

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 Judge Kuniko Ozaki

6 Trial Hearing

7 Wednesday, 19 October 2011

8 (The hearing starts in open session at 9.35 a.m.)

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

10 Please be seated.

11 THE COURT OFFICER: Good morning, your Honours, Madam President. We are

12 in open session.

13 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the

14 case.

15 THE COURT OFFICER: Situation in the Central African Republic, in the case of The

16 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.

17 PRESIDING JUDGE STEINER: Thank you very much.

18 Good morning Prosecution team, legal representatives, Mr Maître Zarambaud. I see

19 that Maître Douzima is not present, but will come later. Good morning the Defence

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

21 reporters.

22 We will continue this morning with the questioning of Witness 151 and I ask court

23 usher, please, to bring the witness in.

24 (The witness enters the courtroom)

25 WITNESS: CAR-OTP-PPPP-0151 (On former oath)

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- 1 (The witness speaks Sango)
- 2 PRESIDING JUDGE STEINER: Good morning, Mr Witness.
- 3 THE WITNESS: (Interpretation) Good morning, Madam President.
- 4 PRESIDING JUDGE STEINER: How are you feeling today?
- 5 THE WITNESS: (Interpretation) I feel fine this morning.
- 6 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony?
- 7 THE WITNESS: (Interpretation) I am ready to continue giving testimony and after
- 8 my testimony is over I hope to have the opportunity to get better and overcome the
- 9 pain which I'm feeling right now. However, this being said, I am still in a position to
- 10 provide testimony this morning.
- 11 PRESIDING JUDGE STEINER: Mr Witness, I was informed that VWU is making a
- 12 medical appointment for you for this afternoon in order for you to have your eyes
- 13 checked. Probably at lunchtime you will receive the confirmation of such
- 14 appointment.
- 15 THE WITNESS: (Interpretation) I should like to thank you, madam. I have
- 16 understood very well.
- 17 PRESIDING JUDGE STEINER: Mr Witness, before I give the floor back to the
- 18 Defence, I need to remind you that you are still under oath. Do you understand that,
- 19 sir?
- 20 THE WITNESS: (Interpretation) Yes. Yes, I do, very well.
- 21 PRESIDING JUDGE STEINER: Maître Kilolo, you can continue questioning the
- 22 witness. You have the floor.
- 23 MR KILOLO: (Interpretation) Thank you very much, your Honour, for providing
- 24 me this opportunity to address the Bench.
- 25 QUESTIONED BY MR KILOLO: (Interpretation) (Continuing)

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1 Q. Mr Witness, good morning.

2 A. Good morning, Counsel.

3 Q. I'm very happy to hear that you are doing well this morning, that you feel fine  
4 and that you are ready to continue testifying. This notwithstanding, I should like to  
5 ask you again to make sure that in your answers you focus only on the questions that  
6 are put to you. As far as I'm concerned, I will go straight to the point. I will  
7 therefore spare you any superfluous comments which should make it possible to  
8 conclude your testimony today. Have you understood me, sir?

9 A. I have, indeed, very well.

10 Q. I would like to hark back to a statement you made to the Office of the  
11 Prosecutor, second document of the Defence, page CAR-OTP-0052-0543. This is the  
12 question as it was put to you: "Who was the Congolese chief who came to the  
13 operational command post in order to gather information that was coming from the  
14 field?" And your answer was: "It was Colonel Mustapha's deputy."  
15 Now, Mr Witness, is this a faithful reflection of your statement to the Office of the  
16 Prosecutor?

17 A. Yes, that is exactly right.

18 Q. I should like to refer to another statement you made. This is the second  
19 document of the Defence, page CAR-OTP-0052-0544, and this is the question that was  
20 put to you: "In connection with the language used at the PCO, the operational  
21 command post, you said that Colonel Mustapha's deputy spoke Lingala and that the  
22 messages were sent out in French from the field. How did Colonel Mustapha's  
23 deputy manage to understand such information without translation?" And your  
24 answer was this: "I'd like to clarify something. When he came to the PCO, the  
25 operational command post, he would not speak to us because he came with a very

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1 specific goal; that is to say to collect the messages concerning the situation on the field  
2 and once having collected them he would leave immediately."

3 Mr Witness, is this an accurate reflection of the words you used in your answer to the  
4 Prosecutor?

5 A. In that statement, I believe there is an error. I was put a question on the  
6 messages, but we Central African officers were indeed the recipients of these  
7 messages. Those messages were intended for us. If there were any messages on  
8 the field operations, then it was up to us to pass them on to other Central African  
9 soldiers in the field, but not to the Congolese troops. I think it is important to  
10 introduce this clarification. There was no collaboration. That information only  
11 concerned the Central African side, but Mustapha's deputy's visits to the PCO were to  
12 another office and in any case these messages that he collected didn't go through us.  
13 I wanted to make that clear in respect of the statement that you read out.

14 Q. May I now refer to another statement that you made to the Office of the  
15 Prosecution in the second document of the Defence on page  
16 CAR-OTP-0052-00 -- sorry, 0544. 0544. This is the question that was put to you:  
17 "How did Colonel Mustapha's deputy know where to go once he was in the PCO in  
18 order to collect the information?" And your answer was: "You're asking me for a  
19 detail. When they got here to Bangui, I imagine that they knew what they had to do  
20 and where they had to go. The commander-in-chief of the Presidential Guard  
21 probably would have given them information on the various places."

22 Mr Witness, is this an accurate reflection of the words you used in your answer to the  
23 Prosecution?

24 A. Indeed.

25 Q. Another statement now, if I may, which you also made in the second document

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1 of the Defence list, page CAR-OTP-0052-0544, and the question was: "Whenever  
2 Mustapha's ..." -- sorry, the question was: "Did Mustapha's deputy collect all of the  
3 messages that were received between two successive visits, or did he sort them out?  
4 Did he filter them?" And your answer was: "I do not know." And an additional  
5 question was: "Did Mustapha's deputy meet with someone in particular when he  
6 went to the PCO?" Your answer: "As I have already stated, whenever he would  
7 come to the PCO, the operational command post, we did not co-operate with him.  
8 There was no trust. He only came to collect the information and left immediately  
9 afterwards."

10 Mr Witness, is this a reflection of the statement you made to the Office of the  
11 Prosecution?

12 A. Yes, it is.

13 Q. I should now like to refer to another statement that you made to the Office of  
14 the Prosecution in the second document of the Defence list on page  
15 CAR-OTP-0052-0544, and this is the question that was put to you, sir: "How  
16 frequently would Colonel Mustapha's deputy go to the PCO, the operational  
17 command post?" And your answer was: "The fact is that I cannot tell you exactly  
18 what the frequency was. It would all depend. At times he could come several  
19 times on the same day. The purpose of his visits to the PCO was to obtain messages  
20 and instructions from the director-general of presidential security in charge of  
21 co-ordination."

22 Mr Witness, is this an accurate rendition of your statement made to the Office of the  
23 Prosecution? Can you confirm it?

24 A. In that statement I believe that there is a mistake. The director of security did  
25 not co-ordinate activities at the PCO. The director of presidential security does not

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1 co-ordinate activities within the operational command post. I believe that this is not  
2 the truth at all. He is the director-general of presidential security and the person  
3 co-ordinating activities at the PCO is the PCO chief, so if Mustapha's deputy came, in  
4 order to collect information on operations, it would not be the director of presidential  
5 security to provide such information, at least the information within the PCO. This  
6 is the clarification that I wanted to make.

7 Q. Mr Witness, am I to understand from what you have said that in point of fact in  
8 that particular statement that you made to the Office of the Prosecution we should  
9 make a distinction between two things: On the one hand the messages that were  
10 transmitted to Colonel Mustapha's deputy came exclusively from one office within  
11 the PCO, whereas the instructions issued to Colonel Mustapha's deputy would come  
12 from the director-general of presidential security? Is that the distinction that must be  
13 drawn?

14 A. I think that the question, as well as what you have just read out, has been very  
15 long. The way I understand things, mention is made here of the director-general of  
16 presidential security and his implication in the activities of the PCO. I think it is  
17 important to spell that out clearly, because in the statement it wasn't brought out  
18 clearly enough.

19 THE INTERPRETER: The witness is now speaking to the Sango interpreter and he's  
20 asking Maître Kilolo to find a shorter way of putting questions to him because it is too  
21 confusing when they're long.

22 MR KILOLO: (Interpretation)

23 Q. Very well, Mr Witness. I will endeavour to be briefer and I will read out just  
24 one sentence that you uttered in your reply to the Office of the Prosecution. The  
25 sentence is: "The goal of his visits to the PCO was to obtain messages and

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1 instructions from the director-general of presidential security in charge of  
2 co-ordination."

3 Mr Witness, could you please tell us how truthful that statement is? To what extent  
4 may we consider it to be the truth?

5 A. The director of security had nothing to do with any of this. He would not  
6 come to our PCO office, but he would go to a very specific office where they had the  
7 habit of coming in order to collect information. He would go in and then leave, but  
8 as far as we were concerned he never came to our side in order to collect any  
9 information from us, so that is the clarification I wanted to give you on that point. I  
10 do not know, perhaps there is some kind of mistake that crept into that statement, but  
11 I wanted to make sure that the clarification was made.

12 THE INTERPRETER: The Sango interpreter would ask that the witness speak a bit  
13 more slowly.

14 PRESIDING JUDGE STEINER: Mr Witness, the Sango interpreter is asking you to  
15 please slow down a little bit. He's having difficulties in following you. Thank you  
16 so much.

17 Maître Kilolo.

18 MR KILOLO: (Interpretation)

19 Q. Witness, in the second document on the Defence list, page CAR-OTP-0052-0544,  
20 here is what you said. Now, the question that was put to you was as follows:

21 "Mustapha's deputy, did he know where to get the messages, or would someone give  
22 them to him?" And your answer was: "Mustapha's deputy knew where to go.  
23 Each time he came he would go there directly."

24 Witness, can you confirm this statement?

25 A. Yes, I can confirm it.

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1 Q. Witness, when Mustapha's deputy would arrive at the operational command  
2 post, which was an operational unit that had several sub-units, could you  
3 specify - could you tell the Chamber - which unit would Mustapha's deputy go to to  
4 gather, rather to collect the messages?

5 A. Thank you. Within the PCO, there was -- we were on one side and there was  
6 an office and we were not in the habit of going into that particular office. Now, the  
7 person in question would come and go in. We would see him. We would see him  
8 go in, and this particular sub-unit was on the left-hand side and we were on the right.  
9 There was a corridor between us, and shortly thereafter the person would come out  
10 and we did not know what had been said.

