

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0151

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

6 Judge Kuniko Ozaki

7 Trial Hearing

8 Monday, 17 October 2011

9 (The hearing starts in open session at 9.32 a.m.)

10 THE COURT USHER: All rise. The International Criminal Court is now in session.

11 Please be seated.

12 PRESIDING JUDGE STEINER: Good morning everyone. Could, please, court officer

13 call the case.

14 THE COURT OFFICER: Good morning, Madam President, your Honours. This is the

15 situation in the Central African Republic, in the case of The Prosecutor versus Jean-Pierre

16 Bemba Gombo, case reference ICC-01/05-01/08. Thank you, your Honours.

17 PRESIDING JUDGE STEINER: Thank you very much. Good morning and welcome

18 the Prosecution team. New faces. Mr Iverson, would you like to introduce your team

19 for today, please?

20 MR IVERSON: Absolutely. Good morning, Madam President. With me in the

21 courtroom this morning are Sanyu Ndagire, Sylvie Vidinha, Petra Kneuer and myself, Eric

22 Iverson.

23 PRESIDING JUDGE STEINER: Thank you very much. Good morning, legal

24 representatives of victims, Defence team, Mr Jean-Pierre Bemba Gombo. Good morning

25 to our interpreters, court reporters. We will start today with the testimony of Witness

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1 151.

2 Before I call the witness into the courtroom, I think the parties and participants were
3 informed that the current witness has some speaking difficulties, so I hope parties and
4 participants pay attention to this in particular and when questioning the witness in order
5 for the testimony to go smoothly, and for all parties.

6 I will ask, please, court usher to bring the witness in.

7 (The witness enters the courtroom)

8 WITNESS: CAR-OTP-PPPP-0151

9 (The witness speaks Sango)

10 PRESIDING JUDGE STEINER: Mr Witness, good morning.

11 THE WITNESS: (Interpretation) Good morning, ma'am.

12 PRESIDING JUDGE STEINER: You are welcome to this Court to give your testimony
13 before the Judges. Before you start giving your testimony, Mr Witness, I will ask the
14 court usher to facilitate you taking the oath. There is a card in front of you containing the
15 words of the oath, and I will ask you, please, to repeat such words. The court usher will
16 help you. I think the court usher should read the words for the witness because maybe
17 I'm wrong but the witness will testify in Sango. Ah, the words are in Sango.

18 THE COURT OFFICER: "I solemnly declare ..."

19 THE WITNESS: (Interpretation) I solemnly declare ...

20 THE COURT OFFICER: "... that I will speak the truth ..."

21 THE WITNESS: (Interpretation) ... I shall tell the truth ...

22 THE COURT OFFICER: "... the whole truth ..."

23 THE WITNESS: (Interpretation) ... the entire truth ...

24 THE COURT OFFICER: "... and nothing but the truth."

25 THE WITNESS: (Interpretation) ... and nothing but the truth.

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1 PRESIDING JUDGE STEINER: Thank you very much. Mr Witness, now that you have
2 taken the oath, can I confirm that you understand that the oath means that you must give
3 answers to questions asked of you that are true and accurate to the best of your
4 knowledge and belief?

5 THE WITNESS: (Interpretation) I understand.

6 PRESIDING JUDGE STEINER: Mr Witness, you might have been informed that you are
7 testifying in open session and that your identity is known to the parties, participants and
8 to the public. However, I need to remind you that there are other victims, witnesses and
9 persons connected with this case whose identities are not known to the public.
10 I would, therefore, ask you that you exercise caution in mentioning the names of persons
11 who may be considered vulnerable in the context of these proceedings. If need be, in
12 order to answer a question that includes mentioning names of persons that are also
13 victims or witnesses in the present case, I ask you, please, to let us know and we can go
14 into private session. In private session you can speak freely because the public cannot
15 hear what you say. Do you understand that, sir?

16 THE WITNESS: (Interpretation) Yes, your Honour, I do understand.

17 PRESIDING JUDGE STEINER: Mr Witness, because we speak different languages, there
18 is interpretation so that we can all understand each other. Because of the interpretation,
19 it is important that you speak slower than normal to allow the interpreters to do their job.
20 We also need to wait a few seconds after a question is put to you, and before you start
21 giving your answer, in order to allow the interpreters to finish the translation of the
22 question. This is what we call the "five-seconds golden rule."
23 Because speaking slow may seem unnatural it may be that you start speeding up, at which
24 point I will have to interrupt you to remind you to slow down again. This is purely for
25 practical reasons. Don't take offence for that and this should not discourage you from

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1 speaking.

2 Do you understand that, Mr Witness?

3 THE WITNESS: (Interpretation) Yes, I do understand, your Honour.

4 PRESIDING JUDGE STEINER: At any time, Mr Witness, if you feel tired or distressed,
5 please let us know and we can have a break in order for you to take some rest.

6 Mr Witness, the Chamber needs to put a few questions to you before you start giving your
7 testimony. I want to ask you, Mr Witness, have you been given the opportunity to read
8 or have read to you the statement, or statements, that you made to the Court?

9 THE WITNESS: (Interpretation) I read over the statements that were taken on that
10 day. There is one thing I saw that in my statements made earlier, some of the things that
11 I said, some of the information that I gave, well, I noticed a number of errors in those
12 statements. That is why I would like to take this opportunity, being here before the
13 Court, to ask for an opportunity, or for permission, to correct some of these mistakes, and
14 I believe that by speaking in Sango it would be better. It would be easier for me to make
15 myself understood.

16 Furthermore, I would like to stress that I have a problem with stammering and I would
17 like to ask the Chamber to take account of that.

18 I am here today before the Chamber because I want to take this opportunity to answer the
19 question -- the questions from the Chamber. I am entirely willing to answer all of your
20 questions, your Honour.

21 PRESIDING JUDGE STEINER: Mr Witness, you will be given the opportunity to make
22 any corrections you deem necessary in your statements. The Prosecutor, when
23 questioning you, will facilitate the task of allowing you to make such corrections
24 whenever you want.

25 I have to ask you, Mr Witness, at the time you made the statement, or statements, did you

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1 do so voluntarily?

2 THE WITNESS: (Interpretation) I made those statements voluntarily, entirely of my
3 own volition.

4 PRESIDING JUDGE STEINER: Mr Witness, is the information you have provided in
5 your statement, or statements, true and accurate to the best of your knowledge and
6 understanding?

7 THE WITNESS: (Interpretation) Those statements are entirely true.

8 PRESIDING JUDGE STEINER: Mr Witness, in case the parties or the Chamber intend to
9 introduce your statement, or statements, as evidence, do you have any objection?

10 THE WITNESS: (Interpretation) I entirely agree with this information being placed on
11 the record, as you have just suggested.

12 PRESIDING JUDGE STEINER: Thank you, Mr Witness. I want to assure you that you
13 can take your time. We are here in this courtroom to listen to you, to what you have to
14 say. We are not in a hurry. You take your time and I repeat, if at any time you feel tired
15 or distressed, just let us know and we can have a break.

16 As you were probably informed during your familiarisation process, you are going to be
17 questioned first by the Prosecution, then by the legal representatives of victims and finally
18 by the Defence. You take your time and we are here to listen to you.

19 I will now give the floor to the Prosecution. The Prosecution will be the first one to put
20 some questions to you. Mr Iverson, you have the floor.

21 MR IVERSON: Thank you very much, Madam President.

22 QUESTIONED BY MR IVERSON:

23 Q. Good morning, sir. How are you doing this morning?

24 A. I feel just fine.

25 Q. We met briefly last Friday but I will introduce myself again. My name is Eric

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1 Iverson, and I am a trial lawyer and I represent the Office of the Prosecutor, and I will be
2 asking you some questions today.
3 Madam President has already advised you on the interpretation system in the courtroom
4 so I just want to remind you to speak slowly, and I don't think that that will be a
5 problem - you seem to be speaking at a nice slow, steady pace - and that of course is for
6 the benefit of the interpreters because, of course, everything that we're saying is being
7 interpreted. And just remember also when you're, you know, speaking in the slow,
8 steady pace the five-second golden rule that Madam President mentioned in between
9 question and answer.

10 Now, if at any point in time you don't understand the question I'm asking, please let me
11 know and I will do my best to rephrase the question or provide you with some
12 clarification. Now, if you would like me to repeat any of my questions, please feel free at
13 any time just to ask me to do so, and please take your time and think about the question
14 that I'm asking, and then try to focus your answer on the question so that we can have a
15 complete account of what you know.

16 Now, during the course of your testimony I'll be asking you many questions, mostly
17 having to do with the statement you already provided and, as Madam President
18 mentioned, if you believe there are any clarifications that you need to provide to your
19 statement that will be the time to do that. And you're doing that in order for the Court,
20 in order for the Honourable Judges here, to understand the basis of your testimony; what
21 you know and how you know it.

22 And again, I'll just reiterate something that Madam President said, if you need a break
23 also just let us know and we'll be able to accommodate that. Is that clear, sir?

24 A. I do understand.

25 Q. Sir, could you please state your full name?

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1 A. My name is Mokondui; that is my family name, Mokondui. My first name is
2 Joseph.

