food?

12 A. I don't know. I couldn't tell you. Either René -- they would send people. I didn't
13 really know the deputies, the assistants. I really didn't rub shoulders with them very
14 much. The only person that I knew under normal circumstances was Mustapha. I
15 could recognise his face. Him, René and Jonas. At the beginning they were with us
16 when the people came over. At one particular time they were no longer with us at Camp
17 Béal. They went off again to the side of the river, to the shore, and so it wasn't easy to
18 find them. For whatever reason, it was decided that they would stay much closer to the
19 river, at the spot where they would cross over to Zongo.

20 Q. When did that happen, that it was decided that they should stay closer to the river?

21 A. I didn't know myself. At one particular time we needed him much more. He was
22 the only person who understood us. He spoke our language. He is from the ethnic
23 group that is opposite on the other side of the river, the same family as us. As far as I'm
24 concerned, he was the one that I really trusted. When things weren't going right I would
25 go and see him and he would go try to make things right with his bosses, but then he

Trial Hearing
Witness: CAR-OTP-PPPP-0031

(Open Session)

ICC-01/05-01/08

1 himself then after a while we no longer saw him, particularly when the people were at
2 PK13 when President Bozizé's soldiers were driven away. That was Camp Béal. They
3 were opposite. That is when the offensive began, and so when they were driven away
4 from PK13. Then after that I really needed him, but I no longer saw him.

5 Q. When Jonas left, was there any other person that replaced him?

6 A. No, ma'am. I'm telling you this. Perhaps after, when I left, a liaison officer may
7 have been brought back, but I don't really know. But before that Jonas was much more
8 often close to the river, or on the other side, and when we would call him he would say
9 that he had gone to visit his family on the other side, but then he didn't come when we
10 really needed him and so consequently, during the difficult times, I myself would have to
11 go personally to PK13 to meet with Mustapha.

12 Q. Sir, I will briefly -- no, I will shortly ask you about these difficult times that you are
13 referring to. Before I have some questions on the logistics, or on logistics. You said that
14 the MLC soldiers they came with their weapons. Did they come with any
15 communication devices?

16 A. I believe they brought their radio sets, but after, in terms of the ministry - and I'm
17 telling you this and I'm under oath - they did provide some walkie-talkies and mobile
18 telephones for liaison purposes. Before the attack of the 27th, to drive out the soldiers of
19 Bozizé out of Bangui, they had mobile phones and they had a few walkie-talkies.

20 Q. Who in the MLC troops had walkie-talkies and mobile phones?

21 A. Only the senior leaders, four or five of them, but I do know that René -- René had
22 one. Jonas -- no, not Jonas. Mustapha had one, but the other ones I don't know.
23 The -- at one point we had René's number and we could contact him when things were
24 going badly. We had his number, so there were telephones that were given. I certainly
25 do remember that.

Trial Hearing
Witness: CAR-OTP-PPPP-0031

(Open Session)

ICC-01/05-01/08

1 Q. Did the radio equipment of the FACA work with the radios that the MLC troops
2 brought over?

3 A. No, we didn't have their frequency.

4 Q. You said that mobile phones and walkie-talkies were given to the senior
5 commanders of the MLC and you mentioned Mustapha and René. Can you provide any
6 other names of senior commanders of the MLC troops?

7 A. Just those names, those three names, Mustapha, René and Jonas, who was the liaison
8 officer who was with us, who worked for a while, and then as I told you he went off. He
9 went back towards the river. So those were the ones I knew, but I couldn't tell you about
10 the other ones. I don't know them.

