

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0219

1 International Criminal Court

2 Trial Chamber III - Courtroom 1

3 Situation: Central African Republic

4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08

5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and

6 Judge Kuniko Ozaki

7 Trial Hearing

8 Friday, 9 December 2011

9 (The hearing starts in open session at 9.37 a.m.)

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

11 Please be seated.

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

13 in open session.

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

15 case.

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

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

18 PRESIDING JUDGE STEINER: Thank you very much. Good morning. Welcome

19 Prosecution team, legal representatives of victims, Defence team, Mr Jean-Pierre

20 Bemba Gombo. Good morning to our interpreters and court reporters. We will

21 continue today with questioning of Witness 219 and for that purpose I ask, please,

22 court usher to bring the witness in.

23 (The witness enters the courtroom)

24 WITNESS: CAR-OTP-PPPP-0219 (On former oath)

25 PRESIDING JUDGE STEINER: Good morning, General, and welcome back.

26 09.12.2011

Page 1

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0219

1 THE WITNESS: Good morning, ma'am. I'm glad to be back.

2 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony, sir?

3 THE WITNESS: I'm ready to continue, ma'am.

4 PRESIDING JUDGE STEINER: May I remind you that you are still under oath, sir?

5 THE WITNESS: I understand that and will remain under oath.

6 PRESIDING JUDGE STEINER: Thank you very much. I'll give back the floor, then.

7 Maître Kilolo, you have the floor.

8 MR KILOLO: (Interpretation) Thank you, your Honour, for giving me the floor.

9 QUESTIONED BY MR KILOLO: (Interpretation) (Continuing)

10 Q. Good morning, Witness.

11 A. Good morning, sir.

12 Q. Witness, can one and the same unit receive military orders from two separate
13 commands about one and the same operation?

14 A. It is absolutely unusual, one individual to receive two orders on the same
15 operation. Absolutely unusual.

16 Q. Witness, I'm referring to the transcript, the edited French version of it, dated
17 8 November 2011, page 7, lines 26 to 28, and in English the transcript from the same
18 date, page 7, lines 21 to 23. This is (Redacted), who said
19 that at the time of the events in the CAR there was a General Staff of the CAR armed
20 forces which were effective, which reported to the Minister of Defence in the CAR,
21 and the latter reported to the Head of State President Patassé about all of the military
22 operations in the CAR at the time of the events.

23 Were you aware of that information?

24 A. Is it a statement which he gave in the Court or --

25 Q. Yes, indeed, I can confirm that it was testimony before this Court given by the

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0219

1 person who was (Redacted) the operational command centre. Were you
2 aware of that information?

3 A. I think you have confused me a bit, because I asked you did he, the person you
4 are talking about, give that statement in the Court or this was a statement that he had
5 wrote earlier on?

6 Q. I shall repeat my question. There was (Redacted)
7 (Redacted) the operational command

8 centre. He said that at the time of the events in the CAR there was a General Staff of
9 the CAR armed forces which was functional. The Chief of General Staff reported to
10 the Minister of Defence in the CAR and he, in turn, reported to the Head of State
11 President Patassé. He reported on all of the military operations that were occurring
12 in the CAR.

13 My question is as follows: Did you know about that information?

14 A. I was not in the Court when he was giving that statement, so it would be very
15 difficult for me to comment on something that I did not hear. I wasn't here in the
16 Court and I have not had his statement -- his testimony in the Court given to me at all.
17 I did not even follow what was happening. I did not even know that he appeared
18 here until you told me that he has been in this Court. The only statements of the
19 individual you are talking about that I have seen are the statements that were sent to
20 me in one big box of statements that I reviewed. That's all I have seen.

21 PRESIDING JUDGE STEINER: Court officer, please, could you turn into private
22 session for a while.

23 *(Private session at 9.48 a.m.) Reclassified as Open session

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

25 PRESIDING JUDGE STEINER: Maître Kilolo, have you noticed the content of your

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0219

1 question? When you repeat it, (Redacted)

2 (Redacted)

3 MR KILOLO: (Interpretation) I was talking about (Redacted). As we are in

4 open session, I'd like to draw the court reporter's attention to the need to (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Open session at 9.50 a.m.)