3 Q. Thank you. Could you please state your date of birth?

4 A. I was born around the year or towards the year 1949. I was born towards the year
5 1949.

6 Q. And could you please state the city and country where you were born?

7 A. I was born in the locality of Bossako, which is situated in the subprefecture of
8 Mbaiki, in Lobaye.

9 Q. And that's in the Central African Republic; is that correct?

10 A. Yes, it is.

11 Q. So you are a national of the Central African Republic; is that right?

12 A. Yes, I am.

13 Q. And what is your marital status?

14 A. I separated from my first wife. At present I have a partner with whom I'm not yet
15 married, but we do live in the same house.

16 Q. Sir, do you have children and if so how many?

17 A. I do have children. Four of them are still alive, three boys and one girl.

18 Q. Sir, what is your ethnic origin?

19 A. I belong to the Mbaka ethnic group.

20 Q. Sir, what languages are you able to speak?

21 A. I speak French; I speak Sango; I also speak the Isongo language.

22 Q. And are you able to also write in those languages?

23 A. I can write in French and I can also write in Sango.

24 Q. Sir, which city do you currently live in?

25 A. I live in Bangui, and more specifically in the Ngitangula (phon) neighbourhood.

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1 Q. Sir, are you currently retired?

2 A. At this time I am indeed retired.

3 Q. You are a retired military officer; is that right?

4 A. That is correct.

5 Q. What was the last military rank that you attained before you retired?

6 A. Before retiring, I reached the rank of lieutenant-colonel.

7 Q. Thank you, sir. At this point I'd like to ask you several questions about a certain
8 period, and that is the period of October 2002 until March 2003. Now, thinking back to
9 that time, what were -- what was your occupation during that time?

10 A. Between October 2002? Well, at that time, I was the commander of the 5th
11 Company; of the 5th Combat Company.

12 Q. As the company commander of the 5th Combat Company, what were some of your
13 duties?

14 A. At the time I commanded the 5th Company - the 5th Combat Company - my duties
15 consisted in overseeing the staff, because that particular company, all the staff in that
16 company were technicians. These were office workers, people working in offices. In
17 most cases they actually worked in their offices, and when the troops were gathered in the
18 morning so that all the troopers could be counted, after the counting was done the roll
19 was taken, those who worked in the offices went to their offices. Others went to garages,
20 because they were mechanics, and they worked on vehicles. Others were cooks, and
21 those who were cooks obviously then proceeded to their cooking work, and everything I
22 have just told you now has to do with technical work. These were all technicians and I
23 was the leader of that group of technicians.

24 Q. Was this a logistical company?

25 A. That is correct.

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1 Q. And how many soldiers approximately did you have under your command in the
2 5th Combat Command, or 5th Combat Company, excuse me?

3 A. There were many soldiers. I should like you to understand that the 5th Company
4 did very many things and there were many soldiers in this company. I'm afraid I cannot
5 really give you the exact figure, but even I can talk about my hierarchical superior.
6 Whenever there was any question of proceeding to an operation, I had to discuss matters
7 with my hierarchical superior.

8 THE INTERPRETER: The interpreter of the Sango booth corrects himself and now says,
9 "I was also in charge of overseeing the work carried out by my hierarchical superior.
10 Overseeing his work was also part of my duties."

11 MR IVERSON:

12 Q. What was your military rank at the time you were the company commander of the
13 5th Combat Company?

14 A. My rank was commander.

15 Q. And within your company, the 5th Combat Company, were there individual
16 soldiers who had a higher rank than you did?

17 A. Yes, in this combat company some officers had a higher rank than me.

18 Q. These higher-ranking officers, were they members of a staff? A military staff?

19 A. That is correct, the Chiefs of Staff. All those people obviously were to be reckoned
20 with, but in my company we also had high-ranking officers.

21 Q. Now, were you the 5th Combat Company commander during the entire period that
22 I mentioned, from October 2002 until March 2003, or just a part of it?

23 A. In 2002, I was appointed to head that combat company. We had a lot of work to do,
24 and during those events I was removed from my duties and sent elsewhere to replace a
25 comrade in arms who was a captain.

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1 Q. When you replaced that captain that you mention, what position did you take up?

2 What was the new duty position that you had?

3 A. As you know, at times of disorder, of unrest, the officers leading soldiers are sent
4 individually to specific areas to make sure that the security of strategic places is kept
5 under tight control.

6 I could give you the example of a radio station and some other strategic points which are
7 to be secured, and I reiterate that in times of unrest officers are sent to these areas of
8 strategic value to command the operations in these areas and this is why I was sent to
9 Camp Béal in order to replace that captain. In French it was known as the command
10 post, the "poste de commandement." It was known -- it's PCO, "poste de commandement
11 de l'opération," the operational command post, and I went to replace the captain and he
12 went back to the Camp de Roux.

13 Q. And what post did you fill at what I'll call the "command post" in English? What
14 was the duties that you had there in your new position?

15 A. In that post where I took over from my brother in arms, the captain, I fulfilled the
16 same tasks as had the captain. He represented -- he was appointed to represent our
17 superiors, together with the other officers present. As I said, in a time of crisis, the
18 superior officers are assigned to supervise the different posts until such time as the crisis
19 is over, and it is only after the crisis is over that the officers return to their previous
20 position.

21 Q. So is it fair to say that during this period of crisis you took this temporary position?
22 Was it temporary or was it permanent?

23 A. I was assigned to that post, as I've already told you, on a temporary basis. It was
24 just to manage the crisis, and then once the situation returned to normal the commander
25 gave the order for all the officers to return to their previous positions.

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1 Q. Do you remember on which date you were assigned to this new temporary
2 position?

3 A. As to the exact date when I was appointed to this temporary position, as you know,
4 the decision was not notified. It was a result of the prevailing circumstances, and I do
5 not now remember the exact date. It was a long time ago.

6 Q. Do you remember the approximate date?

7 A. I wouldn't want to tell a lie, and I am not in a position to give you the exact date. I
8 would say just it was during 2002.

9 Q. Okay. Well, sir, I'm not asking you for an exact date, and I certainly don't want to
10 ask you to tell a lie, of course. What I'm asking you for is just an approximate date. If
11 you know the date -- obviously you don't know the exact date. If you know the month,
12 for example, and by letting the Chamber know that it's approximate you're also letting
13 them know that you don't remember the exact date. So if you know, please let the
14 Chamber know approximately, and month and year will be fine.

15 A. If I remember correctly it was before January. I don't know whether it was
16 before -- before November or December, but what I do know is that it was before the new
17 year. It was approximately at that time.

18 Q. Okay. And I'd like to go back to a question I asked a few minutes ago, and I'd like
19 you to just listen to the question and provide an answer specifically to the question I'm
20 asking. What were your duties in your new temporary position?

21 A. The task assigned to my brother in arms, the captain, I think he served as a link
22 between the post he occupied, where I took over from him, and the same tasks were
23 assigned to me, as liaison.

24 Q. Can we call the name of the post or the duty position a "liaison officer"; would that
25 be fair to say?

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1 A. Liaison officer, that could be correct, and that was the function he performed.

2 Q. And is that also the function that you performed, sir?

3 A. Yes.

4 Q. Now, what were the specific duties? What did you do as the liaison officer in this
5 new position?

6 A. As liaison officer I was responsible, or in fact I was supposed to be liaison officer,
7 but in practice that is not what happened. As I've already said, we were -- we were
8 under the authority of a security unit, and our superior had to allocate us - to assign
9 us - to specific sensitive points, strategic point positions, so that we could monitor the
10 prevailing situation and get intelligence coming from small localities in the operations to
11 the operations centre. If there were any events, if there were any situations, or if there
12 was any information that was necessary for our command, it was our task to obtain such
13 information, but we did not -- we did not perform. We did not perform these functions
14 effectively.

15 Q. Sir, I'd like to -- later in the examination I'd like to come back to this issue, but now
16 I'd just like to ask you about the command post itself. Did the command post have any
17 other name than the "POC," poste opérationnel de commandement?

18 A. That was its first name. That was the first name, this name of "PCO." It was only
19 afterwards that another name was given to it, which was "CCOP."

20 Q. And could you tell us what "CCOP" stood for?

21 A. This means -- this was the name chosen by my -- the superior officer. The first is
22 "C," centre for the commandement, and then "OP," opérationnel. So centre de
23 commandement opérationnel, operational command centre. That is how I would define
24 this acronym.

25 Q. And did you receive military orders, either written or verbal, ordering you to

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1 change your duty position from the 5th Combat Company commander to liaison officer?
2 A. Yes, I received an order. It was my superior officer who selected me. You know
3 that in the army if you haven't received instructions, you as a subordinate cannot act on
4 your own initiative. Under military regulations that is strictly prohibited. I was
5 selected, I received orders to replace my comrade in arms and I replaced him and he went
6 back to the base to perform other functions. I received an order from my superiors
7 assigning me to that position.

8 Q. What was the name of the person who ordered you to replace this captain as liaison
9 officer?

10 A. Where we were, there was as service which was responsible for assigning soldiers
11 either to -- to be on guard, or to perform, go out on operations, and they received the
12 instructions. It was the office for receiving instructions and in charge of operations. It
13 was the person in that office who scheduled guard duties and operational duties, and it
14 was that person who received the order from the commanding officer who received the
15 order for me to replace the captain and then the captain went back to base to train new
16 recruits.

17 Q. And this officer who ran the orders through this office, or this service for assigning
18 soldiers, who was that officer, if you know?

19 A. That -- the officer who supervised the office, that person is -- has since passed away.

20 Q. Sir, what was that officer's name?

21 A. His name was Moba Ngonia (phon).

22 Q. Where was the PCO and later the same operation centre, the CCOP? Where was
23 this command -- I'll call it a command post? Where was it located?