11 Q. Did the MLC troops have uniforms when they arrived?

12 A. When they arrived, they didn't have uniforms for everyone. Some of them had
13 military garb. It wasn't a regular kind of army. They really didn't have a uniform as
14 such, but I do know that after, when they were at PK12, they had been given some
15 uniforms. Not necessarily for everyone, but some -- the other uniforms from --

16 THE INTERPRETER: Inaudible.

17 THE WITNESS: (Interpretation) -- were distributed to them.

18 MS SCHMIDT:

19 Q. Sir, could you please repeat the last part of your answer for the interpreters?

20 A. I was saying -- I was saying a few moments ago that when they came they didn't all
21 have the same uniform. They were militiamen, they were from here and there, and I
22 believe that after, once the -- once Bozizé's men had been driven off from the support
23 battalion beyond PK13, after that they were given a few uniforms. Not for everyone, but
24 they had been distributed uniforms from -- uniforms from the People's Republic of China.

25 Q. Who provided these uniforms to the MLC troops?

1 A. At the level of the Ministry of Defence. I believe there was an inventory with the
2 ministry and the order came from the highers-up within the Defence Ministry, General
3 Bombayake for instance, to do this, but the order didn't come from me. It wasn't at my
4 level. Our soldiers -- some of our soldiers didn't have uniforms and I asked for uniforms
5 and I wasn't able to get them, and then after our friends did receive uniforms and so there
6 you have it.

7 Q. How did you find out that the MLC troops received uniforms?

8 A. Yes, because we went to get those uniforms in Camp Béal. There was an inventory
9 there and then we saw them wearing them. I saw René wearing a very fine uniform of
10 our army, so some of the commanders were wearing these uniforms. Not necessarily
11 everyone, but some of them did have these uniforms. They were Chinese uniforms.

12 Q. You say, "There were Chinese uniforms. There were the uniforms of our army," so
13 do I understand correctly that these were the FACA uniforms?

14 A. Yes, they were FACA uniforms but, you see, they had been donated by the Chinese.
15 The Chinese had provided us with these uniforms, and they were
16 new - brand-new - uniforms and I think some were provided to the militiamen.

17 Q. Can you describe these uniforms, please?

18 A. They were camouflage fatigues, somewhat colourful. It was battle fatigues,
19 because it was more of a camouflage pattern and when they are a bit colourful it's army
20 green, say. So sort of a camouflage colour. Combat fatigues.

21 Q. So these were the fatigues that the FACA troops were wearing?

22 A. No. You see, these uniforms, those uniforms were for military parades, or
23 ceremonies. That's when those uniforms would be handed out, but on the day of the
24 attack even myself didn't have that uniform. We had -- we were wearing old uniforms
25 when we went off to fight. We didn't put on brand-new uniforms to go off and fight.

Trial Hearing
Witness: CAR-OTP-PPPP-0031

(Open Session)

ICC-01/05-01/08

1 Perhaps they asked for the uniforms. That wasn't at my level, at the commanding level,
2 but the uniforms were given not to everyone, but there was, you see, an inventory of
3 uniforms and they were provided. I can tell you this and I saw this. They were
4 provided with those uniforms.

5 Q. You said the uniforms given to the MLC troops were brand-new, not like the ones of
6 the FACA. Did these uniforms differ in any other way? Could you distinguish them in
7 any other way?

8 A. Well, you could see. People who wear new clothes you can see that they are new
9 clothes, and people who are wearing old clothings that was the FACA. Let me explain.
10 When we drove out with our friends from the MLC we repelled the general's people
11 beyond PK12, and then after that the FACA were at -- that was Battalion 1. They were at
12 PK11. The MLC people were in the neighbourhoods of the PK13, so they weren't mixed
13 at PK12. The FACA were at -- at the first place behind, before they arrived, at the
14 checkpoint, at barrière at PK12, and the militiamen of the MLC were beyond PK12. They
15 were at PK13, on both sides of the road. They weren't together. They weren't together,
16 ma'am.

17 Q. Thank you for that, sir. I just wanted to know if the uniforms themselves were
18 different in any other way than being new and old uniforms? Were there any other
19 insignia, or signs, on these uniforms that were given to the MLC troops?

20 A. No. No, ma'am. There weren't insignia on the uniform. It was a full uniform
21 with a pair of trousers and a jacket. That's what they were given.