11 MR KILOLO: (Interpretation) I'd like to ask the court officer if he could please  
12 display the tenth document on our list on the screen, CAR-OTP-0042-0237.

13 THE INTERPRETER: Correction from the English booth: At the very beginning of  
14 the witness's last reply, he mentioned that there was a corridor within the PCO.  
15 That is how he began his answer.

16 THE COURT OFFICER: Madam President, document CAR-OTP-0042-0237 will be  
17 shown shortly on the screens. It's a confidential document and I ask your guidance  
18 to see whether the middle blinds need to be lowered?

19 PRESIDING JUDGE STEINER: Yes, it is necessary.

20 THE COURT OFFICER: The document CAR-OTP-0042-0237, first page, is available  
21 on your screens by pressing the button "PC1" and it's a confidential document as  
22 mentioned before.

23 MR KILOLO: (Interpretation)

24 Q. Witness, on the screen before you, you can see a document and this document is  
25 entitled "Memo" and the memo has to do with the establishment of an operational

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1 centre within the army headquarters, the joint staff headquarters. There's also a  
2 document that is appended to this memorandum, a list of staff working at the  
3 operational centre. The memorandum also specifies the mandate of the centre and I  
4 quote: "Reporting directly to the Chief of Staff, the operations centre is for the most  
5 part in charge of preparing, planning and conducting military operations throughout  
6 the entire country."

7 I'd like to ask the court officer if we could move on to the next page, and the reference  
8 number is CAR-OTP-0042-03 -- correction, 0238.

9 Witness, at the very bottom of the page you can see the date on which the operational  
10 centre was officially set up, and the date is 18 December 2002, and we also see that the  
11 document has been signed by Brigadier-General and Deputy Chief of Staff General  
12 André Mazi.

13 I'd like to ask the court officer if he could display the last document,  
14 CAR-OTP-0042-0240. CAR-OTP-0042-0240.

15 THE COURT OFFICER: The document, I just realised there are two versions of this  
16 document, a redacted one and a non-redacted one. The redactions only apply to the  
17 last version, to the last page of the document, sorry. Would you want me to show  
18 the last page of the document in an unredacted version, or in a redacted version?

19 PRESIDING JUDGE STEINER: What has been the version disclosed to the Defence?

20 MR KILOLO: (Interpretation) Both versions have been disclosed.

21 PRESIDING JUDGE STEINER: Therefore the non-redacted version can be -- unless  
22 OTP has any observation on this respect, for the version - the non-redacted  
23 version - to be shown to the witness?

24 MR IVERSON: Madam President, the Prosecution is fine with showing the witness  
25 this document. We don't have any objection.

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1 PRESIDING JUDGE STEINER: Therefore, court officer, the non- redacted version  
2 can be displayed to the witness.

3 THE COURT OFFICER: Thank you, Madam President. Document  
4 CAR-OTP-0042-0237, at page 0240, is available on the screens.

5 MR KILOLO: (Interpretation)

6 Q. Witness, as you can see on this document, the operational command post had  
7 several offices. You can see that there was one office that is mentioned in this  
8 document. It's an office for liaison officers and we can see that four people's names  
9 are given here. For the USP we see Mokondoui Joseph, for the GN we see that there  
10 was a person by the name of Lieutenant Selesson Noel, then the AA, Peré Jerry and  
11 for the PC there was an officer from the OCRB. Witness, do you remember all these  
12 people who have just been mentioned who are part of the liaison officer's unit?

13 A. Thank you for your question. I do remember all these people.

14 Q. At the very bottom of the document mention is made of a secretariat, the  
15 secretariat of the operational command, and there are two names here: Lieutenant  
16 Nadji Alexis René and Warrant Officer Bamale Didier. Do you remember these two  
17 people who were part of the secretariat of the operational command?

18 A. I certainly do remember these two people.

19 Q. Now, the office of the secretariat of the operational command centre, was that in  
20 the same room or the same premises as the office that was for the liaison officers?

21 A. The office of the secretariat was in the same compartment. As for the office of  
22 the liaison officers, it was a group of offices, but with regard to the liaison office in  
23 particular the officers would take turns, but they were in the same compartment.

24 THE INTERPRETER: The Sango interpreter specifies that the witness is using the  
25 French word "compartement," compartment.

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1 MR KILOLO: (Interpretation)

2 Q. I don't think I have understood, Witness. Now, your office, the office for the  
3 liaison officers, was that office in the same room or in the same premises as the office  
4 of the secretariat?

5 A. The office of the secretariat was in the same room, but it was slightly separated.

6 Q. Regarding the composition of this office, the office for the liaison officers, could  
7 you tell us what "GN" stands for, which is right beside the name "Lieutenant Selesson  
8 Noel." What does "GN" stand for?

9 A. This acronym "GN" means "gendarmerie nationale," the national police force.

10 Q. Does this mean that Lieutenant Selesson Noel was representing the national  
11 police force within the operational command post?

12 A. Yes, that's right.

13 Q. Do you know whether Lieutenant Selesson Noel reported to the  
14 director-general of the national police force? Did he provide messages? Did he  
15 give reports about the activities going on within the operational command post?

16 A. Well, in relation to this question, I would say that I don't know.

17 Q. Designate this person within the operational command post?

18 A. In response to this answer, I really don't know what to say. Well, he reported  
19 to the national police force and I suppose that it was his superior, his boss, who  
20 designated him to carry out those duties, but I don't know. I don't know exactly  
21 who his boss was, but I do know that he reported to or was part of the national police  
22 force.

23 Q. Do you know whether Lieutenant Selesson Noel had been told to work as a  
24 liaison officer between the operational command post and the national police force?  
25 Was that the task that had been assigned to him?

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1 A. Once again, let me say that I have no reply for you. I can't answer this question  
2 in the way that it has been put to me. Did he give reports about activities to his boss?  
3 I really am not in a position to tell you that.

4 Q. Could you tell us what the acronym "AA" means? It is right beside the name  
5 of a person, Sub-Lieutenant Peré Jerry?

6 A. It means the air force, "armée de l'air" in French.

7 Q. Are we to understand that this person, Sub-Lieutenant Peré Jerry, was  
8 representing the air force within the operational command post?

9 A. That's right.

10 Q. Could you please tell us what the acronym "PC" stands for right beside the  
11 name of, or rather the words "Officier de l'OCRB", the officer of the OCRB?

12 A. That stands for the Central African Republic Police.

13 Q. And what does "OCRB" mean?

14 A. Unless I'm mistaken, it means the Central African Republic office responsible  
15 for fighting against banditry, but I don't want to get it wrong, but I believe the "RB"  
16 stands for "repression of banditry." As for the other two letters, I might be wrong. I  
17 really couldn't venture an opinion.

18 Q. Are we to gather that there was an officer from this unit, the Central African  
19 Republic anti-crime office, that represented the national Central African Republic  
20 police within the operational command post?

21 A. Well, in reply to this question, myself, I didn't see that particular officer. It is  
22 true that I did see this memorandum, but I didn't see that particular officer. I didn't  
23 see him myself.

24 Q. Witness, are we to understand that within the office for the liaison officers that  
25 there were several -- well, there were a number of people who represented the

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1 various armed forces and armed groups within the Central African Republic?

2 A. That's right.

3 Q. And what were the duties of a liaison officer within the operational command  
4 post?

5 A. From my point of view, I think I did say that the duties of the liaison officer  
6 were not clearly defined. Myself, to give you some additional information in terms  
7 of everything that was said here, all those people were on duty, or they were there on  
8 a standing basis, but to talk about a particular role or particular duties that were  
9 assigned, myself I didn't see anything. I couldn't confirm anything. I don't know.

10 Q. I would like to remind you of a statement that you gave to the Office of the  
11 Prosecutor, and I'm making reference to the second document on the Defence's list,  
12 page CAR-OTP-0052-0550, and this is the question that was put to you: "You said  
13 that you were a member of the PCO and you were representing the Presidential  
14 Guard, and what about the others?" And your answer was: "As you may know,  
15 the situation was a difficult one. The officers who were members of the PCO come  
16 from -- came from various corps within the army, but we were all perceived as being  
17 loyal to the government. Many officers or soldiers who were of the same origin as  
18 the people who came from the other side joined the other group, but we, the officers  
19 who stayed here, we were loyal and we came from various units to take part in the  
20 PCO, the operational command post. Our duty was to manage the situation. I  
21 should specify that the PCO has always been in existence."

22 Witness, does that clearly reflect your statement made to the Office of the Prosecutor?

23 A. Yes.

24 Q. I'd like to recall another statement you made to the Office of the Prosecutor in  
25 the second document on the Defence list, page CAR-OTP-0052-0557. This is the

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1 question that was put to you: "Can you give us an example of one case where you  
2 were grouped together to form a unit designed to provide the type of advice which  
3 you are speaking of?" And your answer: "In fact our role was not to give  
4 instructions, but to give our opinion on the current situation. As members of the  
5 PCO, we also wanted to know what was happening. By way of example, if the town  
6 of Bossembélé was attacked, we could look at a map and advise the commander who  
7 defined strategy and sent troops to a given position. So the commander was the  
8 only person who gave instructions, not the unit."

9 Witness, does that reflect your statement made to the Office of the Prosecutor?

10 A. Thank you. Those -- that was my statement.

11 Q. Witness, is it correct to say that it is the director-general of presidential security,  
12 General Ferdinand Bombayake, who assigned you as liaison officer in the operational  
13 command post?

14 A. He was my superior in the presidential security. There is a service which  
15 appoints officers to work to certain -- work in certain positions, or outside the  
16 presidential security, and it was that superior who designated me to replace my  
17 colleague in the PCO.

18 Q. Did this superior officer who designated you come under the authority of  
19 General Ferdinand Bombayake?

20 A. Yes.

21 Q. I'd like to recall a statement that you made to the Office of the Prosecutor in the  
22 third document on the Defence list, on page CAR-OTP-0052-0569. This is the  
23 question that was put: "Colonel, who appointed you to the position that you were in  
24 in the PCO, the operational command post?" And your answer: "I was not  
25 appointed. I was designated. As I had a superior, who was director of presidential

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1 security, there was no official decree to appoint me to that post. Likewise, in coming  
2 here to meet you, I was designated by the Minister of Defence, who is my superior."

3 Witness, do you confirm that statement that you made to the Office of the Prosecutor?

4 A. I do confirm that.

5 MR KILOLO: (Interpretation) I'd like to ask the court officer on this same  
6 document, number 10 on the Defence list, to display page CAR-OTP-0042-0239.

7 THE COURT OFFICER: Document CAR-OTP-0042-0237, at page 0239, is available  
8 on the screens. Again, it is a confidential document.