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

10 MR KILOLO: (Interpretation)

11 Q. Witness, were you aware on the basis of the dossier you had available to you,

12 were you aware of the content of that information? In other words, at the time of the

13 events in the CAR there was a General Staff of the CAR armed forces which was

14 functional and that the Chief of General Staff reported to the Minister of Defence and

15 the latter reported to the president of the republic, former President Patassé, who was

16 the supreme commander. Were you aware, did you know about what was involved

17 in that information?

18 A. From the documents that I got, if we are talking about the same person, I had a

19 narrative from, you know -- statement from the same individual we are talking about,

20 if it is the same person we are talking about, who stated that at the onset of the

21 hostilities they did not actually have a joint operational cell but he himself

22 single-handedly, he himself single-handedly, then took the advantage of setting up

23 an operational headquarter which would then prosecute the war. And if that is

24 what you are talking about, yes, that's -- that information I had. How that, you

25 know, operation headquarters succeeded, if it succeeded at all, in managing, planning

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0219

1 and managing the entire operation throughout the war in CAR is questionable.

2 With the information that I have, it's questionable.

3 JUDGE ALUOCH: Sorry, Mr Witness, what does -- what do you mean when you
4 say "that is questionable?" What do you have in mind? If you can just clarify,
5 please?

6 THE WITNESS: What I have in mind is that although it was set up, that
7 headquarters from the information I have from the same individual, information that
8 I was able to get, he himself states that it was a very rudimental sort of, you know,
9 headquarters which in my mind, in my judgment, that headquarters would not have
10 succeeded in actually prosecuting the war. It may have issued instructions, got
11 instructions and passed it on, but if one believes what that individual who set it up
12 and who came to this Court and gave, you know, evidence - and unfortunately I don't
13 have that information which he has - you'd find, as a military man, you'd really find it
14 hard to believe that by just setting up a small operational headquarters or a big
15 operational headquarters and having two or three officers in it that it would have the
16 capacity to run and prosecute a campaign of that nature. That is what I'm saying.

17 JUDGE ALUOCH: Thank you.

18 MR KILOLO: (Interpretation)

19 Q. Witness, I would like to run through with you the question of the
20 insubordination in the context of the operations as regards Colonel Mustapha. We
21 have received some information from Marcel. Do you remember Marcel?

22 A. Yes, I remember. I haven't met him, but I remember if he's the same person we
23 are talking about, the one you gave me his name as "Marcel."

24 Q. Marcel stated in document 33 on the Defence list, it's a bilingual document,
25 CAR-OTP-0034-1246, on page 1252 he says, "Once Commander Mustapha had

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0219

1 arrived on the territory of the CAR, he was basically under four CAR authorities:

2 Under the authority of President Patassé; the CAR Minister of Defence; the General

3 Chief of Staff of the CAR armed forces; the chief of the CAR naval forces and the

4 presidential security chief. In other words, General Bombayake."

5 Were you aware of that information?

6 A. No, I was not, that he had all these heads as his commanders. It's really

7 unusual. If he was -- and that is, again, my military experience, he would be under

8 one command, not all those people you have tabulated. He would be under one

9 command. It's more, you know, I would expect him to be under one particular

10 commander, division commander or army commander or whatever you call it, but

11 you are giving me about three. Which one should I answer about, which one?

12 MR KILOLO: (Interpretation) For the Chamber, I just want to clarify the reference.

13 It's document 30 on the Defence list. It's a bilingual document, CAR-OTP-0034-1170,

14 page 1185 and page 1186.