22 Q. What about the headwear and the shoes?

23 A. The uniforms are always worn with a cap and the cap goes with the uniform.
24 They're the same colour. As for the Ranger boots, I believe there weren't enough boots
25 for everyone. They had their own rubber boots. They were wearing rubber boots, and

Trial Hearing
Witness: CAR-OTP-PPPP-0031

(Open Session)

ICC-01/05-01/08

1 perhaps the commanders had given them -- perhaps some of the commanders had the
2 Ranger boots, but there weren't enough for everyone.

3 Q. So did I understand correctly that the ones who received uniforms also received
4 headwear, a beret?

5 A. Yes, that's right, because -- well, it's a set, a full set of clothes. It wasn't the first
6 time that we had such a set of clothing, so there was the cap and the other pieces of
7 clothing and they were all the same colour. I may be wrong, but they weren't distributed
8 to absolutely everyone. There weren't a lot of them, but that's what was given, but I do
9 know that they were given Chinese uniforms.

10 Q. Thank you, sir. You already mentioned that you were in touch with René and with
11 Mustapha at Camp Béal. Can you describe in more general terms how the relation was
12 between the FACA troops and the MLC troops?

13 A. Thank you, ma'am. When they arrived, particularly for me I went to see them and
14 our dealings were cordial. They were opposite, but dealings got worse on the 27th or the
15 28th, unless I'm mistaken, when it was decided that -- that there would be this offensive to
16 drive out Bozizé's men and it was the support battalion where the MLC men were based.
17 There was one platoon of our soldiers, about 30 men, and two of them were officers, and
18 they were responsible for guarding the base because we had equipment at the base and
19 the equipment could not be left. You see, the militiamen were then -- so that platoon was
20 supposed to watch over the barracks. They were somewhat behind. The MLC soldiers
21 were ahead. They were getting ready to launch the attack, and a shot rang out from
22 behind and an MLC militiaman was shot to death. He died right after.
23 I was called. I wasn't far away, you see? I was at the operation centre at Camp Béal. I
24 crossed to get there, and I found the 30 men there they'd all taken off practically all their
25 clothes, they had set down their weapons and they were just in their underwear. When I

1 asked them what happened, the MLC soldiers said that they had shot at them. They had
2 shot at them, at the MLC, and they had killed -- they had killed one of the MLC troops,
3 and that is why they relieved these soldiers of their weapons. The 30, they had to take off
4 their clothes, and I am telling you I was the one who came there first to fetch them and
5 take them back to Camp Béal. I spoke to the man in charge and I said that this would just
6 not do, that such things could not be done and these people had been humiliated. That
7 was the first reason for no further trust, because these men had been humiliated.
8 Two lieutenants were there: Lieutenant Yumba, I remember his name, and Lieutenant
9 Samba, who was one of my young officers. They had been told to take off their clothes,
10 they no longer had their weapons and so I came and I had to get them and take them back
11 to Camp Béal. I explained, and after the explanations we realised that indeed there was
12 one isolated marksman behind, who must have been in a tower beside the police station,
13 who was shooting. A sniper, you see? A sniper who was shooting.
14 From there, you see, that's really the heart of the matter, this incident, you see? There
15 was a great deal of turmoil and people were all worked up. The people were extremely
16 worked up, and I'm telling you this - I'm telling the Court this - that that was the time
17 when people, you see, they were forced to take off their clothes. They were humiliated,
18 they were relieved of their weapons and I was the one who had to go and get them. They
19 were still alive and I had to take them back to Camp Béal, and I said to my leaders that
20 that just wasn't right for that to be done. An incident, well, but to force soldiers to take
21 off their clothes, to give up their weapons, I just could not -- I couldn't tolerate that.

22 Q. Who was the person on the side of the MLC that you were dealing with when you
23 were called?

24 A. Are you talking about Jonas, who was there, and René and even after that? Well,
25 not even René. Mustapha was there but, you see, I came. I came personally.