9 MR KILOLO: (Interpretation)

10 Q. Witness, you have the document before you and from this document we can see  
11 clearly that there were ten offices within the central command post in addition, of  
12 course, to the secretariat of the PCO itself. We've already spoken of your office for  
13 the liaison officers, which had three officers, three liaison officers, and now I would  
14 like to go through the -- this organisational chart of the central command post with  
15 you.

16 PRESIDING JUDGE STEINER: Sorry to interrupt you. Is this a document that was  
17 disclosed to the Defence by the Prosecution, or is it a document originated by  
18 Defence?

19 MR KILOLO: (Interpretation) This document comes from the Office of the  
20 Prosecutor. In fact, you will see that it doesn't have CAR-DEF reference; it is  
21 CAR-OTP.

22 PRESIDING JUDGE STEINER: No, I put that question because this document,  
23 according to the information provided by the court officer, is assigned a level of  
24 confidentiality and so it is filed as confidential. So if we are going to read  
25 line-by-line and name-by-name, we are as a matter of fact reclassifying the level of

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1 confidentiality of the document and I wouldn't like to do that without consulting the  
2 Prosecution on the reasons for the level of confidentiality attributed to the document.  
3 MR IVERSON: Madam President, could we just have one moment to discuss and I'll  
4 get you an answer as soon as I can?

5 PRESIDING JUDGE STEINER: Please.

6 MR KILOLO: (Interpretation) I can give you a first opinion on that, if you wish,  
7 Madam President? It seems to me that if we look through this document there is no  
8 name of a witness, either a past or future witness of the Office of the Prosecutor, and  
9 no information which should be hidden from the public. This is just the official  
10 structure of the public services in the Central African Republic at time of these events.

11 MS KNEUER: Madam President, your Honours, we tried to go through ex parte  
12 email exchange with your Honours on this matter. We could find portions of it.  
13 There was a lot of information exchanged on this topic. What we can state now,  
14 without further verification, is that in relation to your Honours' decision 1595 in  
15 which the Prosecution was instructed to apply redactions, it appears to us that your  
16 Honours' instruction was, with regard to page CAR-OTP-0042-0240, that the first  
17 name on this page does not require a redaction, but the other four names, and it  
18 appears also that the remaining document should be still -- should remain classified  
19 as confidential.

20 PRESIDING JUDGE STEINER: So before we take any decision, therefore, on the  
21 reclassification of the document that apparently - at least apparently - could be  
22 reclassified as public, I will ask Maître Kilolo to continue with his questioning related  
23 to this document, but in private session. If need be, we reclassify the transcript in  
24 due time.

25 Court officer, please turn into private session.

Trial Hearing  
Witness: CAR-OTP-PPPP-0151

(Private Session)

ICC-01/05-01/08

1 (Private session at 10.47 a.m.) Reclassified into open session

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

3 MR KILOLO: (Interpretation) Madam President, could I draw your attention to a  
4 contradiction? The only reason why a redaction of this document was ordered was  
5 because the name of the current witness, Mr Mokondoui, appeared, because at the  
6 time he had to be protected. We didn't know whether he would be testifying in  
7 public session. Since he is now testifying in public session, quite frankly I wonder  
8 what is the reason why we should prevent a public debate on this precise issue?

9 PRESIDING JUDGE STEINER: Maître Kilolo, as said, it is just a matter of caution  
10 because we don't have at hand the reasons for the level of confidentiality attributed to  
11 the document. We are not talking about redactions, but the level of confidentiality  
12 attributed to the document as a whole, and because of that we are going to examine  
13 this document now in private session and as soon as we get an information on the  
14 reasons for the level of confidentiality of the document, we can reclassify the  
15 transcripts of the -- of this. So please, let's continue in private session.

16 MR KILOLO: (Interpretation) Thank you, Madam President.

17 Q. Witness, from this document, it emerges that in total there were ten different  
18 bureaus within the central command post and I'd like to go through this with you  
19 office-by-office and see what you can tell us about them. First -- for the first office, it  
20 says the office of the commander of the PCO, Commander Bemondombi Alain. This  
21 is a point that you have already confirmed. Is this correct?

22 A. Yes.

23 Q. Then we have a second office, which is the office of the superior officer of, in  
24 French, "permanence par bordée" and it says that it is -- the officer rotates; is that  
25 correct?

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1 A. On this point, it was not an office as such. As I said, we rotated on duty, but  
2 no -- there was not -- the person who was designated to be on standby duty had to be  
3 there, but it was an office responsible for providing standby cover and the officer who  
4 was there had to be present on standby duty and even at night.

5 Q. In practice, what were the tasks performed by this office where the different  
6 officers on standby duty would rotate?

7 A. As regards this office dealing with rotating standby duty I don't have much to  
8 add, but as far as the PCO is concerned all the officers who came did not all work in  
9 this small office. The corps commanders who came, came from different army corps.  
10 Not all these offices were part of the PCO. Apart from these few officers who came,  
11 and who provided standby cover, the designated officer would come to this office  
12 and ensure standby duty.

13 Q. What did the officers do when they were on standby duty?

14 A. The standby duty in question was part of our service. There were radio  
15 operators, and the officers supervised the security of the post, and these officers  
16 worked both day and night collecting information about security so as to report to  
17 their superior officers. It was just to ensure security, both day and night, in order to  
18 be able to report on everything that was going on at any time, so that is what I could  
19 say about this office.

20 Q. I can see that in the same document a reference is made to a third office which  
21 was the planning cell future manoeuvres, where there were two people: The service  
22 commander, Alfred, and Lieutenant Kouagou Ismaël. Can you confirm this?

23 THE INTERPRETER: Correction: The commander's name was Service. His name  
24 was Alfred Service.

25 THE WITNESS: (Interpretation) It was these people who were -- who could tell

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1 you what they did. I am not well-placed to answer instead of them, because they  
2 were the people who were working in this office.

3 MR KILOLO: (Interpretation)

4 Q. Did you meet them at the command post? Did you meet Commander Alfred  
5 Service and Lieutenant Ismaël Kouagou?

6 A. They were my -- they were my colleagues. They were officers in the PCO and  
7 we would meet. We would see each other in the morning.

8 Q. From what -- from your general knowledge as an officer, and from the  
9 information be it specific or general information you were able to gather, what were  
10 the -- what were the tasks of the planning cell? When you talk of planning, what did  
11 they do?

12 A. I cannot answer you, Counsel. The people who were appointed to this office  
13 had followed training courses. They could, themselves, could give you an  
14 explanation, but I personally cannot answer your question, Counsel.

15 PRESIDING JUDGE STEINER: Maître Kilolo, I am sorry if I interrupt you. I have  
16 just got here in my screen the decision of this Chamber, decision 1595, from  
17 13 July 2011, in paragraph 13 -- 12 and 13 deals exactly with the document that is  
18 being discussed, and I can notice that a part of the four last individuals identified on  
19 page 240 that should be redacted and were exactly the ones that were mentioned in  
20 public session today. The remaining information in this annex is to be reclassified as  
21 public, combined with footnote 21 of this document in which it is stated that all  
22 names referred to on the first page of the annex to the note de service at  
23 CAR-OTP-0042-0239 were already mentioned in open session. That means that we  
24 can continue in public session with the discussion of this document.  
25 Court officer, please turn into open session.

Trial Hearing  
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(Open Session)

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1 (Open session at 11.00 a.m.)

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

3 MR KILOLO: (Interpretation)

4 Q. Witness, a final question before the break. On the basis of the military training  
5 which you underwent in order to become a military officer, can you explain to us  
6 when one talks of planning, what does that mean in practice? Planning manoeuvres,  
7 what does it mean?

8 A. I would repeat what I said. The person who dealt with planning is better  
9 placed than I am to give you explanations, because he would have undergone specific  
10 training in this area.

11 Q. A final question. A final question, Mr Witness. Are you indeed a colonel?

12 A. I am a lieutenant-colonel. I am not a colonel. I am a lieutenant-colonel and  
13 there is a clear difference.

14 MR KILOLO: (Interpretation) Thank you.

15 PRESIDING JUDGE STEINER: Mr Witness, it's 11 o'clock. We are going to have a  
16 short break, a half-an-hour break, in order for you to take some rest and our  
17 interpreters and court reporters as well. It's almost 5-past-11, so we will resume at  
18 11.35.

19 Court usher, please accompany the witness outside the courtroom. We will suspend  
20 and resume at 11.35.

21 (The witness stands down)

22 THE COURT OFFICER: All rise.

23 (Recess taken at 11.03 a.m.)

24 (Upon resuming in open session at 11.38 a.m.)

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

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1 PRESIDING JUDGE STEINER: Welcome back. Could, please, court usher bring  
2 the witness in.

3 (The witness enters the courtroom)

4 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

5 THE WITNESS: (Interpretation) Good morning, Madam President, and thank you.

6 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony?

7 THE WITNESS: (Interpretation) Yes, I am ready.

8 PRESIDING JUDGE STEINER: Maître Kilolo, you have the floor.

9 MR KILOLO: (Interpretation) Thank you very much, Madam President.

10 Q. Mr Witness, I should like to refer to a statement that you made to the Office of  
11 the Prosecutor in the second document on the Defence list, page CAR-OTP-0052-0557.  
12 Here's what you said: "As a member of the operational command post, as members  
13 of the operational command post, we also wanted to know what was happening. By  
14 way of example, if the town of Bossembélé was attacked, we could look at a map and  
15 give advice to the chief, or the commander, who defined strategies and sent men to  
16 any given position, and thus, the commander was the only one who could issue  
17 instructions, not the cell."

18 Mr Witness, I would ask the court officer to be kind enough to display the document  
19 on the screen, CAR-OTP-0042-0239. It's public.

20 We have several cells, Mr Witness, listed on the document that you probably now  
21 have before you, and when you say that the cell met and would look at a map and  
22 would provide advice to the commander in order to define military strategy, what  
23 particular cell are you referring to? Are you referring to the strategy cell, or rather  
24 planning? Are you talking about the planning cell?

25 A. Thank you for your question. I gave that reply after the events which date

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1 back a long time. This is the reason why I cannot give you greater detail on  
2 documents going back a long time -- on events. I beg your pardon, on events going  
3 back a long time. When I was being interviewed, I was undergoing many difficulties  
4 in trying to be very specific. However, I am ready at any time to provide  
5 clarifications.

6 So when messages would be received by Chief Bemondombi, messages coming from  
7 the field, all of the officers were asked to come together and look at the map, but I  
8 personally wasn't really well-equipped to assess the situation, but the other officers  
9 would look at the map and endeavour to define a strategy corresponding to the  
10 situation as it was observed in the field. So all of the officers would meet, would  
11 look at the map and would assess the situation.