15 Q. Witness, I would like to take a look with you at the question of daily reports on

16 operations carried out by the MLC contingent in the CAR. We have information

17 which comes from a statement made by Marcel. This is document 33 on the

18 Defence list, CAR-OTP-0034-1246, page 1252. This is what Marcel said:

19 "Commander Mustapha, in the CAR during the operations in Bangui, had the daily

20 reports on military operations carried out by the MLC contingent sent to his direct

21 superior, who was the CAR General André Mazi, who was the General Chief of

22 Staff -- the Deputy General Chief of Staff of the CAR armed forces."

23 Witness, did you know about that?

24 A. I wish I had the courtesy of looking at the document you are talking about, if it

25 is a document that I have, you know, reviewed, but if it is a document that I have not

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0219

1 reviewed then my answer is very simple. I didn't have that information.

2 MR KILOLO: (Interpretation) Madam President, can we go into private session,
3 please?

4 PRESIDING JUDGE STEINER: Court officer, please turn briefly into private session.

5 *(Private session at 10.03 a.m.) Reclassified as Open session

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

7 MR KILOLO: (Interpretation)

8 Q. Witness, do you remember confirming to me yesterday that you read (Redacted)
9 (Redacted) to the Office of the Prosecutor?

10 A. Yes, and those are the documents that were given to me. If there were any
11 which were not given to me, which I did not see, then I'm sorry because you are
12 talking about the documents -- you have the documents. I don't. Even the
13 documents that were given to me, I don't have them now. And I reviewed these
14 documents some time back, over a year back, which helped me to write my report,
15 but if you can give them to me, or if I can have that document and it is the document
16 that I reviewed, I will answer you absolutely "Yes" or "No." That's all I am asking
17 about. I'm not saying that I don't know the answer. I just want to be careful to
18 ensure that I'm helping you, I'm helping the Court, I'm telling the truth.

19 MR KILOLO: (Interpretation) Madam President, could we return to open session?

20 PRESIDING JUDGE STEINER: Court officer, please turn into open session.

21 (Open session at 10.05 a.m.)

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

23 MR KILOLO: (Interpretation)

24 Q. Witness, I would like to review with you the frequency with which Commander
25 Mustapha submitted daily reports on MLC military reports, or military operations in

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 Bangui. In that connection, I want to refer to a statement to the Office of the
2 Prosecutor by Marcel, reference document 33 on the list of Defence documents, and I
3 want to refer to page 1253 of that document. Document number 33 is
4 CAR-OTP-0034-1246.

5 Witness, it emerges -- from that information in the statement to the OTP, it emerges
6 from that statement that during the Bangui operations Commander Mustapha did
7 submit daily reports on military operations by the MLC troops in Bangui and that
8 such reports were submitted to General Mazi on a daily basis, even when he was at
9 the battle-front. Now, Mr Witness, were you aware of the content of that
10 information particularly?

11 A. Was I aware during the time I was writing my report, or after?

12 Q. Regardless, Mr Witness, was that information available to you?

13 A. To answer you frankly, I would expect any commander - including the
14 commander you are talking about - on a daily basis to be sending his report to his
15 next higher commander. That is the system. That's the military system. You are
16 supposed to be sending what I mentioned here during my earlier statement that there
17 is a sitrep. Any commander in the field, or any commander, will send a sitrep daily
18 to his headquarters, and as such I expect that particular commander to be sending
19 his -- the one you are talking about to be sending his sitreps daily to his higher
20 headquarters, but if this commander for whatever reason is unable to communicate
21 with his headquarters for two/three days, of course that would be difficult for him to
22 be sending his sitreps every day.

23 Q. Mr Witness, my question is very specific. Were you aware of that information,
24 that specific information, namely that Commander Mustapha submitted daily reports
25 on military operations carried out by the MLC troops in Bangui to General André

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0219

1 Mazi, General Chief of Staff -- Deputy General Chief of Staff of the Central African
2 armed forces, and that he filed such reports on a daily basis, included -- including the
3 days on which the MLC troops were engaged in battle? My question is were you
4 aware of this information?