24 A. The PCO office was in the camp which the westerners called Camp Béal.

25 Q. Sir, could you please describe for the Chamber a bit about Camp Béal and what

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1 types of units were there, what function it served for the Central African Republic military
2 force?

3 A. When Camp Béal -- Camp Béal was the camp where the different services of the
4 Ministry of Defence were sited; the Ministry of National Defence. In that camp there
5 were different services. There were the office -- there was the office of the bureau of the
6 military commander - the army commander - and other services, logistics, food. There
7 were -- it was a large camp. There were a lot of different services.

8 Q. Now, in terms of hierarchy, was the CCOP the highest command centre within the
9 Central African military force?

10 A. I don't know how to answer your question. You know, it's rather like here. There
11 are different administrative services. It was a big service. It was not above the military
12 High Command. It was a place where all the services were grouped together so that
13 they could operate normally, because previously different services were in other locations
14 and this made things difficult. So the idea was to have all the services in the same place
15 to facilitate operations. It was not above the military High Command. It was just a
16 place where the different services of the national defence were grouped together.

17 PRESIDING JUDGE STEINER: Mr Iverson.

18 MR IVERSON: Thank you, Madam President.

19 Q. Just in a moment, sir, we're going to take a break so, after the break, I'll come back to
20 that. And I just want to let you know, sir, that it's just a matter for me to find the right
21 language to kind of work out how these structures worked together, the military High
22 Command, the CCOP, et cetera, so please bear with me if I'm not finding the right military
23 terminology that you're used to dealing with in the Central African Republic but we'll get
24 to that right after the break, sir. Thank you.

25 A. I would ask for what the Office of the Prosecutor has just said to be repeated.

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- 1 PRESIDING JUDGE STEINER: Mr Witness, we'll have now half-an-hour break in order
2 for you to take some rest, take some coffee or tea. Our interpreters also need to take
3 some rest. It is 11 o'clock. We'll be back at 11.30.
4 When we are back, the Prosecutor will reformulate his question to you so don't worry
5 about that. I will ask the court usher to accompany you now outside the courtroom for
6 our half-an-hour break. Court usher, please.
7 (The witness stands down)
8 THE COURT OFFICER: All rise.
9 (Recess taken at 11.00 a.m.)
10 (Upon resuming in open session at 11.34 a.m.)
11 THE COURT USHER: All rise. Please be seated.
12 PRESIDING JUDGE STEINER: Welcome back. New faces again, the Prosecution
13 bench?
14 MR IVERSON: Indeed, Madam President. We have a substitution and an addition.
15 So Frédérique Besse is in place of Sylvie Vidinha, and Justin Nari is the addition.
16 PRESIDING JUDGE STEINER: Thank you. Could, please, court usher bring the
17 witness in.
18 (The witness enters the courtroom)
19 PRESIDING JUDGE STEINER: Mr Witness, welcome back.
20 THE WITNESS: (Interpretation) Good morning once again, your Honour.
21 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?
22 THE WITNESS: (Interpretation) I'm ready.
23 PRESIDING JUDGE STEINER: Thank you, Mr Witness. I just want to remind you that
24 if at any time you want a break, please just let us know and we can anticipate our normal
25 breaks. I'm giving the floor back to the Prosecution. The Prosecution will continue

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1 questioning you, starting by clarifying the last Prosecution's proposition. Mr Iverson.

2 MR IVERSON: Thank you very much, Madam President, your Honours.

3 Q. Sir, as Madam President just stated, I'd like to just go back to the issue we were
4 discussing before the break. Now, I had posed a question about the hierarchical
5 structure of the Central African forces and how the command post or the CCOP fit into
6 that structure, and you were saying that I had kind of mischaracterised how the hierarchy
7 worked or I made some assumptions that maybe aren't true.

8 So I would just like you, if you could, just tell the Court about the national command
9 structure at that time, within Central Africa, and how the command post fit into that
10 structure.

11 A. Well, in relation to that question, I will give you the following reply: I don't know
12 how to define the position of the CCOP in relation to the command structure within the
13 army. I don't understand why they took that decision to change the name of that unit so
14 that it would go from CCOP to CC -- to PCO to CCOP. From PCO to CCOP.

15 Q. Well, I'm not asking so much about the name change as I am about the importance,
16 the relative importance, of the CCOP to the national command. Was it -- well, let me just
17 ask you this, sir: Was the CCOP important to the national command?

18 A. The CCOP is a structure that is part of the army command. The basic, the essential
19 duties of the unit was to send troops off on secondment and when there was a security
20 problem within the country so this unit was in charge of preparing all the various
21 administrative arrangements to be made as well as logistics, the logistics of the Central
22 African Republic army. In the final analysis, generally speaking, that was the work done
23 by the unit.

24 Q. Okay. Let's see if we can work out how the structure operated in practice. Earlier,
25 before the break, you mentioned a military High Command. Is the military High

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1 Command that you mentioned the highest body within the military that has a
2 decision-making capability over what happens to the military?

3 A. As I told you, the High Command is the entity that takes decisions and issues
4 decisions to lower-ranking units, and this is the unit that handles these various tasks.

5 Q. And did the CCOP work for the High Command to enable them to be able to make
6 decisions?

7 A. That's right. In actual fact, the CCOP is a command centre led by a senior officer.
8 This unit is responsible for all the movement of troops throughout the country, in
9 particular responsible for logistics, food services, supplies, replacing troops in the field.
10 This unit co-ordinates all these activities. It represents the command. It gathers
11 information, various sources of information, and sends on the information to the chain of
12 command so that decisions, the most appropriate decisions, can be taken to ensure the
13 safety of the population.

14 Q. Was there only one CCOP or were there several that were providing information to
15 the military High Command?

16 A. The CCOP was unique; it was a single entity. It's a centre with several areas, and
17 this centre prepares for the various movements of troops and also prepares the material.
18 It's also the unit that allows for the gathering of all information, intelligence, from various
19 units in the field with a view to passing on that information to the hierarchy, to the chain
20 of command. So everything went to that unit, and the unit was responsible for studying
21 the intelligence, looking at it before passing it on to the chain of command so that
22 decisions could be taken.

23 Q. Sir, would it be fair to say that the CCOP co-ordinated all of the activities for the
24 Central African armed forces?

25 A. That's right.

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1 Q. Sir, earlier you spoke of a crisis or a state of emergency, and we were talking about
2 the period of October 2002 to 2003, and you said that that's when you went to take on the
3 new position of liaison officer. Could you tell the Court what was happening in your
4 country, what was causing this crisis?

5 A. This crisis began when there was a misunderstanding, conflict within the army and
6 so the army was divided. Some soldiers left the army and went into the bush. That's
7 how we experienced the situation.

8 Q. Sir, the soldiers who left the army and went into the bush, to which leader did they
9 belong?

10 A. I think that within the military hierarchy, well, in actual fact there always is an
11 officer who is the commander of the various army units. In particular, there is a Chief of
12 Staff who leads a -- the army headquarters and that person is in charge of the entire army.

13 Q. Sir, have you heard the name Bozizé before?

14 A. He was a senior officer; he was one of my military leaders. I do know him.

15 Q. You say that there was a conflict within the army and the army was divided. How
16 did the army divide itself? To whom did one side of the army go and to whom did the
17 other side of the army go?

18 A. One recognises a loyal soldier by his obedience to his leader. There were a number
19 of soldiers who obeyed orders; others didn't. Well, in actual fact, I can't really
20 understand everything that happened. We experienced many crises. In fact, those of us
21 who were in the army, we were able to realise that some people were not present, so we
22 realised that various soldiers had certainly followed the rebels.

23 Q. So there were two main groups, the rebels and the loyalists; is that correct?

24 A. Yes, that's right, there were two groups. Some soldiers deserted the army and took
25 another path and we, we remained loyal in order to ensure the protection and the safety

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1 of the people. We didn't join the army just to follow one person. That is why we
2 remained loyal, to work for the people. Some of us withdrew and followed the rebels
3 into the bush. Those who deserted and became rebels, who followed the rebels, were
4 thought of as deserters and we stayed behind to conduct the mission entrusted to us,
5 namely, ensuring the safety of the people and the safety of their property.

6 Q. So on one side you had the loyalists. Who was their leader?

7 A. Well, it's difficult to answer that question because one shouldn't tell a lie or get
8 things wrong. The situation was a difficult one because within the Central African
9 Republic army, the FACA, the FACA were led by the head of General Staff and we were a
10 member -- we were members of a separate unit that -- part of the presidential unit that
11 was led by another officer, the director-general of presidential security. And the
12 situation was difficult. I'm not in a position to tell you exactly who the true leader of the
13 FACA was.

14 Q. Sir, you mentioned the FACA and that they were led by the head of General Staff,
15 and you mention the presidential unit that were led by another officer when I asked a
16 question about the loyalists. Were there any other armed groups who were fighting on
17 the same side as the loyalists against the rebels?

18 A. During these events - during these events - foreign troops intervened within our
19 country.

20 Q. Sir, who were these foreign troops?

21 A. During these events Libyan forces came to our country. They were clearly visible.
22 There were also troops that came from the other side of the river; these troops were also
23 present in the country.