12 Q. Thank you, Mr Witness. When you speak of the other officers who were better  
13 equipped to look at military maps and provide advice in order to work out a military  
14 strategy, are you referring to your colleagues from the liaison officers' cell, or are you  
15 speaking about other colleagues from the planning and future manoeuvres cell, that is  
16 to say Commander Service and Lieutenant Kouagou, or are you referring to anybody  
17 else?

18 A. All of the officers who were members of the CPO met in working sessions to  
19 assess the situation. All of the officers took part in the study of the situation as it  
20 developed in the field, but my colleagues were trained outside. If you understand  
21 exactly what I'm saying, this is the sense of the reply that I gave.

22 Q. Are we to understand, Mr Witness, that the officers who belonged to the liaison  
23 officers' cell also took part in these working sessions in order to assess the field  
24 situation and provide advice on the appropriate military strategy?

25 A. That is quite right. When an event occurred, the commander or the chief

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1 brought us together. The various officers in charge of the different cells would  
2 assemble in the course of a technical session so as to be able to define a strategy.

3 Q. Does that mean, Mr Witness, that Commander Service and Lieutenant Kouagou,  
4 who belonged to the planning and future manoeuvres cell, also took part in those  
5 working sessions?

6 A. I thank you. The working session was convened by the number one  
7 commander, Bemondombi. It was he who, on the basis of the information gleaned  
8 from the field, after having been analysed, it was he who would convene the working  
9 session with the various cells with the purpose of analysing any new developments.  
10 The working session was held simply whenever the commander or the chief would  
11 convene such a meeting, and every officer, according to what his specific  
12 responsibilities may be, would take part in the meeting and would make his  
13 contribution from a technical vantage point so as to prepare for future activities.

14 Q. Does that mean, Mr Witness, that Lieutenant Dobigue Adolphe and Lieutenant  
15 Yaounde Luc from the situation and synthesis cell also took part in these working  
16 meetings?

17 A. That is correct. All the people in charge had to attend the meeting and every  
18 officer was to give his contribution on the basis of his specific responsibilities within  
19 the CPO.

20 Q. Mr Kilolo, are we also to understand, Mr Witness, that Commander Leppa  
21 Gervais Arthur and also Sub-Lieutenant Sakama Freddy of the conduit cell also took  
22 part in these working meetings?

23 THE INTERPRETER: The witness says in French "obligatoirement;" in other words,  
24 necessarily.

25 THE WITNESS: (Interpretation) Whenever a meeting was convened, all the officers

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1 concerned, on the basis of their respective duties, would take part in the working  
2 session and the officers present in the working session would analyse the situation  
3 and work out a specific strategy on a joint basis.

4 MR KILOLO: (Interpretation)

5 Q. Witness, how about Lieutenant Ngboya Emmanuel and Lieutenant Zolo from  
6 the intelligence cell? Did they also take part in these working sessions?

7 A. That is correct, but these lieutenants Ngboya and Zolo were supposed to deal  
8 with intelligence, both of them, but it was Lieutenant Zolo who would take part  
9 regularly in the meetings, whereas Lieutenant Ngboya was always on a mission  
10 somewhere. So the one who regularly attended the meetings was Lieutenant Zolo.  
11 However, Lieutenant Ngboya was often absent.

12 Q. Mr Witness, could you shed some light on the importance that military  
13 intelligence had for operations? What is the exact purpose of military intelligence?

14 A. That is a question which in fact pertains to another subject. The officers in  
15 charge of intelligence have a special mission to perform. They are in charge of  
16 collecting intelligence. The intelligence that they obtained was different, so I am not  
17 really in a good position to be able to tell you any information on their specific duties.  
18 It would be up to them to give you an exact definition of their mission.

19 Q. Are we to understand that the bureau of the intelligence officers was separate  
20 from the bureau of the liaison officers?

21 A. That question is welcome. The intelligence officers' bureau was separate.

22 Q. Since Lieutenant Ngboya Emmanuel was often away, and the only intelligence  
23 officer that was always there was Lieutenant Zolo, would it then be Lieutenant Zolo  
24 that Mustapha's deputy met in order to obtain information on the situation out in the  
25 field?

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1 A. It was not that way. That's not the way it was. The intelligence for which  
2 Ngboya was responsible came within the remit of the ministry. He had his office at  
3 the PCO, but the information or intelligence that he was responsible for concerned the  
4 whole of the Central African territory. I never saw Mr Mustapha's deputy coming to  
5 see Lieutenant Zolo in order to obtain any information or intelligence whatsoever.

6 Q. Witness, now Captain Dambourou, as well as Lieutenant Barsin Bruno from the  
7 logistics cell, or sub-unit, did they take part in these working sessions,  
8 Mr Dambourou or Mr Barsin?

9 A. Their office was separate. I never saw them taking part in a meeting of the  
10 PCO and I would like to tell you that these meetings were not held every day. When  
11 the chief, Bemondombi, when he thought it was necessary to gather the officers  
12 together, and that was in light of information received from the field, that is when he  
13 would convene a meeting and under the circumstances he would entrust the file to  
14 the appropriate officer who would carry out the preparations for the meeting. So it  
15 was when the chief himself thought it was necessary to have a meeting to draw up a  
16 strategy. That was when he would convene a meeting and call all the officers to  
17 come and take part in the meeting.

18 Q. Witness, now, Captain Sila Joachim and Lieutenant Ndagbia Justin, from the  
19 transmission cell, or sub-unit, would they take part in these working sessions?

20 A. Lieutenant Sila and Ndagbia belonged to another cell. They never took part in  
21 those working sessions, in those meetings.

22 Q. What did those two officers do, Mr Sila and Mr Ndagbia?

23 A. Sila was working on transmissions. He was with Ndagbia. The transmission  
24 cell was not within the CPO. Yes, it was within Camp Béal, but it wasn't really with  
25 the CPO. Their office was not within the PCO. Rather -- well, it was within Camp

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1 Béal.

2 Q. Witness, we are reviewing an official document, namely this memorandum that  
3 deals with the setting up of the PCO, and it was signed by General André Mazi, and  
4 we have this list of staff members of the CO and we clearly see that there was a  
5 transmission sub-unit, and when you say that this cell was not within the PCO are  
6 you telling us that the physical building - the actual building - that housed the  
7 transmission cell was outside the main building of the PCO? That is what you're  
8 telling us?

9 A. Yes, that's right. Everything was within Camp Béal. The transmission cell  
10 was separate. The PCO was in a building, a small building that had just been  
11 expanded, and now it houses several cells, several sub-units, but before it was quite a  
12 small building, and in the other buildings the other cells were housed. Before, that is  
13 how everything was configured and now everything has been changed and the PCO  
14 is now to be found in another building. Well, in actual fact it was a small building  
15 that had just been expanded and that building houses several of these cells, and if you  
16 understand what I'm saying, well, I think that is the answer that I can give you right  
17 now.

18 Q. Now, Commander Nzoba Alphonse Devalor and Sub-Lieutenant Bangandekoy  
19 Benjamin, from the communications and VIP cell, did they take part in these  
20 meetings?

21 A. No, they didn't. Not at all. The communications and VIP cell was something  
22 new. Today, if you go to Camp Béal, you will see that that cell belongs to -- well, it's  
23 for high-ranking people, or prominent people. Commander Nzoba spent a lot of  
24 time outside, outside the country, that is to say, in the countries of the white people.  
25 Bangandekoy, his office was just beside the office of the Minister of Defence. I told

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1 you a few moments ago that, you see, the building was expanded and changed  
2 around. Bangandekoy is now working with these prominent high level people. He  
3 works with those people. In our day those officers did not take part in those  
4 meetings, and I'm telling you that this cell had just been set up.

5 Q. Now, Lieutenant Selesson Noel from the national gendarmerie, the national  
6 police force, as well as Sub-Lieutenant Peré Jerry from the air force and you, yourself,  
7 did you take part in those working sessions as liaison officers?

8 A. Well, all the people you have mentioned were together with me regularly, but  
9 I'd like to specify one thing. Lieutenant Peré was from the air force. When he was  
10 on standby he would go to the airport because, you see, he was a pilot, and all the  
11 officers you mentioned here might have taken part, or could have taken part, in the  
12 working sessions, but Sub-Lieutenant Peré Jerry would occasionally go to the airport  
13 to handle other matters there.

14 Q. Lieutenant Nadji Alexis René and Warrant Officer Bamale Didier from the  
15 secretariat of the PCO, did these two people take part in these working sessions, these  
16 meetings?

17 A. Well, the people you have just mentioned, they took part in meetings along with  
18 us.

19 Q. Witness, we have just reviewed the duties of approximately 20 Central African  
20 Republic military officers who were working at the PCO and we've also taken stock of  
21 the ten offices or cells within the PCO, and my question is as follows: Which cell  
22 would Mustapha's deputy go to when he came to the PCO? If you have any  
23 difficulties with this question, I can read back to you the statement that you gave.

24 A. I was not the only person to see Mustapha's deputy visiting. Sometimes we  
25 would come in together, but generally speaking he would go to an office that was a

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1 bit special, and a few moments later he would come back out, but he never went to  
2 our offices to try to gather information. I never even saw him together with any of  
3 our officers talking about any such matters. He never contacted any of the officers  
4 who belonged to our cell.

5 Q. Witness, I'd like to remind you of a statement that you made, that you gave to  
6 the Office of the Prosecutor, and I will refer to the second document on the Defence's  
7 list of documents, page CAR-OTP-0052-0547. Now, here's what you said about  
8 Mustapha: "I noticed that he respected the officers who would come from the  
9 operational command post, the PCO, but not the other officers. I think it was  
10 because there was a kind of collaboration between the PCO and him."

11 Witness, is this an accurate reflection of the words that you used when you spoke to  
12 the Office of the Prosecutor?

13 A. Thank you for your question. I said that there were difficulties giving an  
14 account of events that occurred a long time ago. I said that he had free access to  
15 Camp Béal. There was a special office that he would go to. We were there. We  
16 would see them go by. He would see us. There was a kind of mutual respect  
17 between us. I could say that it was a kind of -- well, I might have said that it was a  
18 kind of collaboration, but we did not co-operate on specific matters. We would see  
19 them come in, go to the special office and then leave, and I've already said that there  
20 were mistakes in my previous statements and I was willing to correct them.

21 Q. Witness, would you like us to go into private session briefly? In other words,  
22 the public outside -- people outside of this courtroom will not be able to have access  
23 to the information that we're discussing, particularly in relation to this point. Would  
24 you like us to do that quickly so that we really can dig deep and explore this  
25 particular information?