5 A. I was not.

6 Q. Had you been aware of this information, Mr Witness, would it have had any
7 impact on your report?

8 A. Naturally, it would. Naturally, it would, and if I had documents to prove,
9 naturally it would.

10 MR KILOLO: (Interpretation) Madam President, could we go into private session,
11 please?

12 PRESIDING JUDGE STEINER: Court officer, please turn into private session.

13 *(Private session at 10.12 a.m.) Reclassified as Open session

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

15 MR KILOLO: (Interpretation)

16 Q. Mr Witness, I would like to agree with you on a code, because I intend to refer
17 to (Redacted)

18 (Redacted) -- of the Central African army at the time of the events. Would you
19 agree with me that we should call him "Matthew"?

20 A. No problem at all.

21 Q. Let me avail myself of this opportunity to remind you of all our codes: Marcel
22 is (Redacted); Leonard is (Redacted)

23 (Redacted) during the events; Bernard is (Redacted)

24 (Redacted)

25 (Redacted); and then now we have Matthew being

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Private Session)

ICC-01/05-01/08

- 1 (Redacted).
- 2 Madam President, that having been said, could we revert to open session, please?
- 3 PRESIDING JUDGE STEINER: Court officer, please turn into open session -- sorry.
- 4 THE WITNESS: Please, before you revert --
- 5 PRESIDING JUDGE STEINER: Please, yes.
- 6 THE WITNESS: -- can you repeat again the pseudonym (Redacted)
- 7 (Redacted)
- 8 MR KILOLO: Bernard.
- 9 THE WITNESS: Bernard, okay. Four -- four individuals, okay.
- 10 PRESIDING JUDGE STEINER: Court officer, please, can we turn into open session.
- 11 (Open session at 10.15 a.m.)
- 12 THE COURT OFFICER: We are in open session, Madam President.
- 13 MR KILOLO: (Interpretation)
- 14 Q. Witness, I want to revisit something that was said in open session by Colonel
- 15 Lengbe, and I'm referring to the edited transcript, French version, of
- 16 8 November 2011 at page 7, lines 26 to 27, and the English version for the same day,
- 17 page 7, lines 21 to 23.
- 18 In that testimony Colonel Lengbe explained that there was a well-established chain of
- 19 command in the Central African Republic and that at the summit or at the top of the
- 20 hierarchy the supreme commander of all armed forces in the Central African
- 21 Republic was President Ange-Félix Patassé and that immediately below him in that
- 22 chain of command was the Minister of Defence and below the Minister of
- 23 Defence was the Chief of General Staff of the armed forces.
- 24 My question to you, then, is as follows: Were you informed of that chain of
- 25 command?

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 A. I think in one of the documents that I read, in one of the documents that I read,
2 that scenario emerged for the CAR, the chain of command civilian and military
3 hierarchy of CAR, but whether that same hierarchy was the one that prosecuted the
4 war once the war started, and remind intact, operational, I don't have that
5 information.

6 Q. Are you thereby telling this Court that based on the information you received
7 from the Office of the Prosecutor you did not find any material pointing to the fact
8 that during the time of the military operations in the Central African Republic
9 President Patassé was at the top of the command chain for all military operations in
10 the Central African Republic?

11 A. No, I think you got me wrong. You got me absolutely wrong, that's not what I
12 meant. I meant that in the documents that I reviewed President Patassé remained
13 the president of the republic and the commander-in-chief of his forces in the CAR.
14 He had his Defence Minister, and that information I had, his Defence Minister. He
15 had his armed forces hierarchy, armed forces hierarchy. What I have just said is that
16 whether that is the same hierarchy which remained intact, issued instruction to the
17 cell that we are talking about, which was established by (Redacted), because the
18 documents (Redacted), you know,
19 the war during the deployment of MLC forces which is of my -- was my -- was of my
20 interest, right, whether that chain of command remained intact and prosecuted the
21 war throughout the entire period I don't have that information because I was not here
22 when Leonard was giving his testimony in the Court. (Redacted)
23 (Redacted)

24 Q. Witness, in the bundle of documents that was available to you, did you find
25 information whereby Commander Mustapha is said to have been placed under the

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 hierarchy, under the supreme command of President Patassé, within the context of
2 the operations in the Central African Republic?