24 Q. Sir, when you say "the other side of the river," are you talking about the Ubangi
25 River?

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- 1 A. I'm not talking about the Ubangi River. When I say troops coming from the other
2 side of the river, I'm speaking about the troops that came from the Congo.
- 3 Q. Do you know what the Congolese troops called themselves?
- 4 A. Yes, they were called the Banyamulengue. It was under that denomination that
5 they were known.
- 6 Q. Sir, do you know if they referred to themselves as Banyamulengue or did they refer
7 to themselves by any other name?
- 8 A. On this specific issue, I must try and get things correctly. I never heard them
9 calling themselves anything. The name I gave you is the name that the population gave
10 them, but I don't actually know how those soldiers called themselves.
- 11 Q. Do you remember where you were when you had heard that the Banyamulengue
12 arrived or were going to arrive?
- 13 A. I wasn't really aware that they had arrived. I wasn't present. I don't know in
14 which form they intervened and I do not know on what date they arrived. I have no
15 information on that specific point.
- 16 Q. Sir, my question wasn't what date they arrived but if you remember where you were
17 when you heard that the Banyamulengue had either arrived or were going to arrive?
- 18 A. I was with the Presidential Guard. I had not yet been assigned to the other post, to
19 the other position. I was still assigned to a service within the city of Bangui, and that is
20 how I learned that foreign troops had arrived on our soil.
- 21 Q. How long after you had heard that the Banyamulengue arrived on Central African
22 soil did you go to your new position as the liaison officer?
- 23 A. I can no longer remember.
- 24 Q. Once the Banyamulengue had arrived on Central African soil, were you ever
25 informed of what their mission was, what their goal was?

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1 A. I was not informed of their goal, of their mission. I was not aware.

2 Q. You mentioned earlier that there were two parties to the conflict, that there were the
3 rebels and the loyalists. Do you know whether the Banyamulengue supported either of
4 these two elements or neither of them?

5 A. It is difficult for me to know exactly what happened. With the arrival of the
6 Banyamulengue troops, I don't actually know whether they came in order to lend
7 assistance but it seems to me that they came in order to help one of their own lot who was
8 experiencing difficulties.

9 Q. When you say they were -- you don't actually know, to lend assistance to one of
10 their own, to whom are you referring? Do you know this person's name?

11 A. I do not know exactly who the person was that the troops were going to lend
12 assistance to. I have no information on that point.

13 Q. Do you know why the Banyamulengue were in your country? Why were they
14 there?

15 A. Well, you know, only the person who asked those troops to come over would be the
16 person aware of the mission of those troops, of their goal. I, as an ordinary officer, how
17 could I know what their motivations were, what their goals were? Only the person that
18 asked them over would know that.

19 PRESIDING JUDGE STEINER: Mr Iverson, if you allow me?

20 MR IVERSON: Certainly, Madam President.

21 PRESIDING JUDGE STEINER: Mr Witness, just in order to facilitate your recollection of
22 the facts, when you talk about "loyalists," people or soldiers loyal to President Patassé; am
23 I correct?

24 THE WITNESS: (Interpretation) Yes, indeed. President Patassé was elected.

25 Therefore the soldiers, soldiers are supposed to be loyal to the president who has been

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1 democratically elected in order to serve the whole of the population.

2 PRESIDING JUDGE STEINER: Thank you. And when you talk about rebels, soldiers
3 that did not want to be obedient to President Patassé, are you talking about soldiers or
4 rebels that were recommended by General Bozizé; is that correct?

5 THE WITNESS: (Interpretation) Personally, I didn't want to mention any names here
6 because the rebel soldiers were those who refused to obey the elected president. It is
7 these soldiers who are considered to be rebels.

8 PRESIDING JUDGE STEINER: I understand, Mr Witness, but the fact that the rebels
9 recommended by General Bozizé is a public fact, is very well-known, you don't need to be
10 concerned about mentioning such name. You also mentioned that there were foreign
11 troops in your country, started by the Libyans. The Libyans were supporting President
12 Patassé or General Bozizé, do you know that?

13 THE WITNESS: (Interpretation) I remember that. The Libyans supported the
14 president, that is to say the president in power who had been democratically elected, and
15 who was the victim of a coup d'état. It was that president that the Libyans were
16 supporting.

17 PRESIDING JUDGE STEINER: And finally, Mr Witness, just for me to understand, these
18 people that came from the other side of the river, what the population called
19 "Banyamulengue," they came to your country to support the elected President Patassé or
20 the rebels of General Bozizé?

21 THE WITNESS: (Interpretation) It was Patassé who was in power and it was during
22 his term of office that the crisis commenced. And since he was the Head of State,
23 recognised as such by the international community, he had the power of appealing to any
24 power to come and lend him assistance. He was the President of the Republic,
25 recognised by the whole of the world. His power was threatened and, therefore, he was

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1 entitled to asking for assistance from anyone because he was the recognised Head of State,
2 recognised by the international community, and that is what happened.

3 PRESIDING JUDGE STEINER: Thank you very much for the clarification, Mr Witness,
4 and I give the floor back to Mr Iverson.

5 MR IVERSON: Thank you, Madam President.

6 Q. And thank you, sir, for that clarification. Just to remind you again, when I ask you
7 for a name, if you know that name please state that name. If you think that that name
8 would require us to go into private session please request that, but please don't avoid the
9 question when I ask you the name of a person; is that clear, sir?

10 A. I thank you. I think that I have understood you very well and I thank you.

11 Q. Thank you. I appreciate it, sir. Could you tell the Court the approximate
12 members of the loyalist FACA troops? So how many soldiers remained loyal to FACA
13 and were fighting on behalf of President Patassé?

14 A. It would be very difficult for me to give you the exact figure.

15 Q. Again, I'm not asking you for an exact figure, and I should have said "approximate
16 number" if I didn't. I'm asking you to approximate. So if you could round off to the
17 closest hundred or even thousand, it would be helpful for the Court to understand
18 approximately how strong the FACA loyalist force was.

19 A. In order to give you a reply, I will repeat: It does not behove me to have a clear
20 idea of the numbers involved. Were I to convey to you an inaccurate figure, that would
21 not be normal, so my answer is that this is beyond my kin.

22 Q. Do you know whether it was more than 10,000, 10,000 soldiers for the FACA
23 loyalists?

24 A. I cannot provide you with an exact figure because I'm afraid I may be mistaken.
25 Since I do not have the capability of knowing the exact numbers involved, I'm in no

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1 position to do so, and I apologise to you, sir.

2 Q. No need to apologise, sir. Again, nobody expects you to know off the top of your
3 head the exact numbers. I'm going to try it one more time. I just want you to
4 approximate, if you have a number in your head and you think, or you know, that it
5 is -- that it is a certain number of FACA loyalists, please say that number. And you can
6 also answer with a caveat of "I'm not really sure if this is a totally accurate number," or
7 "this is a wild guess." You can tell the Chamber what your level of confidence is about
8 that information, okay? Thank you, sir.

9 A. I have already said that I don't actually have any idea of the numbers involved. At
10 the time the army was divided, and the most you could do is realise that some people
11 were absent, but I cannot give you an exact idea of the numbers that remained loyal.

12 Q. Do you know if the FACA leaders, the people in charge operationally of FACA, had
13 an idea of how many troops remained loyal to them? Did they have a head count or
14 were they also uncertain as to how many soldiers were under their command?

15 A. Well, yes, it is the top-ranking officers; in other words, the commanders of the
16 various units and the various corps, army corps, who would be able to know exactly how
17 many people they had available to them because at the time, every single army corps
18 counted the number of members within their unit, and so they would be able to know
19 exactly how many people remained within the corps. But as I have -- I'm not privy to
20 that information, so I'm afraid I cannot give you any figures here.

21 Q. Sir, were you able to observe any of the Banyamulengue forces?

22 A. I saw some of them at the time, particularly when I was still assigned to the CCOP.

23 Q. When you say "some of them at the time," are you talking about individual members
24 of what you call the Banyamulengue or are you talking about entire units?

25 A. It's not that that I'm referring to. Let me put it this way. How was it that I saw

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1 them? When I was still assigned at the CCOP -- and, as I have already stated here, we all
2 belonged to the presidential unit, we were in the liaison service, but our duties were
3 however different. Each of us, each of the officers working within that particular
4 structure, by turns would replace his predecessor. When conflicts started between our
5 soldiers and the Banyamulengue we were kept informed, and every once in a while I
6 would be asked to go and defend some of the loyalists who may have been victims of
7 some rather difficult situations with the Banyamulengue. And I can also tell you that
8 I was able to see them when they just went by us on the major road, and there were others
9 also who were based not very far from where we were. This is what I can tell you about
10 the Banyamulengue soldiers.

11 Q. Well, it wasn't in my initial question, but since you mention it I will address what
12 you mention here. You mention that there were conflicts between your soldiers and the
13 Banyamulengue. Can you be specific? What actually do you mean by "There were
14 conflicts between our soldiers and the Banyamulengue"?

15 A. I would repeat what I've just said. When the Banyamulengue arrived, they set up
16 their headquarters at PK12. They also had advance -- advanced posts on the Damara
17 route. What I'd like to tell you is that in the north of our country, in particular in
18 Bozoum and certain other places, there were FACA detachments and the loyalists troops
19 were positioned there. And the misunderstanding that I mentioned, when that
20 misunderstanding occurred between the loyalists who were returning from their
21 detachment, they were not armed before being taken back to Bangui. It was the
22 Banyamulengue who disarmed them and when that happened the loyalists in question
23 went to the CCOP to complain, and that was when I was appointed on behalf of the
24 presidential unit to go to discuss this matter with the Banyamulengue officers who were
25 in PK12. That's what I'd like to say so that you can clearly understand.