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1 A. I have no comments to make. I made some statements, but I am saying what I  
2 saw. I wasn't the only person to see him. We would see him come in, go into a  
3 special office and then go out. I'm only telling you what I saw. He was in the habit  
4 of going there.

5 Q. Could you tell the Chamber something about this special office that Mustapha's  
6 deputy would go to? Which unit within the Central African Republic did this office  
7 belong to, or what directorate?

8 A. Well, I shall explain to you. The former building of the PCO was at one  
9 particular spot. When he would come there was a corridor that crossed the PCO and  
10 he would go down that corridor and after a few moments he would come back out,  
11 but the office that I'm speaking of was in the same building as the PCO.

12 Q. Very well, Witness. Now, the office that was in the PCO building, which unit  
13 or which part of the Central African Republic army did this office belong to, or what  
14 was it part of?

15 A. Well, I don't know how I can explain this to you so you'll understand. This  
16 office was within the PCO and, as soon as you went into the PCO, you would see this  
17 special office that had been set aside for them. We didn't have access to that  
18 particular room, and this office was combined with ours within the same  
19 compartment.

20 THE INTERPRETER: The Sango interpreter points out that the witness used the  
21 French word "compartement," compartment.

22 MR KILOLO: (Interpretation)

23 Q. Witness, in the second document on the Defence's list, at page  
24 CAR-OTP-0052-0547, you stated that, "Mustapha did not respect the other Central  
25 African Republic officers. He only respected the officers who came from the PCO,

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1 because there was a kind of collaboration between the PCO and him," and my  
2 question is as follows: Tell us what is the name of this officer from the PCO that  
3 Mustapha's deputy would go and visit? What is the name of this person?

4 A. Thank you, Counsel, for your question of clarification. The number one chief  
5 was Bemondombi. Bemondombi. He was the one. He was the only one who  
6 could receive him.

7 Q. That is very clear, Witness, and I thank you. I'd like to remind you of another  
8 statement that you made to the Office of the Prosecutor, and this is to be found in the  
9 second document on the Defence's list at page CAR-OTP-0052-0545, and here, this is  
10 what you say: "I can't tell you exactly what form the messages would come in, or  
11 what format, because I'm not a technician, but one thing is certain. Each time that  
12 messages would come in from the field, we would look at them because we wanted to  
13 know how things were going on location." The investigator then asked you: "So a  
14 radio operator in the field would send a message to the staff responsible for radio  
15 communications at the PCO; is that right?" And your answer was: "Yes."  
16 Can you confirm this to us, Witness?

17 A. Yes, I can confirm that, but -- but I would like to clear up one minor matter. If  
18 the chief responsible for operations in the field sends a message, the operator sends  
19 on the message to the head of the PCO -- CCOP at Camp Béal and he makes copies for  
20 Commander Bemondombi to read, who takes that information first before informing  
21 us, the officers. So that is the clarification I wanted to provide you with.

22 Q. Witness, I would like to return to another statement that you made to the Office  
23 of the Prosecutor. This is to be found in the second document on the Defence's list of  
24 documents at page CAR-OTP-0052-0544, at the very bottom, as well as page  
25 0052-0545 at the top of the page, and I quote. The question from the investigator:

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1 "I'm trying to understand how the system of transmitting messages worked." And  
2 your answer was: "In the field, there were radio operators who would report back to  
3 the office here. There were staff here who worked on the radio messages and then  
4 they would forward the messages to the head of the operational command post, the  
5 PCO."

6 Witness, is this an accurate reflection of your words, the words you used when you  
7 gave a statement to the Office of the Prosecutor?

8 A. That's my statement. That's the answer I gave when I was asked a question  
9 about how the messages would come in from the field. I've told you - and I  
10 repeat - the secondary stations would send the messages to the main station and a  
11 special unit would process the messages and send the messages to the authority that  
12 they were intended for. That is how the messages were sent. The messages would  
13 first come to one particular unit and then the messages would be provided to the  
14 chief in question. So that's what I wanted to tell you specifically about how the  
15 various messages were passed on; these messages that came in from the various  
16 theatres of operation from the field and how they came into the main office, or the  
17 main station.

18 Q. Witness, the commander in question is Commander Bemondombi, is it not?

19 A. Yes, but I would like to clarify this point. If the commander -- or let me -- let  
20 me repeat. If the commander in the secondary position sent a message to a specific  
21 officer, a specific commander, if the message -- the message could be addressed to the  
22 commander of one specific service, but if the message was just addressed to the PCO  
23 it would go directly to Commander Bemondombi, but if the message was sent to the  
24 Chief of the Defence Staff, it would then be sent directly to the appropriate authority.  
25 That's what I would answer.

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1 THE INTERPRETER: The Sango interpreter says if they have understood it  
2 correctly.

3 MR KILOLO: (Interpretation)

4 Q. I don't have before me, Witness, the transcript of what you've just said, but did  
5 you clarify that sometimes messages could also be addressed to the Chief of the  
6 Defence Staff, the Chief of the Defence Staff of the Central African Republic's army?

7 A. Yes, thank you. I just gave an example. I said that if the message was  
8 addressed to Commander Bemondombi, he would be given the message, but the  
9 message could be addressed to some higher authority than Bemondombi. That was  
10 just an additional example I was giving.

11 Q. Witness, in the example you gave of the Chief of the Defence Staff who could be  
12 the addressee of a message, are you referring to General Ernest Mbeti-Ti-Bangui?

13 A. I did not give the name of that individual. Commander Bemondombi was the  
14 commander of the PCO. I did not give the name of the individual whom you have  
15 just referred to. I was just opening a parenthesis to give you an example. I'd like to  
16 say that the main addressee of the message could be that authority. That was just an  
17 example.

18 Q. At the time of these events, did you have an opportunity to meet the Chief of  
19 the Defence Staff, General Ernest Mbeti-Ti-Bangui, the Chief of Defence Staff of the  
20 Central African army?

21 A. No, not at all.

22 Q. How do you know, Witness, that General Ernest Mbeti-Ti-Bangui was an  
23 important person in the Central African military hierarchy at the time of these events?

24 A. I cannot answer that question.

25 Q. Would you like us to go briefly into private session on this specific question?

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1 A. If I have anything to say on this subject, I would say so here. I would say so  
2 without any hesitation, but asking me about General Mbeti-Ti-Bangui, I have nothing  
3 to say about him. I just know that he was Chief of the Defence Staff. That's all I  
4 could tell you about this individual.

5 Q. Witness, I would like some clarification about the radio operators who were in  
6 different positions in the field. Starting from Bangui, could you help the Chamber  
7 by explaining the different areas of Bangui where the radio operators operating in the  
8 field were situated? You could either give us the names of the different  
9 neighbourhoods, for example Fouh, Boy-Rabé or starting from PK0, tell us in which  
10 PK they were sited, going from PK1 through to PK12. Could you enlighten the  
11 Chamber on this matter?

12 A. That question is beyond me. I am unable to give you the names of the different  
13 neighbourhoods which you need to answer your question. I would ask you to send  
14 your question to the -- to address your question to the commander of the PCO who  
15 was familiar with the different postings, because he was a person who decided where  
16 the radio operators were to be positioned. I have not come before this Chamber to  
17 tell lies. I cannot give you information which did not come within my remit, or  
18 information which is unknown to me.

19 Q. Witness, I will try and help you to see if we can manage this. You attended  
20 various meetings in the PCO in processing information coming in from the different  
21 towns. Do you know whether at the various meetings you attended there was  
22 information coming in from PK12?

23 A. Thank you. I'd like you to understand me clearly. Our meetings in the PCO  
24 were organised when there was information or when there were messages coming in  
25 from the field which required a meeting to be held, so a meeting was held so that the

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1 messages could be passed on to the people concerned. The officers, the officers  
2 concerned, and then Bemondombi, the commander of the PCO, would also share the  
3 information with us so that we would all be informed. So I'd like to say that we held  
4 those meetings as required in function of the situation in the field. Thus, for matters  
5 relating to the radio operators, I have told you that I am not in a position to give you  
6 an appropriate answer.

7 Q. Witness, I'd like to come back to another statement that you made to the Office  
8 of the Prosecutor in the second document on the Defence list, on page  
9 CAR-OTP-0052-0545. This is the question that was put to you: "Did the staff in the  
10 operation -- in the PCO pass on the messages received orally, or in writing, to the  
11 commander of the PCO?" Your reply, your answer: "Messages coming from the  
12 field were sent orally to the staff in charge of radio communications at the PCO who  
13 noted down the message in writing. Then the message was passed in writing to the  
14 commander of the PCO."

15 Witness, is that an accurate reflection of your reply to the Office of the Prosecutor?

16 A. That is what I said. We all knew that that was the procedure followed. The  
17 radio operator in the field sent his message to the central radio operator and he could  
18 then note it down in writing and send it to the final addressee. So let me explain the  
19 different stages.

20 The secondary radio operator in the field sends his message to the central radio  
21 operator, who then writes all the messages down and then gives them to the final  
22 addressee. That is what I told the investigators and which I'm trying to explain more  
23 clearly here so that you can understand.

24 Q. Witness, I'd like to come back to another statement that you made to the Office  
25 of the Prosecutor in the second document on the Defence list, on page

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1 CAR-OTP-0052-0545. This is the question that was put to you: "These written  
2 copies which were received by the -- from the radio operators in the field, were they  
3 the same as those which Mustapha's deputy came to collect when he came to the PCO,  
4 the operational command post?" And your answer: "I would say 'yes,' because one  
5 could not invent information and give it to him. If today there is no information that  
6 meant that we had nothing to give him, but if information came in to us from the field  
7 we had to give him that information."

8 Witness, is that an accurate reflection of your statement made to the Office of the  
9 Prosecutor?

10 A. Thank you. That is indeed my statement and I would like to add something.  
11 Nobody should change the content of a message. When the message arrives, the  
12 operator is responsible for writing it down and keeping it. He has to write the  
13 message down accurately before passing it on to the appropriate authority. That is  
14 what I would like to add.

15 Q. Witness, I would like to refer to another statement that you made to the Office  
16 of the Prosecutor in the third document on the Defence list, on page  
17 CAR-OTP-0052-0575. This is what you state: "As far as I know, I never heard it  
18 said that the PCO informed the High Command of any misbehaviour on the part of  
19 the Congolese forces. The cases referred to by the operational command post related  
20 to normal activities of troops on the ground. For example, they could send a  
21 message to give the position of friendly troops, or enemy troops, or they could ask for  
22 reinforcements or resupplies."

23 Witness, can you confirm that statement?

24 A. Thank you. I gave that answer to the question put to me relating to the  
25 damages or to the misbehaviour which these soldiers may have been responsible for,

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1 so you must understand that I gave that answer to the question put to me as to  
2 damages which might have been caused in the field by the soldiers.