3 A. A document or a statement?

4 Q. Regardless, Mr Witness, did you receive information to the effect that general or,
5 rather, Commander Mustapha was under the supreme command of President Patassé
6 within the context of the military operations by the MLC in the Central African
7 Republic?

8 A. Yes, the information was there, that he was put under a new -- a leadership,
9 military, in a different country. But whether he practised that, whether it was
10 practised in reality, is my question.

11 Q. Were you aware of any information to the effect that in practice or in reality
12 President Ange-Félix Patassé, supreme commander of the Central African armed
13 forces, did effectively give orders to Commander Mustapha at the time of the events?

14 A. No, I did not.

15 Q. Had such information been available to you, would it have had any impact
16 whatsoever on your report?

17 A. Yes.

18 Q. In that regard, I want us to look at document number 34 on the Defence list of
19 documents, document CAR-OTP-0007-0121 at page 0152.

20 Witness, it emerges from Matthew's statement to the Office of the Prosecutor that yes,
21 indeed, the MLC troops in the Central African Republic did receive orders directly
22 from President Patassé. Is this information new to you?

23 A. Repeat the question again. Repeat the question again.

24 Q. Are you hearing this information for the first time?

25 A. That Matthew was in charge of Marcel, is that what you are saying, or Marcel

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Private Session)

ICC-01/05-01/08

1 was under direct command of Matthew?

2 MR KILOLO: (Interpretation) Madam President, can we go into private session?

3 PRESIDING JUDGE STEINER: Court officer, please turn into private session.

4 *(Private session at 10.28 a.m.) Reclassified as Open session

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

6 MR KILOLO: (Interpretation)

7 Q. Now, regardless of the source of the information for you, this is a statement that

8 was made to the Office of the Prosecutor and it was not made by any one other than

9 (Redacted) and in that

10 statement he specifies that MLC troops received orders directly from President

11 Patassé, and I believe that you understand me because this is very clear, and my

12 question to you is as follows: Are you hearing this information today, here and now,

13 for the very first time?

14 A. I'm now very clear on what you have -- the question you have posed and my

15 answer is very simple. I did not have that information earlier than now that Marcel

16 was the commander of -- no, sorry, Matthew stated that Marcel - Marcel - was

17 directly under command of that chain of command that you are talking about.

18 Q. Before we go back into open session, I would put it to you that we can find a

19 code for (Redacted).

20 JUDGE ALUOCH: Mr Kilolo, just before you go to the next point, I just want to ask

21 General Opande whether what Mr Kilolo asked you, which is -- which you have just

22 answered to, I want to seek clarification from you: Would this have changed

23 command and control now to President Patassé then? I just want to be clear here.

24 THE WITNESS: Absolutely clear. If Marcel on deployment --

25 PRESIDING JUDGE STEINER: You can tell names. We are in private session.

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Private Session)

ICC-01/05-01/08

1 THE WITNESS: Oh, okay. Sorry. If Mustapha on deployment was handed
2 over -- the word "handing over" is probably, you know, synonymous only with
3 military; in other words, he's now been a type for all purposes, command and control,
4 operational command, logistics command and the new command which had
5 President Patassé at the top and Mazi as their Chief of Staff. Then, of course, that is
6 his -- now his line of command and control.

7 JUDGE ALUOCH: And -- sorry, I beg your pardon.

8 THE WITNESS: And if throughout that time when he was there, that that -- that
9 was the only chain of command that he reported to then, of course, that is the way
10 I would understand it, the way anybody else would understand it.

11 JUDGE ALUOCH: And now what would be the role of his original commander?

12 THE WITNESS: Let me tell you two things, and I want to be very clear: The
13 military would -- in very, very, very unusual circumstances would divorce its main
14 command and control back to his country and divorce itself to another command
15 which is not -- which is not, you know, the country that you belong to. You can
16 remain there under operational command, under logistics, but you will still remain in
17 your country's command.