Trial Hearing
Witness: CAR-OTP-PPPP-0031

(Open Session)

ICC-01/05-01/08

1 Personally, not someone else. I myself went to fetch those soldiers and take them back.
2 I went and I spoke with them, and I said to them that this was just totally unacceptable
3 and this really was a harsh blow to the morale of the troops and they didn't want to do
4 anything and this really was the incident that sparked everything. That was before, you
5 see, everything else that happened later, but this happened in front of me.

6 Q. And when you went to fetch your troops, who was the person in the MLC that you
7 spoke to?

8 A. René was also there. I sent someone to fetch him. You see, well, René wasn't far
9 away. It happened where our soldiers were behind, there was a battalion behind, and
10 they were somewhat ahead. So I sent someone to fetch him and I said -- and he himself
11 said to me that it was our soldiers who had shot at them, shot at the MLC soldiers, and I
12 explained to him that this was not the first time that this -- that there was a sniper and that
13 they had shot. You see, the battalion -- the house of President Patassé was not far away
14 and the sniper had shot people, had injured people there, and I believe it was the Libyans
15 who were protecting the buildings of the president. They had shot at the tower. It was
16 a sniper. They were always together. You see, it was an incident. This was an
17 incident. Admittedly one deplores the death of the soldier, but it could not allow the
18 soldiers to force people to strip; people that you had come to assist.

19 Q. What happened to these uniforms and the weapons that were taken away from your
20 men?

21 A. We never found them again. Whether it was the weapons, or the uniform, we
22 never saw them again, and that's not the only thing. After that, at the base, where the
23 support battalion was, because afterwards, when they had already been divested of their
24 clothes, I took them back to Camp Béal and they were there and then there was nothing.
25 The offices were looted. Nothing was left. That's where it all started. That was the

1 start of the problems.

2 Q. Why was nothing left in the offices? Can you please clarify?

3 A. Yes, there was equipment that was there. There were musical instruments at the
4 support battalion. It has its own band or orchestra that plays during the military parades,
5 or when there is a visit by the Head of State. All of that was looted. It was taken away.
6 There was nothing left. There was a small calibre unit to repair our weapons, so there
7 were weapons there as well, but everything went. Everything was looted and it was
8 taken away. That's what happened.

9 Q. Just for clarification, who took these things away?

10 A. The militia. The MLC militiamen.

11 Q. When you found out about this looting, did you report to anyone?

12 A. Obviously, yes, I did. I reported to General Mazi, my immediate superior, and he
13 reported back to General Yangongo, who was the Minister of Defence. So he was briefed
14 as things happened. He was told about the incidents that occurred.

15 The second incident was at the same place. You know, opposite the camp where our
16 men were, the MLC militiamen, there was an officers' camp and they lived there and slept
17 there with their families, and there were complaints lodged because apparently those men
18 were going into the camp. They weren't going in to loot. They were just entering the
19 camp.

20 I reported on that to my superiors, and it was after the incident where our men were
21 disarmed, there was a colonel. Nobody talks about it now. He was in charge of army
22 intelligence, Colonel Zakatao, and he slept there at that camp, but he worked at Camp
23 Béal next to our office. He had altercations with those militiamen, who were crossing the
24 camp to go -- well, he was going through the camp to his house. He was a colonel and,
25 when he saw that there were people heading off to his house to loot it, he came to see the

1 people in charge to tell them what was happening and there was an altercation. He came
2 to report to us in Camp Béal.
3 The next day -- well, he spent the night and then he went back home, and he never came
4 back again and to this very day he's never been found. I referred to this in my written
5 statement. When people discovered his disappearance, well, I asked a captain, who at
6 the time was in command of the research and investigation section, Captain Damango. I
7 asked him to come, and we embarked upon an investigation in the camp where -- behind
8 where the MLC men were. So we searched to try and find him. We found the trace of
9 somebody who had been dragged along the ground, and after verifying we thought
10 maybe this was him, maybe he'd died, and we dug up the earth. It was loose earth and
11 we went down about two metres and we found his clothing, his trousers, his shirt, that
12 had been buried. We thought we would find his body. We kept digging. We didn't
13 find it. It was late and, although I was there, the MLC militiamen despite the fact that the
14 gendarme were there told us to leave. So we left and to this very day we haven't found
15 the body of that colonel. He is missing to this very day.