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1 Q. And when you went to PK12, who did you meet?

2 A. In PK12, I met the leader of the expeditionary corps of the Banyamulengue. I had
3 discussions with him in the presence of his staff. I informed them of our complaints. I
4 explained to them that the forces they had disarmed were not rebel troops, but were
5 loyalist FACA troops who were going back from the front to Bangui. I explained the
6 situation to the Banyamulengue leaders who could take the decision to return our
7 weapons, and I went back to the CCOP and informed the members of the CCOP. That's
8 how it happened. So I went to meet the Banyamulengue leader, and in his absence I met
9 his deputy and I discussed these kinds of problems.

10 Q. And just so we have an idea of who you are talking about, what was the -- you
11 referred to him as leader of the expedition of the corps of Banyamulengue. Who was
12 that person? What was his name?

13 A. The leader of the Banyamulengue troops was called Mustapha. He was the
14 mission commander. He was the person who was in charge of the Banyamulengue
15 troops in our country.

16 Q. And when you refer to his deputy, what was that person's name if you know?

17 A. His deputy was called Amar. That's what we called him, Amar.

18 Q. And you said you talked with Amar, right?

19 A. I've just said that in the absence of their leader, of Mustapha, we conveyed our
20 complaints to his deputy, Amar. Amar could not take any initiatives. He could only
21 report back to his commander and it was for him to take the decision either to release the
22 prisoners, the troops they had taken as prisoners, or to return our weapons.

23 Q. And after your discussion with Amar about the prisoners and the weapons, was the
24 situation resolved peacefully between the Banyamulengue and the FACA?

25 A. On this precise point, what I would like -- what I will say now is just my opinion.

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1 You know that I was appointed to go to speak to him and convey our complaints and I
2 never found myself confronted with a refusal, I always had discussions in a good
3 atmosphere and on various occasions they returned the weapons to me. The matter
4 referred in particular to our troops who were in advanced positions, and when they were
5 pulling back they were arrested and disarmed on their way back and then I was asked to
6 go and speak to them and to try and find a solution and generally it was conducted in a
7 good atmosphere.

8 Q. Now, I want you to think about before you left to PK12 to discuss this issue with the
9 Banyamulengue. Think about before that happened. Is there anything that happened
10 before that with your commander? Did you discuss this issue, how you would handle it,
11 things of that nature?

12 A. At that time I was in the CCOP as liaison officer and it was as liaison officer that I
13 intervened to sort out these misunderstandings. The soldiers on the ground confronted
14 with problems came to the CCOP to complain, and that's why I then intervened with the
15 Banyamulengue forces.

16 Q. So you went to intervene. Was it entirely on your own, as the liaison officer, or did
17 you ask permission of your commander, or did you receive instructions from your
18 commander? That's a compound question and so I can break it down, if you don't
19 understand?

20 A. I could not act on my own initiative. I have told you here that a soldier could not
21 take initiatives himself; he had to receive orders. I received orders and, as I was part of
22 the presidential unit, my unit was assumed to have good relations with the
23 Banyamulengue troops, so my commander regularly appointed me to go to talk to the
24 Banyamulengue leaders.

25 Q. And who was your commander who ordered you to go talk to the Banyamulengue

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1 soldiers?

2 A. My commander in the CCOP was called Bemondombi, Bemondombi.

3 Q. And did Bemondombi order you specifically what to say or did he just order you to
4 think about what you needed to say and then meet with the Banyamulengue? In other
5 words, did you receive specific instructions on what to do and what to say at every turn
6 or were they more general? Did he just say "Go solve this situation," or did he give you
7 specific orders?

8 A. He knew that I was a part of the presidential unit and, thus, he asked me to go and
9 request the Banyamulengue leaders for the arms and ordinance of the soldiers to be
10 returned.

11 Q. Now, you say that your commander ordered you to go request that the
12 Banyamulengue return the prisoners and the arms. Why didn't you just simply order the
13 Banyamulengue to do these things?

14 A. I -- I don't know but -- I don't know why he didn't want to go himself. I don't know
15 what he was thinking. I don't know whether it was a question of trust or lack of trust.
16 He was my superior. I don't know why he gave me such orders. I think what he
17 wanted was to ensure that the complaints lodged by our soldiers could be solved, but
18 I don't know why he asked, he regularly asked me to go to the Banyamulengue rather
19 than going himself.

20 Q. Sir, I think we may have had a bit of an interpretation issue on the last question, so
21 let me rephrase. You stated that you requested the Banyamulengue to return the
22 prisoners and the arms; is that right?

23 A. That was not correct. Let me repeat: The Banyamulengue set up their base in
24 PK12, but they deployed some of their troops to advanced positions. But our FACA
25 troops were detached in the area around Bossembélé or Bozoum, and given the difficulty

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1 of the situation in the advanced post some tried to come back to Bangui, and on the route
2 back we didn't have any troops en route, it was only the Banyamulengue troops who were
3 occupying the ground.

4 So what I said was that it was the Banyamulengue who, when they saw the loyalist forces,
5 thought that they were rebel troops and, thus, they disarmed them and then let them go.

6 Was it a way of taking security measures? I don't know, but the troops who had been
7 disarmed then went to Camp Béal to the CCOP to complain.

8 Q. Sir, I apologise for interrupting you abruptly, but I just want to return to refocus on
9 the situation that we were talking about. Okay. So we now understand the basis for
10 why the Banyamulengue have the prisoners and the arms. What we are talking about
11 now is when you actually went and talked to the deputy commander of the
12 Banyamulengue; is that clear to you? That's the situation I'm asking you questions about
13 right now.

14 A. Yes.

15 Q. Good. Now, you say you went to the Banyamulengue and you requested that the
16 deputy commander return the prisoners and the arms, and in turn you say he then
17 relayed that request to his commander because you weren't able to meet with his
18 commander. Is that -- all of what I just said, is that correct?

19 A. That is not what I said. I said here that there was a Banyamulengue commander
20 assisted by his deputy. I conveyed the complaints to him, and if the commander was
21 absent I informed his deputy. And as his deputy could not take any decision he could
22 merely report back to Mustapha and request instructions. I didn't speak of our troops
23 who had been imprisoned, I spoke of our troops who had been disarmed. They took
24 their weapons away but let the troops leave, and I intervened so that the confiscated
25 weapons be returned. That is what I said.

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1 Q. Sir, thank you very much for the correction in what you stated earlier. So I just
2 want to have you assess the situation, and even in assessing it at the time, why didn't you
3 as the liaison officer simply march right up to the Banyamulengue and order them to do
4 what you wanted them to do? Why a request? Why not an order?

5 A. I could not do that. That would have risked, given rise to further conflicts. The
6 Banyamulengue forces were not under my command. When this kind of situation
7 occurred, it was more advisable for the problem to be handled among the -- by the officers.
8 I could not give orders to Mustapha. In principle, the message is given to the officer who
9 is responsible for dealing with the problem and he then reports to his superiors so that
10 decisions be taken, but I couldn't go directly to see the commander. I could not do that.

11 Q. And why were FACA forces, armed FACA forces, not just sent in to make the
12 Banyamulengue do what CCOP wanted them to do?

13 A. Under these circumstances, it was one or two or three soldiers pulling back. It
14 wasn't all the unit who were leaving their detachment to return to Bangui. You know
15 that at that time soldiers could not have recourse to force, and the FACA troops knew that
16 the appropriate service to go to to launch their complaint was CCOP. So it was the
17 CCOP which was authorised to go and discuss the matter with the senior officers of the
18 Banyamulengue so that they would give orders to their subordinates and so that the
19 problem could be solved. That's what I could tell you.

20 MR IVERSON: Thank you, sir. I have many more questions, but now is the time that
21 we break for lunch. So, with Madam President's leave, I would suggest we take a break.

22 PRESIDING JUDGE STEINER: Mr Witness, we have now our lunch break. It's
23 1 o'clock. We will resume at 2.30. That means that you can have lunch and take some
24 rest before we continue in the afternoon. I will ask court usher to accompany you
25 outside the courtroom.

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- 1 THE WITNESS: (Interpretation) Thank you.
- 2 (The witness stands down)
- 3 THE COURT OFFICER: All rise.
- 4 (Recess taken at 1.01 p.m.)
- 5 (Upon resuming in open session at 2.33 p.m.)
- 6 THE COURT USHER: All rise. Please be seated.
- 7 PRESIDING JUDGE STEINER: Good afternoon and welcome back. Could, please,
- 8 court usher bring the witness in.
- 9 (The witness enters the courtroom)
- 10 PRESIDING JUDGE STEINER: Mr Witness, welcome back.
- 11 THE WITNESS: (Interpretation) Good afternoon, your Honour.
- 12 PRESIDING JUDGE STEINER: Did you have the opportunity to take some rest
- 13 during the lunch break?
- 14 THE WITNESS: (Interpretation) Yes, I did have an opportunity to rest.
- 15 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony?
- 16 THE WITNESS: (Interpretation) I'm ready to continue with my testimony, your
- 17 Honour.
- 18 PRESIDING JUDGE STEINER: Thank you very much. I'll give back the floor to
- 19 Mr Iverson.
- 20 MR IVERSON: Thank you very much, Madam President. I would like to request
- 21 to move briefly into private session just for a question that I had, Madam President.
- 22 PRESIDING JUDGE STEINER: Court officer, please turn into private session. You
- 23 remind, please, the witness on what a private session means.
- 24 (Private session at 2.37 p.m.) Reclassified into open session
- 25 THE COURT OFFICER: Madam President, your Honours, we are now in private

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1 session.