18 There are very few countries which would send their soldiers to another country and
19 tell them "From now on, you are under that command. Do what that particular
20 country wants you to do. We are not responsible. Whatever happens there is that
21 new command." It's very unusual.

22 To answer you, what happens to, you know, this other command, even in that
23 circumstances you will still inform your home country of what is happening because
24 your home country has got a responsibility over you. Your command back at home
25 has got a responsibility, you know, after the men and women, the equipment that you

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Private Session)

ICC-01/05-01/08

1 have. That is the way it should be.

2 Loaning soldiers, loaning soldiers to another country, to another command and
3 divorcing yourself from whatever happens there, unheard of in any military
4 campaign.

5 JUDGE ALUOCH: Thank you.

6 PRESIDING JUDGE STEINER: Mr Witness, before I give back the floor -- I give
7 back the floor to Maître Kilolo, we've -- the Defence many times is referring to
8 statements given to the Prosecution, or testimonies given in Court, and asking you if
9 you had had access to this information whether you would have changed your
10 conclusions, which is obvious.

11 But my question is specifically in respect of this last point, it's on page 16 from line 4.

12 Defence points out to (Redacted)

13 (Redacted) who in his statement specifies that MLC troops received

14 orders directly from President Patassé. And then you answer later on, of course, if
15 you had access -- if you had that kind of information that could have changed your
16 opinion.

17 My question is: Bearing in mind the documents that you analysed for the
18 preparation of your report, do you think that this statement is reliable? Are you in a
19 position to analyse the reliability of this statement?

20 THE WITNESS: Not at all. I have no means of saying that (Redacted)
21 (Redacted) is reliable and I can vouch on it myself, not at all.

22 PRESIDING JUDGE STEINER: But is it compatible with the information that you
23 analysed or is -- or is it not?

24 THE WITNESS: It is compatible with the information that I analysed, and that's
25 why I believe that my analysis - my analysis - regardless of this new information that

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Private Session)

ICC-01/05-01/08

1 I'm getting, would change my thinking at all on my report. The information is there,
2 yes. Somebody has to prove to me that in practice this is actually that what
3 happened, because in my analysis the practice that I see, the difficulties that I saw (Redacted)
4 (Redacted) had, the problems that I saw emanated in the field would never
5 have, you know, surfaced if there was an effective command and control, whether it
6 was to Patassé or it was to -- back to Gbadolite to Mr Bemba.

7 If there was that command and control, that is necessary for the success and to avoid
8 the tragedies that eventually occurred with a lot of suffering on the innocent people
9 in that campaign. That is my belief, so it does not have any effect as far as I'm
10 concerned on my report. Thank you, ma'am.

11 PRESIDING JUDGE STEINER: Thank you. Sorry, Maître Kilolo, for the
12 interruption. You were establishing a new code.

13 MR KILOLO: (Interpretation) Yes indeed, your Honour, but first of all I have a
14 question to put to the witness.

15 Q. Witness, according to you, to be quite frank, who was better placed than (Redacted)
16 (Redacted)

17 (Redacted) and who made a statement not to the Defence, because we didn't have any
18 contact with him, but to the Office of the Prosecutor and who states that President
19 Patassé gave orders directly to the MLC troops?

20 So who better than (Redacted), who led the MLC contingent into the
21 CAR and who was in the field and who also stated the very same thing, (Redacted)
22 (Redacted) - so I'm talking about Prosecution
23 witnesses and not Defence witnesses - who better than those two individuals to say
24 who in actual practice commanded operations?