3 Q. Apart from the messages coming in from the field relating to the positions of the  
4 troops, in particular the enemy troops, could you give us any other examples of  
5 messages which were handed over to Colonel Mustapha's deputy when he came to  
6 the PCO? Could you give us any other examples? If you like, I could give you a  
7 little help?

8 A. I cannot answer you on that point. The person in charge of cell or unit number  
9 one exists. I can only give you information coming within my field of competence  
10 and I can't invent what I don't know just for the sake of telling you something, no. If  
11 there are -- if you have copies of messages we could look at them, but I can't invent  
12 any information to give you on this subject.

13 Q. Witness, you've already given us the first type of example of the messages  
14 coming in from the field positions in the third document of the Defence list, on page  
15 CAR-OTP-0052-0575. You say: "They could send a message to communicate the  
16 position of friendly or enemy forces, second type of message, or they asked for  
17 reinforcements. Third type, or they asked for further supplies." It's you who said  
18 that. Now, the question is, apart from those three examples of messages coming in  
19 from the ground -- from the field, do you know whether there were any messages  
20 giving information about the kind of military equipment, the military hardware,  
21 which the enemy had?

22 A. Thank you. If you understand me, it was just an example I was giving. This  
23 does not mean that the example I gave you actually occurred. I gave you an  
24 example. I said if the secondary operator out in the field has information to send to  
25 the superiors, he transmits that information to the central operator who then passes it

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1 on to the individual concerned. What I've just said is just an example. If there  
2 was -- if there was a need felt in the field, the secondary operator would send a  
3 message to the central authorities in order for appropriate measures to be taken. So  
4 it was the operator in the field, or the commander of the field position, who would  
5 send the message to the central operator so that the operator -- the message was then  
6 passed on to the appropriate person. I don't know whether you have understood me  
7 but, if so, thank you.

8 Q. Witness, I'd like to recall another statement that you made to the Office of the  
9 Prosecutor in the third document on the Defence list, on page  
10 CAR-OTP-0052-0545 -- I'm sorry, this is your declaration. In the second document  
11 on the Defence list on page CAR-OTP-0052-0545. This is the question put to you:  
12 "Colonel, you said that previously you thought that sometimes the Congolese forces  
13 received instructions from the Presidential Guard, or from their High Command.  
14 Why do you think that that happened that way?" And you answered: "I would  
15 like to clarify that it is not what I think, but that is what happened. I know that the  
16 Congolese had their base in PK -- at PK12. It was commanded by Colonel Mustapha,  
17 who co-ordinated all their movements. So, as their commander was there, it's  
18 obvious that he was in contact with the Director-General of the Presidential Guard to  
19 receive messages before sending troops to the forward positions."

20 Witness, is that an accurate reflection of your words addressed to the Office of the  
21 Prosecutor?

22 A. Thank you. The statement that you have just read out was very long. As I  
23 said yesterday, it would be preferable for questions that are put to me to be shorter,  
24 and as I said some time ago the answers I have given depended on the specific  
25 question that was being put to me and it is possible that there may be some shades of

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1 meaning.

2 As I said earlier, it was quite normal for General Mustapha to try and meet the  
3 Director-General of the Presidential Guard, either because Mustapha needed  
4 something, that he would go see the Director-General of the Presidential Guard in  
5 order to obtain it, and it was within that particular context that I provided that  
6 answer.

7 However, as far as military operations are concerned, these were placed directly  
8 under his authority. However, meetings between Mustapha and the  
9 Director-General of the Presidential Guard, or presidential security, were always due  
10 to some kind of need, some requirement felt by General Mustapha for something,  
11 something he needed. It was then perfectly normal that he would come and seek the  
12 assistance of the presidential security. These are the clarifications that I wanted to  
13 add in reference to the statement that I made to the investigators. However, if you  
14 have any other questions to ask of me pertaining to that particular issue, please feel  
15 free to do so and I will see then how best to give you an answer.

16 PRESIDING JUDGE STEINER: Mr Witness, we will now have our lunch break. I  
17 was informed that you also have a medical appointment during the lunch break, so  
18 we will suspend now and resume at 2.35.

19 Court usher, please accompany the witness outside the courtroom and we will  
20 suspend our session and resume at 2.35 after lunch.

21 (The witness stands down)

22 THE COURT OFFICER: All rise.

23 (Recess taken at 1.05 p.m.)

24 (Upon resuming in open session at 3.04 p.m.)

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

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1 PRESIDING JUDGE STEINER: Good afternoon and welcome back. So apologising  
2 for the delay. It was due to a delay by the witness after his medical appointment, so  
3 the Chamber will be sitting until 4.25 this afternoon.

4 Yes, Mr Haynes.

5 MR HAYNES: Just a small matter arising from that. I'm not in any way seeking to  
6 discourage that, but an arrangement had been made between the Defence and the  
7 Prosecution for the viewing of some documents between 4 and 4.30 and so if our case  
8 manager leaves court at about 4 o'clock that will be the reason why. It's not in any  
9 way meant as a discourtesy.

10 PRESIDING JUDGE STEINER: No problem at all, Mr Haynes.

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

12 (The witness enters the courtroom)

13 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

14 THE WITNESS: (Interpretation) Thank you, Madam President.

15 PRESIDING JUDGE STEINER: We were informed that you saw a doctor. We hope  
16 your problem is solved and I would like to know whether you feel well and ready to  
17 continue giving your testimony?

18 THE WITNESS: (Interpretation) First of all, I should like to express my gratitude  
19 to the Court for this possibility that has been afforded me to get appropriate care, and  
20 I am now ready to continue testifying. Once again, thank you.

21 PRESIDING JUDGE STEINER: Mr Witness, it's the Court's obligation to ensure the  
22 well-being - the physical and psychological well-being - of the witnesses that appear  
23 before the Court to testify.

24 Maître Kilolo, you have the floor.

25 MR KILOLO: (Interpretation) Thank you, Madam President, for allowing me to

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1 proceed.

2 Q. Good afternoon to you, Mr Witness.

3 A. Thank you.

4 Q. Mr Witness, I would like to refer to a statement you made to the Office of the  
5 Prosecutor in the second document on the Defence list, on page CAR-OTP-0052-0549.  
6 This is what you said: "In order to make a comparison, for instance, if I am here with  
7 you today the reason is that I received an authorisation from my hierarchy to come  
8 here. Likewise, the Congolese troops that were coming to Bangui I would imagine  
9 that their superior officer had told them to go there and, as far as their missions were  
10 concerned, I don't know where the decision came from. This was something that  
11 was decided upon by the High Command."

12 Mr Witness, is this a faithful reflection of the words you used in your answer to the  
13 Office of the Prosecution?

14 A. That is correct.

15 Q. I should like to refer now to another statement that you made in the second  
16 document of the Defence list, on page CAR-OTP-0052-0551, and this is the question  
17 that was put to you: "You said that the role of the loyalist forces was to defend the  
18 institutions. What was the role of the Congolese forces during these events?" And  
19 your answer was: "If I understand your question well, I know that the Court is  
20 interested in the period following 25 October 2002 but, in short, the Congolese troops  
21 came here at the request of President Patassé in order to assist the loyalist troops in  
22 driving back the assailants, the rebels who came in from the countryside in order to  
23 attempt an invasion of Bangui. That was their role."

24 Mr Witness, is this an accurate reflection of the statement you made to the OTP?

25 A. That is an accurate reflection of my statement.

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1 Q. Mr Witness, as far as you know, that very mission, i.e. driving back the  
2 assailants, Bozizé's rebels, was that also the mission of the FACA?

3 A. You are right in asking this question and I confirm that. It was precisely that  
4 mission which was assigned. The objectives that you read out are the right  
5 objectives.

6 Q. To your knowledge, sir, was that mission also the mission pursued by the  
7 presidential security?

8 A. I believe that the goal of everyone - of all these people - was to repel, or to put  
9 an end to, the crisis that had erupted in the country. At one point, the presidential  
10 security had -- were occupying a given position and the friendly forces from the  
11 Congo came in in order to provide assistance and help in repelling the assailants.

12 Q. To your knowledge, was that also the mission assigned to the Libyan troops?

13 A. I want to thank you for your question. I would say that in 2001, when our  
14 country was undergoing a crisis, the Libyan troops were called upon to provide  
15 assistance for the selfsame mission as our brothers in arms from the Congo who were  
16 called in in order to provide assistance to the army of the Central African Republic in  
17 repelling the assailants.

18 Q. Mr Witness, would you be kind enough to explain to the Chamber what the  
19 CEMAC is?

20 A. The CEMAC? Well, to my knowledge, in French that means "Communauté  
21 des États de l'Afrique Centrale," the Community of Central African States,  
22 "Communauté des États de l'Afrique Centrale," the Community of Central African  
23 States.

24 Q. Did this regional African organisation also send in troops to the Central African  
25 Republic during this time that we are interested in?

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1 A. That organisation did send troops to the Central African Republic. To give you  
2 more detail on this, I should like to add that these troops were entrusted with  
3 surveillance, more specifically in the towns, in the countryside where there was  
4 tension, and they were sent there in order to carry out a surveillance duty. CEMAC  
5 had received authorisation to perform that duty to work along those lines and this is  
6 something that everyone knew.

7 Q. Do you remember Captain Mobenge Goya (phon)?

8 A. Mobenge Goya was a captain with the presidential security and I know him  
9 very well. He is unfortunately dead, as I already said in one of my statements.

10 Q. Mr Witness, would it be accurate to say that when you were designated as  
11 liaison officer within the operational command centre, the purpose was to replace  
12 Captain Mobenge Gunya (phon)?

13 A. No, I was not designated to replace Mobenge Gunya, but rather Bengagombe.  
14 Bengagombe.

15 Q. Very well, sir. Mr Witness, before proceeding, could you if not spell at least  
16 repeat the name of Captain Mobenge Gunya? How is it pronounced, for the sake of  
17 the transcription of the hearing? How is that written?

18 A. Mobenge Gunya was the officer of the operations cell. Bengagombe was the  
19 person that I replaced at the PCO. Mobenge Gunya was in the institutions and  
20 operations office, or bureau.

21 Q. Mr Witness, I should like to refer to a statement that you made to this Chamber.  
22 I'm referring to real-time transcript, French version, 17 October 2011, page 17, lines 13  
23 and 14, wherein you stated this in connection with captain -- the captain that you  
24 replaced at the PCO. You stated: "For his part, the captain went back to the base in  
25 order to train new recruits." Do you remember that, sir?