2 MR IVERSON:

3 Q. Sir, we're now in private session and that means that no one outside of this
4 courtroom can hear what you're saying, or what I'm saying, and your image is not
5 being broadcast to the public. And the reason that I asked Madam President to
6 move into private session is I just wanted to ask you - and I don't know the answer,
7 I don't know the answer to this question is why I asked for private session - if you
8 have any concerns, security or personal concerns, about testifying here at the
9 International Criminal Court and, if so, what are those concerns?

10 A. I don't have any concerns. In my opinion, everything is going fine.

11 MR IVERSON: Thank you very much, sir. It's just an issue that I wanted to verify
12 and you have done that, so I appreciate that.

13 With the Chamber's leave, I request to go back into open session.

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

15 (Open session at 2.38 p.m.)

16 THE COURT OFFICER: Madam President, your Honours, we're back in open
17 session. Thank you.

18 MR IVERSON:

19 Q. Sir, I would like to refer to your -- the statement that you provided to the Office
20 of the Prosecutor to ask you a series of questions. And for the record, the ERN
21 number of the statement I'm referring to is CAR-OTP-0040-0466 on page 0479, page 14,
22 and the passage is just halfway down the page.

23 Sir, in your statement the investigator asked you, and I am quoting here: "You said
24 that the loyalist forces' role was to defend the institutions. What was the role of the
25 Congolese forces during the events?" Sir, and your answer was: "If I understand

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1 your question, I know that the Court is interested in the period going from
2 25 October 2002 onwards, but briefly speaking the Congolese troops came here on the
3 request of President Patassé to support the loyalist troops in their efforts to drive out
4 the assailants, the rebels, who came from the countryside attempting to invade
5 Bangui. That was their role."

6 PRESIDING JUDGE STEINER: Mr Haynes.

7 MR HAYNES: Yes, I wonder if we could have a reference to the interview in French,
8 please, firstly because it is Mr Kilolo who is taking this witness and secondly because
9 the document that has been referred to, as has been pointed out to us on numerous
10 occasions, is not a perfected translation. It is only the French version of the interview
11 that is agreed as accurate.

12 PRESIDING JUDGE STEINER: I will ask Mr Iverson to provide the Defence with
13 this information, although it appears that the French version is a translation, so the
14 first original was in English. So of course there may be some differences between the
15 French and the English and let's check that, but the original or the first translation is
16 into English.

17 Mr Iverson, do you have the information Defence requested?

18 MR IVERSON: Yes, I believe the team is gathering that as we speak. Here we are.
19 It's CAR-OTP-0052-0536. That's the first page of the statement and I'll get the
20 specific citation here in a moment, Madam President.

21 PRESIDING JUDGE STEINER: I may be mistaken, but I think it's page -- that
22 finishes with 055, and then I don't have the last number. It's page 15 of the
23 translation, but I don't have the last number, the ERN number.

24 MR IVERSON: Madam President, if I may, I think the last four of the ERN is 0532,
25 that's page 15.

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1 PRESIDING JUDGE STEINER: Mr Iverson, I have 055 something.

2 MR IVERSON: It is indeed 0551. Is that acceptable to the Defence, Madam
3 President?

4 MR HAYNES: Yes, more than acceptable. I don't know whether the witness might
5 want to read what's there by having it on the screen, but that's a matter for my
6 learned friend.

7 MR IVERSON: Well, Madam President, if I could make a proposal? We have what
8 is purported to be the witness's own words. We can simply ask him and since he is
9 here he can tell us if that's correct or not and then the question could be based on his
10 answer. I think that is my proposal.

11 PRESIDING JUDGE STEINER: Mr Witness, may I ask you a question? Are you
12 able to read in French?

13 THE WITNESS: (Interpretation) Yes, I can read, your Honour. However, I don't
14 have what I need; namely, my glasses to read clearly.

15 PRESIDING JUDGE STEINER: Mr Iverson, you put the question orally and then if
16 need be you come back to the issue tomorrow and I will instruct VWU to send the
17 witness with his glasses.

18 MR IVERSON: Absolutely, Madam President. We will -- we will follow that
19 guidance.

20 Q. So I think it is probably necessary at this point to return to your statement and
21 may be necessary to read it again so we are all on the same page and then ask you the
22 question. So again the investigator asked you: "You said that the loyalist forces'
23 role was to defend the institutions. What was the role of Congolese forces during
24 the events?" And your answer: "If I understand your question I know that the
25 Court is interested in the period going from 25 October 2002 onwards, but briefly

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1 speaking the Congolese troops came here on the request of President Patassé to
2 support the loyalist troops in their efforts to drive out the assailants, the rebels who
3 came from the countryside attempting to invade Bangui. That was their role."

4 PRESIDING JUDGE STEINER: I haven't seen any problem with the translation,
5 unless Maître Kilolo?

6 MR KILOLO: (Interpretation) Yes, your Honour, just to reflect the very content of
7 the witness's reply, I think we really should read to the very end of the page when he
8 provides a complete answer as to the people who were ensuring the security.

9 PRESIDING JUDGE STEINER: Let's wait for the Prosecution to proceed
10 step-by-step.

11 MR IVERSON: Thank you, Madam President.

12 Q. Again, sir, I don't intend on extensively relying on the statement, but I just ask
13 you this question to see if you can verify that what you said was correct?

14 A. Yes, I recognise that those are my own words, my own statement. I'm going to
15 tell you that I do stammer and sometimes I speak very fast, and I told you earlier that
16 in my previous statement it is possible that there might be some errors and I'd like to
17 take opportunity of my presence here before the Court to correct these errors. I gave
18 my earlier statements and it is possible that there might be some errors in them. A
19 great deal of time has gone by and, if you have any questions for me, please ask me
20 those questions. I'm willing to answer and ready to answer.

21 Q. Sir, so you say that the role of the Congolese or the Banyamulengue was to
22 drive out the rebels. Now, were they carrying out this mission independently, or
23 were they acting in concert with other loyalist forces such as the FACA and the
24 Presidential Guard?

25 A. In the army there are various rules and regulations. If you call upon an army

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1 to come in, or call upon a soldier, his role is to protect the population. By giving you
2 the position of the GP, I also spoke of another force and their task was to defend the
3 institutions, the republican institutions, and to ensure the safety of the population.
4 With regard to our brothers who came from the other side, that is to say from the
5 Congo, in our country there was a democratically-elected president and he felt that
6 his -- well, you see, his government was being threatened and he was entirely entitled
7 to call upon others for assistance. So that is why the president of the republic made
8 use of this authority to request assistance, and under such circumstances his brothers,
9 who came from the other side, only were to be accompanied by their brothers in arms,
10 the FACA. That is what was supposed to happen, logically speaking, because the
11 brothers in arms who had come from the other side were supposed to come and
12 provide assistance. Unfortunately, they came and they were independent within
13 their mission. Did they receive orders from their leader to behave in such a manner?
14 I don't know. In everything that we did during the disturbances they were
15 independent, and I mentioned about the FACA soldiers who were already seconded
16 and the Congolese troops came to provide support to them and they were supposed
17 to block off the road and keep the assailants who had come from Chad from
18 travelling through. Now, I don't know whether I've explained this properly, or
19 whether you're satisfied? If you're not satisfied with the answer, you certainly can
20 ask me other questions and I'd be pleased to answer.

21 THE INTERPRETER: Interpreter's correction: The GP that was mentioned was the
22 Presidential Guard, the garde de présidentielle in French.

23 MR IVERSON:

24 Q. Thank you, sir. I would like to ask you now a series of questions about the
25 CCOP. Could you tell the Court how the CCOP was structured? What were some

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1 of the significant elements, or offices, or cells within the CCOP?

2 A. The CCOP offices, I believe that at that time those offices or premises were
3 well-structured. During that time, the PCO was just a small room in which you had
4 the desk of the leader of the PCO and there was another little desk in there, so the
5 PCO as such was not a large unit. It was only later that it was restructured.
6 Initially, it really was just a small office and the head of the PCO occupied that office
7 and the officers who made up the PCO would relay one another -- substitute for one
8 another. It was a small office. It was only later that it was expanded and several
9 other units joined it.

10 Now, within this office, there was the radio operator in a small office that was later set
11 up to house the various units in question.

12 Q. Could you tell us did -- you said that the CCOP had a commander. Who was
13 the overall commander for the CCOP?

14 A. Thank you. If you don't mind, I'll clarify a number of things? The head of the
15 CCOP was a colonel. Now, since at the time of the crisis the colonel was away, he
16 had crossed the border and taken refuge in another African country, a commander
17 consequently took over the command and that was a navigator. He was the one
18 who was designated to lead the PCO.

19 THE INTERPRETER: Correction: It was a pilot, an aviator.

20 THE WITNESS: (Interpretation) That was after the current government took
21 power. That is when the colonel returned to his position. Well before that, it was a
22 colonel who was occupying that position. In the meantime, there was a commander
23 who later had a promotion. Now, when the colonel was away, the commander
24 replaced him on an acting basis at that time at the PCO.

25 MR IVERSON:

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1 Q. During your time at the CCOP, who was the commander? And when I ask
2 that, I mean what was the commander's name?