16 Q. Can you explain how the MLC could tell you to leave and prevent you from
17 carrying out and finishing your investigations?

18 A. Thank you. Well, if in your preliminary investigations, even at the level of Bangui,
19 because even today nobody is talking about this colonel, who was nonetheless the chief of
20 intelligence, and he went missing. Nobody's talking about him. Damango, who was
21 the captain of the gendarmerie, was with me and we continued to search, to dig, and they
22 came along and said to us that we had to leave. I was the head of operations, and I was
23 told to leave and they used threats. So we left, but once they had gone we came back to
24 continue digging, because when they left the support unit to go up to PK13 we came back
25 to continue our research. We went to the morgue. We went all over the place, but we

1 didn't find his body.

2 So you're asking me how come they prevented us? Well, I don't really know what to say.

3 We didn't have any means that day of resisting. They came to help us. They had
4 resources. We didn't. When I'm threatened and told to leave, night was falling, it was
5 our zone, but I left. I went back to Camp Béal.

6 Q. How exactly did they threaten you, sir?

7 A. They were categoric. They just told me to leave and not to stay, because they said
8 it was their area, their zone. They thought that maybe they were being accused of the
9 disappearance of that colonel, but I wasn't doing that. I had something else in mind.
10 The colonel was related to President Patassé, and I wondered whether it was people who
11 were against him who might have done that. I mean, I was asking all sorts of questions
12 in my mind, but when they told me to leave I left.

13 Q. You now mentioned three different incidents that happened in relation to the MLC
14 and the FACA. For me to have it very clear, can you put these three incidents into a
15 chronological order? Which incident happened first?

16 A. I've given it by chronological order. The first was when our men were disarmed
17 and divested of their clothing. The second was the incident that occurred between the
18 colonel who came to tell us that the people were going into the camp to loot it and he was
19 unhappy with that, and then there was an altercation with those militiamen and then he
20 came to us and reported it, and then I went to look for the colonel's body and they asked
21 me to leave, even though I was the interface. That was the second incident, and then
22 after the other incidents at PK13. If you want to ask me about that, then I can tell you.

23 Q. Yes, please, sir. Continue.

24 A. On the incident at PK13, okay. Right. Well, the incident at PK13, it was pretty
25 much the last thing that happened before I left. That was perhaps what triggered my

1 going into exile. The Chief of Staff called me and told me to get up to PK13 quickly
2 because our men, FACA men, who were at the BIT1, well, there were some, there was
3 some ill-feeling because militiamen had -- had a run-in with two of the FACA men who
4 were going up to PK13, where there was the command post, Mustapha's command post,
5 and they were taken up there. They were captured, tied up, and they were going to be
6 killed because they were traitors, they were Bozizé's men. So their colleagues, who
7 weren't too far away, they were at PK11, they went out on to the road and they started to
8 demonstrate and whenever there's an incident I was asked to intervene.
9 I got several phone calls from General Mazi, from General Betibangi who'd come back and
10 from the Chief of Staff of the armed forces who'd come back as well, and I was told to get
11 up there quickly and sort things out.
12 I went up to PK12, at the barrier. Some of our men were there and they were quite
13 excited and I told them to calm down and to get back to the base and I would sort things
14 out. Then I went off with the gendarmerie brigade commander at PK12, to go up to
15 Mustapha.
16 When I arrived there I called up General Mazi and told him that I was already there and
17 he came to join me, and I started to talk to Mustapha. These men were tied up. I was on
18 the ground, I was sitting on the ground, and I said, "No, these are men who work with us.
19 They tend to come here to get coffee," and he said, "No, no, they're not, they're spies."
20 Fortunately, the general then arrived and we were still talking through an interpreter,
21 because each time you needed an interpreter, and it was with great difficulty that we
22 managed to get the two men and take them back to the camp.
23 That calmed down the tensions. And two days after that, I didn't see anyway out. I
24 really couldn't spend all of my time doing that sort of thing. It wasn't my role. Each
25 time round, to come and beg, it was just no longer possible, so I decided to leave and I