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1 A. That is exactly what I stated. The captain at Camp de Roux was in charge of  
2 training the young recruits, so he went back to his post within the unit once I replaced  
3 him. He was in charge of training of recruits within our unit.

4 Q. Mr Witness, we're right in the middle of the Central African conflict between  
5 October 2002 and March 2003. Captain Bengagombe leaves the PCO, goes back to  
6 the Camp de Roux base in order to train new recruits. Where was this recruitment  
7 taking place?

8 A. No, that is not exactly the way it was. This is not new recruitment. This was  
9 part and parcel of a training plan for the presidential security. Every single corps  
10 must have plans for their weekly training periods, so these were soldiers who had  
11 already been recruited prior to that and had to continue their training. That was part  
12 and parcel of a whole planning scheme for training of all of the various units so as to  
13 be able to provide training to every soldier. That was the working programme and it  
14 was he who was in charge of that whole programme. It wasn't new recruits, or  
15 people who had just been recruited into the army. I hope that I have made myself  
16 clear.

17 Q. Very well, Mr Witness. So these are people who had already been recruited.  
18 So on the basis of the statement you made to the Chamber, in which statement you  
19 said "new recruits," do you know who would then deploy these new recruits in the  
20 field once they had completed the training entrusted to Captain Bengagombe?

21 PRESIDING JUDGE STEINER: Maybe there is a problem in translation, but I don't  
22 see where the witness mentioned "new recruits," and he just answered that, "They  
23 were not new recruits. They were recruits passing through continuous training" and  
24 you are insisting in using the wording "new recruits". Could you clarify the  
25 Chamber, please?

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1 MR KILOLO: (Interpretation)

2 Q. Witness, to help the Chamber, I'm going to read back the statement -- correction,  
3 the testimony that you gave the first day when you came here to testify before the  
4 Chamber. Now, this was your testimony of 17 October 2011, and I'm referring to the  
5 French transcript, the real-time version, page 17, lines 13 and 14. It was my learned  
6 friend from the Office of the Prosecutor who was asking you some questions at that  
7 particular stage in the proceedings. He was talking about the captain that you had  
8 replaced at the PCO and you said the following, and I quote your very own words:  
9 "As for the captain, he went off again to the base for the training of new recruits."

10 My question is a simple one. After training these new recruits, Captain Bengagombe  
11 was the one giving this training. Do you know who deployed these new recruits in  
12 the field, if there was any such deployment?

13 A. Well, if you don't mind, I'll try to specify one particular point. Perhaps I wasn't  
14 understood properly? I believe it was one of the duties that was assigned to that  
15 captain. He was in charge of training, so during the crisis I replaced him and he  
16 went back to his duties; namely, training. The tasks were reallocated and he, you see,  
17 was handling training, so I'm not trying to find out.

18 In the Presidential Guard there was -- there was perhaps someone who was in charge  
19 of deploying new soldiers in the field. I suppose there was someone who was doing  
20 this work, so I just wanted to provide information about that captain who went back  
21 to his former position. Above all, you see, there is someone responsible, in charge,  
22 the person responsible for the Presidential Guard who handles the deployment of  
23 soldiers in the theatre of operations. I hope that I've made myself understood.

24 Q. Witness, what could you tell the Chamber about the private militia that were  
25 fighting on behalf of President Patassé at the time of the events of concern to us?

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1 A. I haven't really understood your question, Counsel.

2 Q. Did you hear about the troops of Abdullah Miskine deployed in the Central  
3 African Republic -- Abdoulaye Miskine?

4 A. Yes, I heard people talking about Abdoulaye Miskine. He was the leader of a  
5 group, a group of soldiers. I did hear about him. We do know that he commanded  
6 a unit; an army unit.

7 Q. Who was the direct superior officer of Abdoulaye Miskine? Who did he report  
8 to?

9 A. Abdoulaye Miskine could only report to Bombayake. He was the one who was  
10 at the very head of the presidential security unit.

11 Q. Have you ever heard of Victor N'Doubabe, the former driver of President  
12 Patassé, who led an armed group that was also called the SCPS, Central African  
13 Society for Protection and Surveillance, the SCPS?

14 A. I have nothing to tell you about him.

15 Q. But did you hear any talk about this unit, or this person?

16 A. I told you that I really didn't learn very much about this person whose name  
17 you just mentioned.

18 Q. Well, going on the basis of the little that you may have heard about this  
19 particular person, have you heard this name before?

20 A. No, this is my testimony before the Court. This is the first time I have heard  
21 that name, Victor N'Doubabe. You see, if it's not something that concerns me, I don't  
22 have the time to think about it. Please ask me questions about the events that  
23 concern me, the things that I experienced myself. You are asking me to tell you  
24 about someone who I don't know, or events I didn't experience myself, so I really am  
25 not in a position to do that, Counsel.

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1 Q. Very well, Witness. In that case, I'll mention Colonel Mustapha himself. We  
2 have already mentioned his deputy, who would quite regularly go to the PCO, and  
3 now I'd like to make reference to a statement that you gave to the Office of the  
4 Prosecutor and this is in the third document on the documents list of documents,  
5 page CAR-OTP-0052-0570. Now, this is the question that was put to you: "Why  
6 did Mustapha go and visit Camp Béal?" And your answer was: "He would go  
7 there from time to time because the PCO, that is the operational command post, was  
8 to be found there. He was going there to get information. His deputy was there."  
9 Witness, is this a faithful reflection of your statement, what you said to the Office of  
10 the Prosecutor?

11 THE INTERPRETER: Interpreter correction: Reference 0570.

12 THE WITNESS: (Interpretation) Yes, that is what I said. Those are my words, but  
13 I would like to shed some light on this. I meant to say that he went there quite freely  
14 to Camp Béal. They had free access to that place. They would go there, he or his  
15 deputy. Similarly, they would go to Camp de Roux. They would go there quite  
16 freely.

17 MR KILOLO: (Interpretation)

18 Q. Witness, I would like to turn now to another statement that you gave to the  
19 Office of the Prosecutor, and this is to be found in the third document on the  
20 Defence's list, page CAR-OTP-0052-0569, at the very end of that particular page, and  
21 then at page CAR-OTP-0052-0570, at the beginning of that page. I'll quote your  
22 statement, or rather the question that was put to you: "Now, the Congolese forces  
23 were made up of foreigners and they spoke Lingala, a foreign language. How could  
24 they move about Bangui without having any knowledge of the town?" Your answer  
25 was: "Well, they didn't go just anywhere, any place in Bangui. They would go to

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1 very specific locations, depending on their plans." The investigator then asked you:  
2 "For instance, how could they go to PK12?" And your answer was: "Well, it was  
3 the usual itinerary. They would regularly go from PK12 to the operational  
4 command post, the PCO, or to Camp de Roux to get to the base of the Presidential  
5 Guard. It's at the top of the hill."

6 Witness, can you confirm this?

7 A. I can confirm that. However, I do want to specify one thing. They were  
8 soldiers. They couldn't go to some places without receiving an order to do so, or  
9 receiving permission to do so. They were at Camp de Roux and many other places,  
10 but they were there at the orders of their commanding officers. I was talking about  
11 their moving about the town and their leader when they were in their vehicles. That  
12 was their itinerary. That's what I said.

13 Q. I would like to go back to another statement that you made when you spoke to  
14 the Office of the Prosecutor, and this is in the second document on the Defence's list,  
15 page CAR-OTP-0052-0548. This is the question that was put to you: "Colonel, you  
16 said that Mustapha perhaps received instructions from the director-general of  
17 presidential security. Why do you think that?" And your answer was: "Well, in  
18 fact that's how it occurred. The Congolese troops were deployed here, but they also  
19 came under the authority of the Presidential Guard. It was Patassé who called them,  
20 had them come here, so the Director of the Presidential Guard used to receive his  
21 instructions from the president and then he would pass on the orders to the  
22 Congolese troops. The Presidential Guard was supposed to give money to the  
23 Congolese troops for their day-to-day expenses, their PGA, so consequently, it was  
24 ongoing contact between the Congolese and the commander of the Presidential  
25 Guard."

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1 Witness, would you like me to read that passage to you again?

2 A. I've understood what you've said, Counsel. I will make a comment on what  
3 you just read out. Our brothers in arms from Congo who came, well, they came to  
4 provide assistance to President Patassé because his country was at war. He was the  
5 leader. He had given the order. He had authorised our brothers in arms to come.  
6 When a soldier comes to a place he is given matériel, including food supplies. When  
7 they had arrived, they would receive allocations and they could go to the authorities  
8 and say what their needs were, what they needed, so that the soldier could carry out  
9 his mission. That is what I said.

10 Q. Now, this passage that I just read out to you, is this a faithful reflection of the  
11 words that you used when you spoke to the representatives of the Office of the  
12 Prosecutor?

13 A. Those are my words.

14 Q. Witness, in the first document on the Defence's list of documents -- in the first  
15 document on the Defence's list, page CAR-OTP-0052-0532, here's the question that  
16 was put to you: "Colonel, my last question for today, because I don't want you to be  
17 late. Exactly what did you do at the PCO?" And your answer was as follows:  
18 "We didn't have particular specific duties. We were on standby. We were there.  
19 For example, we would receive radio messages at night, or during the day, and after  
20 we would write out the morning report. We tried to co-ordinate activities and as  
21 much as possible take care of the centre, but our main duty was to write reports. We  
22 didn't have any privileges. We had no authority to take decisions. We reported to  
23 the chief of the centre. The radio reports were duly noted and sent on to the person  
24 who was in charge of the matter, or to the commander of the centre. The PCO  
25 would gather the information from the friendly troops in the field and would give a

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1 report to the High Command. The High Command made decisions and passed  
2 them on to the commander of the PCO, who then sent them on -- sent on these  
3 decisions to the troops who were in the field."

4 Witness, is this an accurate reflection of the words that you used when you spoke to  
5 the representatives of the OTP?

6 A. Thank you. You just read out a very lengthy passage. I can confirm that that  
7 is what I said, generally speaking, because the question that was put to me was a  
8 general one about the operations of the PCO. The PCO was a unit that was  
9 organised in a particular way. Provisions were made for people being on standby,  
10 being present so that they could write reports. There were notebooks in which  
11 reports were written to mention the various incidents that occurred. It was a  
12 notebook in which the messages from the field were recorded. It was a notebook of  
13 events, so to speak, and the various officers would take turns providing this service,  
14 and in the morning the person who was on duty would provide the notebook to the  
15 commander so that the commander could review the situation; namely, everything  
16 that had occurred the previous day. That is what I said to the Office of the  
17 Prosecutor. It is possible that there might be some error that crept in here, but that's  
18 what I can tell you to shed more light on this matter. I realise that these are the same  
19 questions that are coming back time and time again. I'm willing - I'm available - to  
20 give you more information so that the Court can make its own assessment.