3 A. The commander of the PCO was Bemondombi. At time he was a commander
4 and today he is a lieutenant-colonel. That is his rank now today, lieutenant-colonel.

5 Q. Did the CCOP have an office for planning, a cell for planning, military
6 planning?

7 A. Yes, in the CCOP those were the structures that existed, and the commander
8 was in charge of supervising all of the services, planning services, studying the
9 operational charts. There was also a unit - a service - which was specifically devoted
10 to that. There were several other services as well within that same structure. For
11 instance, services in charge of providing information on the position of the enemy in
12 the ground. There was also a service to deploy troops in the operational area. Since
13 Commander Bemondombi had undergone training for that type of operation, he was
14 obviously assigned to lead that unit.

15 Q. Do you know if there were any members of the Banyamulengue who belonged
16 or participated in the planning cells' operations?

17 A. No. No, none whatsoever. All of the members were Central African soldiers.

18 Q. Within the CCOP, was there also a situation cell?

19 A. A situation cell? Well, it was the leader of the CCOP, the commander, who
20 had other officers who were section chiefs who had undergone the appropriate
21 training and who also belonged to the same structure. They all co-operated together
22 and put their heads together so as to work out the different strategies.

23 As I was not an expert on these matters, it was up to the service chiefs, the section
24 chiefs and the officers to work out the various charts pertaining to the situation in the
25 ground on the basis of the information that came up from the ground itself. It was

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1 on the basis of such data that that team prepared the necessary deployment of troops
2 and the corresponding logistics for the theatre of operations.

3 Q. Do you know whether there were any Banyamulengue soldiers or
4 representatives in this cell, the situation cell?

5 A. No, I do not know. In any case, I -- they were not to be found in that cell. As I
6 have already said, the only people manning that cell were Central African soldiers.
7 There were no foreign soldiers, only Central African military men.

8 Q. Was there also a cell for transmissions, radio transmissions or communications?

9 A. Indeed. Please allow me to go back a little bit in order to give you more
10 information, more specific information. Let me tell you about the PCO at the time of
11 the disturbances. I got there at that time, and until the president of the republic took
12 power we were still at the PCO. It was after Bangui was taken that there was a
13 reform, a reorganisation, a restructuring, and we were sent elsewhere. We were
14 reassigned to other premises.

15 So in Camp Béal -- well, I must say that Camp Béal is more or less like the
16 headquarters of the Ministry of Defence, including several units or services. Among
17 these, you have the radio transmission unit, which is to be found at Camp Béal, and
18 other units and cells are also centralised at Camp Béal. There is a radio transmission
19 service at Camp Béal which receives information from all the other transmission
20 services to be found in the field. All of that information is centralised to be
21 transmitted to the chief for him to be able to take the necessary measures.
22 There you have it. I think it was necessary for me to give you all of these
23 explanations.

24 Q. Within the CCOP, was there also a liaison officer section?

25 A. No, within the CCOP there was no officer section. This was a structure in

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1 which each corps, each army corps -- well, I think I have already told you that the
2 officers came from a variety of corps, of units, and they were all grouped together at
3 the CCOP and they had been assigned there in order to manage a very specific
4 situation, i.e. the crisis, because we were in the throes of a crisis and all of these
5 officers were assigned there in order to reinforce that command post which was of the
6 highest importance and that made it possible to the cell heads to set up the various
7 permanent services of the officers so as to make sure that the necessary messages and
8 information would be passed on as soon as they came to us in the course of the day,
9 but there weren't too many officers. It wasn't really considered to be a section.

10 Q. I think there was either an interpretation problem or a misunderstanding of my
11 use of the word "officer." What I meant with my question is was there a section for
12 people like you, the liaison people or officers or soldiers? Was there a section
13 devoted to liaison between the different types of armed forces?

14 A. I think that it may be a problem of terminology. The problem -- the person in
15 charge of that was myself, in fact, liaison. I was in charge of liaison. I came from
16 the presidential security unit, and I was appointed to do this because I had the links
17 with the chief of the presidential unit and with the officers; but liaison within the
18 CCOP was in fact done thanks to the radio information, and it was the radio
19 information officer who was in charge of that and he conveyed that information to the
20 centre's commander and that information came from various localities.

21 I don't know whether I have fully understood your question. The liaison officer, if
22 that's what you want to call it, that would be me. I was the one liaising between the
23 presidential security people and the various operational units.

24 Q. Yes, sir, I think that the confusion was on my part. I think I was assuming
25 something that simply didn't exist, but I think you've clarified that now. So my

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1 question based on that is did you have a counterpart Banyamulengue liaison officer in
2 order to co-ordinate things? You said they acted independently, but I'm just
3 wondering if there was also some type of liaison officer with whom you dealt?

4 A. Well, on that point I must say I never saw a structure like that ever.

5 Q. Do you know if there was any other -- any of their -- excuse me, if there were
6 ever any Banyamulengue soldiers who physically came to the CCOP in order to
7 receive information?

8 A. When we were at Camp Béal, there were several points of entry and there were
9 people who would come into Camp Béal. There was one person in particular who
10 seemed to be Mustapha's deputy. Every once in a while this man, who seemed to be
11 Mustapha's deputy, would come into Camp Béal, but he didn't come over to our side.
12 I just knew that at one point he found himself within Camp Béal and then he would
13 proceed out of Camp Béal, but he never came to our cell, no. Their liaison officer, I
14 must say I am not really aware of that. I do not actually know. They may have
15 existed, but I'm not aware of them at all. I never saw them. I only know that they
16 would come into Camp Béal, indeed they would, and it was important for me to give
17 you that clarification, but I never saw with my own eyes their so-called liaison officer.

18 Q. In your position as the liaison officer, did you have occasion to, or did your job
19 require you to, send radio communications, to use the radio or the transmission
20 centre in order to send information to units or receive information from units?

21 A. I don't really know much about radio communications at all. I never worked
22 in that field. There were radio operators who dealt with these tasks and among us
23 there were some radio technicians, but I can tell you that I personally never dealt with
24 that.

25 Q. Did you ever provide the radio operators with messages to send to various units

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1 to fulfil your task as a liaison officer?

2 A. Not at all. I will try and clarify things to enable you to fully grasp the situation.

3 It was a name that was given, that name of liaison officer which was attributed to that

4 captain who I took over from, but that name had not really existed. I mean, if there

5 were communications between my chief and myself this would be done in a normal

6 manner, but my task was to remain within that structure and to supervise what was

7 going on, but it was not up to me to transmit any messages. That was not my duty.

8 It was up to the radio operator to do so.

9 Q. Can you tell the Court approximately how many staff worked in the CCOP at
10 the time of the events we're discussing now?

11 A. The number of people working at the CCOP, up until the crisis, there was the
12 head of the CCOP, there was his deputy and several officers, three of them if my
13 memory does not fail me, three or four, to be added to the chief, so I would say in
14 total five or six who came from different units. I was from the Presidential Guard,
15 there was somebody from the gendarmerie, another one from the air forces, simply to
16 provide the necessary support to the centre, and we would work in turns so as to
17 enable the officers always to keep watch over what was going on even during
18 night-time. So this is how we worked.

19 Q. Was it five or six people just in your section of the CCOP, or are we talking
20 about the entire CCOP including the planning cell, the situation cell, the intelligence
21 cell, et cetera, the transmission cell?

22 A. At the time the structure was still called PCO before it became CCOP, because
23 the PCO became CCOP only after the events, but before the events that structure was
24 known as PCO, and at the time it was the PCO there was only that one officer who
25 dealt with the situation before our brothers came into the city, but I must point out

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1 that the CCOP was only set up after the crisis. Before that, the radio operation unit
2 was outside the PCO. The operator received the messages and brought them over.

3 Q. Sir, could I ask you to clarify when the PCO became the CCOP? Did it become
4 the CCOP after March 15, 2003, after the conflict was over, during the conflict, or
5 before the conflict started?

6 A. The PCO became the CCOP after the conflict, after the events. It was after 2003
7 that the CCO -- that the PCO was restructured to become the CCOP.

8 Q. Okay, let me ask you then - and I don't know if this will change your answer or
9 not - the PCO, talking just about the PCO, during the conflict how many people
10 worked on staff at the PCO?

11 A. As far as I can remember, the high-ranking officers must have been, if I
12 remember correctly, five. There was one person who was in charge of the officers'
13 mess. If I remember correctly, there must have been five. There must have been
14 five of them, or perhaps six.

15 Q. Sir, do you know who Colonel Thierry Lengbe is?

16 A. I do know him.

17 Q. Can you tell the Court who Colonel Lengbe is and what his position was?

18 A. Colonel Lengbe was indeed the chief of the PCO at that time and all of the other
19 officers including myself were under him, including Bemondombi. We were all
20 under Colonel Lengbe's command.

21 Q. And following up the chain of command to the next person in the chain of
22 command, who was Colonel Lengbe's commander?

23 A. If my memory serves me right, it was the Chief of Staff, Chief of General Staff,
24 who commanded all the soldiers, all the military men from whatever unit. It was the
25 Chief of Staff. The Chief of the General Staff was the commander.

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1 Q. What was his name?

2 A. Are you asking me for the name of who? Whose name are you asking me for?

3 Q. I asked you who was Colonel Lengbe's commander. You said "It was the Chief
4 of Staff, the Chief of General Staff, who commanded all the soldiers," so I'm asking
5 what was the name of Colonel Lengbe's commander who was the Chief of Staff who
6 commanded all the soldiers?