Trial Hearing
Witness: CAR-OTP-PPPP-0031

(Open Session)

ICC-01/05-01/08

1 went.

2 Q. All these incidents that you mentioned, did you report them to your superiors?

3 A. Yes, that's automatic. I'm talking about the last incident. That last incident, well,
4 it was my superiors who called me, so obviously I report back to them systematically.
5 There were phone calls coming from all over the place. I gave you the names. There
6 were magistrates calling me up, judges, one of your colleagues, he's still alive. His house
7 was looted. He called me up because, fortunately, he knew me. He called me so that I
8 could get in touch with the people responsible and get his house released but I didn't
9 manage to. I was powerless to do anything. I reported to my superiors, yes.

10 Q. What was the reaction of your superiors when you told them that you were
11 powerless?

12 A. Well, really, it's up to you to ask them that question. I don't think I can say. There
13 wasn't any possible response to my concerns, my worries. I gave you the example of
14 people who called me up, people I knew, asking me to intervene on their behalf because
15 of the looting left, right and centre, but what about the people I didn't know? So there
16 was just no solution, and I could no longer bear the situation.

17 Q. Thank you, sir. I have one more clarification question in relation to this incident
18 that you mentioned. You mentioned the pillaging of the barracks, of the musical
19 equipment. When did this happen? Was that the first incident that you were referring
20 to?

21 A. No, it was after, because there wouldn't have been anyone left. It was afterwards.
22 It was after the first incident. I got everybody to leave. Cohabitation wasn't going too
23 well, so I could no longer leave people there so, in a way, I was perhaps the cause of the
24 looting because I had to move people out, but I wanted to prevent there being such
25 incidents. I preferred to take all of our men out, take them back to Camp Béal and leave

1 the camp to the others.

2 Q. Sir, the MLC troops came to help the FACA troops to push back Bozizé's men, and
3 with all these incidents that happened, the relations worsened at the time but, in the very
4 beginning, were the FACA and the MLC troops carrying out the operation together?

5 A. There was just one operation. Just one. When, on the 27th, our men were in the
6 second line and it lasted, say, for three or four hours, so on the 27th, and that was to push
7 back Bozizé's men beyond PK13. And that was when there was the stand-off and we
8 were opposing each other and that was when together they went off to PK13 and
9 everything went fine notwithstanding the incident that occurred.

10 So they went up to PK12, and our men were at BIT1, and they were at PK13. That was
11 the only operation, and that was when it was necessary to push back Bozizé's men beyond
12 PK13, and there was no incident then. Everything went fine, right through to PK13. But
13 there were no other joint operations, and I'm saying that because at that time I was there.
14 I spent a month there before I left. Afterwards, there were other operations but when I
15 was there, I only spent a month there. On 25 November, I decided that I would leave the
16 army and go into exile.

17 Q. Who led this joint operation of the MLC and FACA troops?

18 A. It was decided by the delegate Minister of Defence.

19 Q. And who did he instruct to carry out this joint operation?

20 A. Well, that operation, we didn't have any resources. Our men went off but they
21 really couldn't do much. I've already said that so I have to say it again: Our men didn't
22 have anything, no weapons, for at least six -- well, over a period of six years there'd been
23 at least three mutinies where men had gone off with weapons. There'd been a coup
24 d'état on 22 May. People there had absconded with weapons as well. There might have
25 been, say, one platoon here or there that might have had weapons, that might have

1 accompanied them through to PK12, but the general and I, we were at the operation
2 centre and it lasted three to four hours. It wasn't even combat because the people on the
3 other side knew, those men knew that opposing them, that there was an arsenal in the
4 hands of the MLC. They had plenty of weapons. So we went through, we got through
5 to PK12 without really coming up against any real resistance.