21 Q. Witness, when the High Command took its decisions, which were sent to the  
22 commander of the PCO who then passed them on to the troops in the field, was there  
23 a written document like the document that you sent in the form of the record and the  
24 book - the notebook - containing the events?

25 A. I think that your -- in your interpretation there are points which need to be

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1 corrected. I gave an example of a service which had this record book of all the  
2 events, for example the day, the date of standby duty. That was current practice in  
3 all services. It was not something -- it was not anything difficult to do. It was a  
4 register for the duty record which enabled you to monitor developments and record  
5 activities. That is the correction I wanted to make. There are records. There's  
6 documentation in all services, in all divisions. It was to serve as a record in case of  
7 need, so that's the explanation that I wanted to make about the recording -- the record  
8 books made available to the different services to note down whatever happened. So  
9 that is the clarification that I wanted to make and I hope that you have now  
10 understood. Thank you once again.

11 Q. Witness, do I take it that the different orders, or the different instructions,  
12 coming from General Bombayake for the subordinate units, were those decisions or  
13 were those instructions actually noted down in a written document? Was there a  
14 kind of message or a communication record book, or any other kind of record book,  
15 to record this?

16 A. I think there's a misunderstanding here. Bombayake is the director-general of  
17 presidential security. He's separate. In his structure, there are various services.  
18 There is a radio service, but the PCO was in Camp Béal, and there was somebody in  
19 charge of the PCO. He was a person who was authorised, because there were  
20 Central African forces who were assigned in the provinces and each -- each division  
21 which is assigned to the field has a radio operator and the headquarters are in Bangui  
22 and then there are decentralised units, and the PCO supervises all the units which are  
23 seconded to the hinterland. And in an urgent case a message is sent to the Chief of  
24 the Defence Staff who is in charge of the Central African armed forces for a decision  
25 and then for information on the message there would be instructions. So the

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1 director -- it would say "See the director of the PCO," or whichever other authority  
2 and what action had to be taken. That is the point I wanted to clarify. The  
3 report -- the duty officer notes down any event. Even if it's just receiving a message,  
4 all this is noted in the record book and the following day the radio operator, who is in  
5 the transmission centre, brings all the documents and gives them to the person in  
6 charge of the service. So that is the clarification I wanted to make so that you can  
7 distinguish between Bombayake, who was in the Presidential Guard and was  
8 responsible for the different structures there, and the PCO which is a service which  
9 comes under the Chief of the Defence Staff, and it is an important clarification to  
10 make so that the -- so that the situation is clear, but if you have any additional  
11 questions I will try to answer them. Thank you.

12 Q. Witness, in the first document of the Defence list, on page CAR-OTP-0052-0531,  
13 the Office of the Prosecutor asked you: "To whom did the co-ordinator of the  
14 PCO -- to whom did the commander of the PCO report?" And you said: "There  
15 was the Director-General of the Presidential Guard, Bombayake. He was under his  
16 authority, and then Bombayake had a good overview of the situation."

17 Witness, is that an accurate reflection of your statement to the Office of the  
18 Prosecutor?

19 A. \*In these declarations I thought or I think that there is a mistake. Perhaps it  
20 was badly written down, or perhaps the interpretation was not accurate.

21 Bombayake is the director of presidential security and he is separate. The PCO at  
22 that time was under the authority of the commander of the PCO. The co-ordination  
23 I referred to relates to Bombayake, who was Director of the Presidential Guard as  
24 regards deploying forces in the field, so when I speak of co-ordination of actions in  
25 the field, that co-ordination relates to the Presidential Guard. \*The actions in the field

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1 and deployment of troops in the field. And that relates only to the Presidential Guard.

2 Q. Very good, Witness. In that case, I will re-read to you two sentences of a  
3 statement that you made to the Office of the Prosecutor in the first document on the  
4 Defence list on page CAR-OTP-0052-0532. You say the following: "The operational  
5 command post collected information from friendly troops in the field and reported to  
6 the High Command. The High Command takes decisions and sends them to the  
7 commander of the PCO, who sends then to -- who then sends these decisions to the  
8 troops in the field."

9 My question is: When you speak of the High Command, are you speaking of the  
10 Chief of the Defence Staff, General André Mazi? Are you speaking of the Head of  
11 the Defence Staff, General -- or the Deputy Head of the Defence -- the Chief of the  
12 Defence Staff Ernest Mbeti-Ti-Bangui, or are you talking about General Bombayake,  
13 or are you talking about President Patassé himself? Could you please explain this?

14 A. Thank you. There is a Head of State and it is the Head of State who invited  
15 friendly troops to come and if there are any events or any facts one could only report  
16 to the commander-in-chief of the armed forces who would be the Head of State. He  
17 is the person one reports to, because he is the person who ordered these troops to  
18 intervene. There was Bombayake. Bombayake then reported the information to the  
19 troops in the field. You read a long section. I got a bit less -- a bit lost, but  
20 fortunately you spoke of the High Command. The authority comes from the High  
21 Command. Thank you.

22 Q. I would like to recall another statement that you made in the first document on  
23 the Defence list, on page CAR-OTP-0052-0532. This is the question put to you:  
24 "Did Bombayake have a superior officer?" You answered: "He was  
25 Director-General of the Presidential Guard. Only the Head of State was above him."

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1 Then an additional question: "When you were assigned to the PCO, the operational  
2 command post, who was the Head of State?" And your answer: "President  
3 Patassé."

4 Witness, do you confirm that statement?

5 A. That was my statement.

6 Q. This brings me on to another statement that you made in the second document  
7 on the Defence list, on page CAR-OTP-0052-0551. This is what you stated and I  
8 quote you: "I think that everything that I described happened during the events of  
9 25 October 2002 with other troops present in the field and, as I said, we had to defend  
10 the institutions of the republic. Obviously operations were co-ordinated at the  
11 highest level by the presidency, probably by the director-general for presidential  
12 security."

13 Witness, can you confirm that?

14 A. That was my statement and I confirm it.

15 Q. I would now like to put to you a question on the organisation, or rather the links  
16 between the different subordinate units in the field, and here I would refer to your  
17 statement in the second document on the Defence list on page CAR-OTP-0052-0553.  
18 This is what you stated: "The troops were organised in such a way that they could  
19 protect strategic points on the road going north, in particular Bozoum, Bossangoa,  
20 Bossembélé, et cetera, but there was one point where you could find loyalist troops  
21 and at another point Congolese troops as from PK12, but the Congolese helped the  
22 loyalist troops."

23 Witness, is that an accurate reflection of your own words in your statement to the  
24 Office of the Prosecutor?

25 A. That is correct and I think I gave the correct answer. As I've already said, you

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1 know that the Central African Republic forces were deployed in units in the  
2 hinterland. That is why I referred to regions occupied by the forces of the Central  
3 African Republic army to ensure the security of property and the people but, as  
4 regards the friendly troops, they were told where they could be positioned and all  
5 this was to ensure consistency and I think that was perfectly normal, because there  
6 were already certain troops positioned on -- in the field and in order to ensure the  
7 security of a region or an area it was important to take these steps. Those were the  
8 points I wanted to clarify to enable you - the Court and you - to clearly understand  
9 my statement.

10 Q. My final question of the day, Witness. Who decided to deploy the Congolese  
11 troops to the different towns, or the different positions, in the Central African  
12 Republic? Who dispatched them? Who decided on the deployment? Was it  
13 General Bombayake? Was it President Patassé himself? Do you have any idea  
14 about this?

15 A. Thank you. From my point of view as a soldier, I think it is important to place  
16 oneself in the context that Congolese troops came into -- came onto Central African  
17 Republic territory. That is the exact situation. In order for them to achieve their  
18 objectives it was necessary to have advice because, when a mission is entrusted to you,  
19 you don't just launch into it. This is just an example to enable the Court to  
20 understand. Of course, there needs to be contact with them to explain the objectives.  
21 Was it Patassé? It's true that he was the one who called them in. Was it Bombayake?  
22 You and I might think it was, but somebody who comes into your country, and of  
23 course there must be somebody who guides them, because they could not act on their  
24 own initiative. That is the answer I'd like to give to you for your -- to your final  
25 question this afternoon.

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1 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo.

2 Mr Witness, we will suspend for today, conclude today. You are entitled to take  
3 some rest. We will continue tomorrow morning at 9.30 in the morning. So thank  
4 you very much. We wish you a very restful night and I will ask, please, court usher  
5 to take the witness outside the courtroom.

6 (The witness stands down)

7 PRESIDING JUDGE STEINER: Maître Kilolo, before we adjourn I would like to ask  
8 whether you can give the Chamber an estimation on how long the Defence would  
9 take to conclude the current testimony?

10 MR KILOLO: (Interpretation) We will have finished before lunchtime and indeed I  
11 would hope that we would be able to conclude our questioning by the mid-morning  
12 lunch -- mid-morning break.

13 PRESIDING JUDGE STEINER: Thank you very much. Before we adjourn, the  
14 Chamber has a short oral decision to issue. Since there has been a non-compliance,  
15 not of course on purpose, but a non-compliance with the Chamber's decision 1595  
16 mainly in relation to paragraphs 12 and 13, and as a precautionary matter, the  
17 Chamber orders the reclassification as confidential of the following parts of today's  
18 transcripts and orders the Registrar to apply the necessary redactions to the public  
19 edited version until decided otherwise. Page 12, line 10 to 14; page 12, line 19 to line  
20 22; page 14, line 25 to page 15, line 20; and page 34, line 12 to line 23.

21 I would like to thank very much the Prosecution team, legal representatives of victims,  
22 the Defence team, Mr Jean-Pierre Bemba Gombo. I thank very much our interpreters,  
23 court reporters. We will adjourn and resume tomorrow morning at 9.30 in the  
24 morning. This hearing is adjourned.

25 THE COURT USHER: All rise.

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1 (The hearing ends in open session at 4.28 p.m.)

2 CORRECTIONS REPORT:

3 The Court Interpretation and Translation Section has made the following corrections  
4 in the transcript:

5 \*Page 51 line 9

6 "In these -- in that declaration..." Is corrected by "In these declarations..."

7 \*Page 51 line 25 and Page 52 line 1

8 "whereas the actions in the field and deployment of troops in the field relate to the  
9 Presidential Guard." Is corrected by "The actions in the field and deployment of  
10 troops in the field. And that relates only to the Presidential Guard."

11 RECLASSIFICATION REPORT

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

13 ICC-01/05-01/08-3038 and the instructions in the email dated 12 August 2014, the  
14 transcript becomes Public.

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