7 A. Thank you. At the time, the Chief of the Defence Staff was General François
8 Bozizé.

9 Q. But General Bozizé was not Colonel Lengbe's boss; correct?

10 A. I was speaking of the Chief of the Defence Staff. Before the crisis, he was Chief
11 of the Defence Staff. Before he left, he was Chief of the Defence Staff. If I
12 understood you correctly, it was he who was the commander before.

13 Q. But General Bozizé was not commanding Colonel Lengbe. General Bozizé of
14 the rebels was not commanding Colonel Lengbe of the loyalist forces; is that correct?

15 A. If I remember correctly, we were working together with Colonel Lengbe in the
16 PCO. At some stage -- at some stage he was no longer with us at the PCO; he had
17 gone to Cameroon. And at that time, when we met, that was when we noted that he
18 was absent and a short while later we learnt that he had left for Cameroon, but we
19 worked together in the PCO, and it was only after General Bozizé's -- only after
20 General Bozizé had left that we noted that he was absent from the PCO, and after his
21 departure the commander, Bemondombi, took over command.

22 Q. Was General Bombayake Colonel Lengbe's commander?

23 A. General Bombayake was Director of the Presidential Guard. Lengbe was on
24 the FACA side, but the Director-General of the Presidential Guard was General
25 Bombayake.

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1 MR IVERSON: Madam President, could I ask for just a brief moment to consult the
2 team? Thank you.

3 (Prosecution counsel confer)

4 MR IVERSON: Thank you, Madam President. Thank you for the Court's
5 indulgence.

6 Q. Sir, you said earlier that the Banyamulengue were operating independently.
7 What leads you to say that, if you could just describe what you mean by that to the
8 Court?

9 A. Why did I say that the Banyamulengue operated independently? It was
10 because they did not co-operate with the loyalist forces. I don't know. Perhaps
11 their -- perhaps they had different objectives, or perhaps they had a clear mission
12 which was to support the troops in the front line, but I personally did not see any
13 co-operation. I have no example of co-operation between the Central African forces
14 and the Banyamulengue. They operated on their side and we operated on our side.
15 There was no collaboration between us.

16 Q. Sir, is it fair to say in your experience that militaries gather intelligence, at least
17 one reason being to know where they can find their enemy? Is that fair to say?

18 A. That is what happened. The military, when they engage in an operation, it's
19 because they know where the enemy is situated and the mission is assigned in
20 relation to the enemy position. That enables the military to operate effectively.
21 That presupposes that there be intelligence which has been checked which would
22 enable them to conduct the operation effectively.

23 Q. Do you know whether the Banyamulengue engaged the Bozizé rebels in
24 combat?

25 A. No, I have no information about that.

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1 Q. Sir, do you know if -- you said that Mustapha's deputy would come to Camp
2 Béal. Do you know the nature of the information, if any, that he received or
3 provided at Camp Béal?

4 A. I have no information. Mustapha had no orders to give us. We merely noted
5 that he -- his comings and goings to Camp Béal, because he came to the camp and
6 there were several of us who saw him coming. He would come to Camp Béal and
7 spend a certain amount of time there and then leave, but as to collaboration, or giving
8 any instructions to a Central African subject, I never noted any such thing. We saw
9 him come into Camp Béal. He came and went. He never gave us any orders,
10 never.

11 Q. Do you know which language Mustapha's deputy spoke when he visited Camp
12 Béal?

13 A. Thank you. I think I told you that he came and, since I never had an
14 opportunity to talk to him, because he didn't come to talk to us, I couldn't tell you.
15 We never even exchanged greetings, or we never had any discussions with him, so
16 I don't know what language he spoke.

17 Q. Now, if the Banyamulengue had a liaison officer at the PCO in order to
18 co-ordinate efforts between the loyalists and the Banyamulengue, would you have
19 been the person with whom that liaison officer would have had contact, passed
20 information, or would it have been someone else?

21 A. No, on this point we never had any contacts. In any case, our commander
22 never told us that there were any reinforcements and that we had to co-operate with
23 these troops who had come from abroad, so we had no orders to that effect. I was
24 appointed and I was told to represent the presidential security guard with the CC -- in
25 the CCOP. I had no authority. I just represented the presidential security guard

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1 within the CCOP, but you know that it was just a title. "Liaison officer" was just a
2 title, but we never co-operated with them and we never worked together. We never
3 co-operated. We never had any joint manoeuvres.

4 Q. I'd like to just go back to the Mustapha's deputy for a moment. I missed
5 something and I'd like to cover that with you. You said earlier in your testimony
6 today that you met with him at PK12 to resolve the situation of the weapons. Did
7 you have an opportunity then to speak to Mustapha's deputy?

8 A. Let me repeat myself and I hope I will be clear. The aim of my going to the
9 base was to inform them that there were Central African soldiers, FACA forces from
10 Boali, from Bossangoa and Bossembélé, and that they were returning to Bangui
11 individually. And when they were pulling back to Bangui, they encountered
12 Banyamulengue checkpoints and the Banyamulengue made a mistake. They
13 thought that these soldiers who were just returning to Bangui were rebels. I'm not
14 saying I condemn that action. I just wanted to inform them, because each time the
15 FACA forces reached the Banyamulengue checkpoints they were disarmed before
16 they could enter the city of Bangui and it was only afterwards that the soldiers went
17 to the PCO and complained to the commanders there and it was my job to go and see
18 the Banyamulengue and recover the weapons. So I went to Mustapha's base and the
19 first person I met was their commander and I presented our complaints, and if
20 Mustapha was not there I met his deputy. I didn't go acting on my own initiative. I
21 only went because the Banyamulengue troops were disarming FACA soldiers before
22 letting them enter the capital, so that is the information. That is what happened and
23 I'm trying to express it as clearly as possible. So I went either to see the commander,
24 Mustapha, or his deputy, and I presented -- I explained the situation of our forces and
25 tried to find a compromise.

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1 Q. So when you spoke to Mustapha's deputy, what language did you use?

2 A. I spoke to him in French, because he spoke approximate French but we could
3 manage to understand each other. Mustapha would sometimes speak weak French
4 as well. That is -- that's what happened.

5 Q. Who was Mustapha's commander? To whom did Mustapha report?

6 A. Given that I was not a member of the chain of command, I can't answer your
7 question. They're the only ones who can answer that question. We never
8 co-operated. Had we had such contacts we would have known, but we never
9 collaborated and I can't tell you who Mustapha's commander was. I don't know,
10 because he is not a Central African soldier.

11 Q. Do you know if it was possible to communicate by radio to Mustapha's deputy
12 at PK12, or did you have to go in person and visit?

13 A. I said here that we -- it was not part of our structure. We did not have an
14 opportunity to communicate via radio. We went to PK12 when there was -- when
15 there were disputes, in particular about Central African soldiers returning from their
16 detachments, so we only went to try to recover the weapons which had been
17 confiscated from them. We never co-operated with them and we never had any
18 radio communications with them. We went there when there were -- when there
19 were disagreements, and our aim in going there was to recover the weapons which
20 had been confiscated from Central African forces and we tried to get them to
21 understand that they were not the enemy. They were just individual Central African
22 soldiers pulling back to Bangui.

23 Q. Could you describe to the Court the Banyamulengue headquarters at PK12, if
24 you know?

25 A. Their military command was on a football pitch at PK12, so when you come

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1 from Bangui it's on the left and that is where they had installed their base. They had
2 occupied an individual's home, so it was a makeshift military headquarters because it
3 was -- they had occupied the home of a private individual who lived near the football
4 pitch and that was where they had installed their makeshift military command post.

5 MR IVERSON: It's about time. I have one more question, Madam President, and I
6 don't expect it to be a long one, if I may.

7 Q. Sir, just one last question for the day. Were you able to move about freely at
8 the Banyamulengue headquarters, or did you need permission to enter?

9 A. Sir, I think I've told you that an officer like me does not act on his own initiative.
10 He acts following orders. In some cases, a soldier reaches the PCO and gives a
11 report and we had to go and recover his weapon. And so we would look for a
12 vehicle, I would receive orders from the command centre and I would try to recover
13 the weapons, because, you know, in the army for a soldier to lose his weapon is a
14 very serious offence.

15 MR IVERSON: Agreed, and I think that's all for today. Thank you, sir, for your
16 patience and your listening to my questions.

17 Thank you, Madam President.

18 PRESIDING JUDGE STEINER: Mr Witness, today it's already 4 o'clock. We will
19 adjourn our session in order for you to take some rest, our interpreters and court
20 reporters as well. We will resume tomorrow morning at 9.30 in the morning.

21 I would like to ask you if possible to bring your glasses tomorrow, because maybe
22 you'll be asked to read some parts of your written statements in order to confirm the
23 content or to make the corrections that you mentioned you would like to make. We
24 hope you have a very restful night.

25 I would like to thank very much the Prosecution team, the legal representatives of

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1 victims, the Defence team, Mr Jean-Pierre Bemba Gombo. I would like to thank very
2 much our interpreters, court reporters. I ask, please, court usher to accompany the
3 witness outside the courtroom, and in the meantime we will adjourn to resume
4 tomorrow at 9.30.

5 (The witness stands down)

6 THE COURT OFFICER: All rise.

7 (The hearing ends in open session at 4.03 p.m.)

8 RECLASSIFICATION REPORT

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

10 ICC-01/05-01/08-3038 and the instructions in the email dated 12 August 2014, the

11 transcript becomes Public.