6 Q. Did the MLC and the FACA troops move together to PK12?

7 A. Yes, indeed they did.

8 Q. What was the strength of the respective groups?

9 A. I really couldn't say. The MLC, well, they had most of them. Some of them
10 remained at the base because they had their command post there, before they moved it up
11 to PK13, but I really couldn't say. Even at the operation centre, we never knew
12 how -- exactly how many men there were in the MLC. Perhaps afterwards people found
13 out but I, honestly, never knew exactly how many men of the MLC were there.

14 Q. I'm referring now to this particular joint operation, when you pushed back Bozizé's
15 men beyond PK12. Without giving precise numbers, would you say that there were
16 more MLC troops than FACA troops?

17 A. Yes, that's what I said. There were more MLC troops than our men. Let me say
18 once again that the FACA men weren't -- hadn't really decided to fight. They were
19 completely demoralised. So it was very difficult to have them with the MLC men but
20 there was the other difficulty. I mean, it was our territory. That was what was
21 important. We hadn't decided, the army hadn't decided that these militiamen should
22 join us. It was the orders from above and when you're a soldier, you carry out orders.
23 We were told, "Don't hesitate, don't object, don't ask questions," and that's what we tried
24 to do. And our soldiers, we had to talk to them. At that time they couldn't give a damn.
25 They would go off home. They went back to their homes. They didn't want to get

Trial Hearing
Witness: CAR-OTP-PPPP-0031

(Open Session)

ICC-01/05-01/08

1 involved.

2 I mean, if I had done what the others did I wouldn't even have been here in this
3 courtroom.

4 The country was attacked. I didn't see Bozizé. His men were there. I took up a
5 defensive position. My concern was nothing to do with the MLC issues but it was my
6 concern to defend things. People were really demoralised though. Our soldiers were
7 really demoralised and until that point it was difficult to convince them to fight.

8 Q. Sir, in this particular joint operation, who commanded the FACA troops?

9 A. It was a platoon, with a lieutenant. They were people who were helping out.
10 They didn't necessarily -- they weren't necessarily familiar with the road, so there was a
11 platoon. It wasn't possible to leave the MLC on their own to go up to PK12. As regards
12 the command centre, the CCOP, we were monitoring their progress. They arrived at the
13 first checkpoint. It was a few kilometres along and there was pretty well no one on the
14 other side, and they left. They continued. In this way they gradually got up to PK12, so
15 at the operation centre we could monitor their progress.

16 MS SCHMIDT: Madam President, I see it's only two minutes left. I would like to go
17 further into that issue maybe on Monday, if possible. Thank you.

18 PRESIDING JUDGE STEINER: Thank you, Ms Schmidt.

19 Mr Witness, we will adjourn for today. It's time for you and for our interpreters, court
20 reporters, court officers, to take some rest. We hope you have a very restful weekend.
21 We will resume on Monday morning, at 9.30, and the Prosecutor will continue
22 questioning you.

23 Thank you very much. Court usher, please take the witness outside the courtroom.

24 (The witness stands down)

25 PRESIDING JUDGE STEINER: I would like to thank very much the Prosecution team,

Trial Hearing
Witness: CAR-OTP-PPPP-0031

(Open Session)

ICC-01/05-01/08

- 1 legal representatives of victims, the Defence team, Mr Jean-Pierre Bemba Gombo. To
- 2 thank very much our interpreters and court reporters. We will adjourn and resume on
- 3 Monday morning at 9.30. The hearing is adjourned.
- 4 THE COURT OFFICER: All rise.
- 5 (The hearing ends in open session at 5.29 p.m.)