25 PRESIDING JUDGE STEINER: Maître Kilolo, is this a question or a statement?

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Private Session)

ICC-01/05-01/08

1 Sorry, Mr Iverson, I haven't seen you.

2 MR IVERSON: Madam President, I thought you may be asking the same question
3 that I was going to bring up. And I think that the statement/question is a bit
4 misleading because it's stating things that aren't necessarily true, at least from a
5 certain point of view, saying that certain people are witnesses who may not be
6 witnesses. I'm just concerned how this is being portrayed and how General Opande
7 may understand this, if he doesn't know the -- kind of the inside of the case who is a
8 witness and who is not.

9 PRESIDING JUDGE STEINER: As far as I can see, or Defence or Prosecution that
10 are saying, could confirm with me, (Redacted) was
11 not part of the documents analysed by the witness for preparation of the report.

12 MR IVERSON: That's the Prosecution's understanding. I would have to check,
13 because not all of the documents that the witness was provided are on his list so
14 I would have to look at the documents that OTP and the OPCV and Maître Douzima
15 provided as a -- in part of a joint instruction to the expert to confirm whether or not
16 those -- those documents were on the list of documents reviewed.

17 PRESIDING JUDGE STEINER: Maître Kilolo, I will ask you please to rephrase your
18 question because it's not really a question, it's a statement that should be better raised
19 when you have your final wording on this procedure. This really is a statement, it's
20 not a question. You can rephrase it, please.

21 MR KILOLO: (Interpretation) Thank you, your Honour. We're not going to get
22 bogged down in details of this type.

23 Q. Witness, I'd like to take a look at the code that we could agree on for
24 (Redacted). Does that name mean anything to you?

25 A. No. (Redacted) No. Is that the pseudonym or the --

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Private Session)

ICC-01/05-01/08

1 Q. That is (Redacted)

2 in other words (Redacted) at the time of the events, and I would suggest

3 that we call him "Oscar." Is that agreeable to you?

4 MR KILOLO: (Interpretation) Your Honour, could we go into open session?

5 PRESIDING JUDGE STEINER: Court officer, please turn into open session.

6 (Open session at 10.45 a.m.)

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

8 MR KILOLO: (Interpretation)

9 Q. Witness, did you receive any information concerning the manner or, rather, the
10 channel through which President Patassé issued military orders to Commander
11 Mustapha at the time of the events in the Central African Republic?

12 A. No.

13 Q. I'd like to refer here to document 35 on the Defence list, CAR-OTP-0008-0194,
14 page 0204. This is a statement that Oscar made to the Office of the Prosecutor, and
15 in it he states that President Patassé gave military orders to the MLC troops in the
16 Central African Republic during the events, inter alia, via the CAR Minister of
17 Defence. Is this the very first time that you are hearing such information?

18 A. I'm not so sure whether isn't it the same thing we are going through over and
19 over again, but it is coming with different people? In other words, there was
20 Matthew, there was Marcel, there was Leonard and now we are with Oscar. Is that
21 the same? And I've answered the previous ones.

22 Q. Witness, my question is extremely clear. Oscar stated to the Office of the
23 Prosecutor that the channel through which President Patassé sent military orders to
24 the MLC troops in the CAR in the context of the events at issue was, amongst others,
25 by going through the Central African Minister of Defence, and my question is as

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 follows: Are you hearing that information for the very first time today?

2 A. I'm hearing this information from you now. If it is in the information that was
3 in any document that I saw, I had sight of, if it is in the information that was on any
4 document that I had sight of, and I wish I had, you know, the documents then
5 I would of course say "Yes, I saw it." If I didn't see it, it was not on the documents
6 that I saw. Again, I would say "No, I didn't see it." So this is the first time I'm
7 hearing, but you're referring me to the document that I don't have in front of me now.

8 Q. Witness, if you had had that information beforehand, that information which
9 clarifies the top of the pyramid of the chain of command, starting from President
10 Patassé, the commander-in-chief of the armed forces, who gives military orders to the
11 MLC troops via his Minister of Defence, if you'd had that information would it have
12 had any impact on your report?

13 A. It would definitely have an impact on my report, provided that information was
14 the practice. And the practice is not only that one individual, or two individuals, or
15 three individuals say "This is the chain of command that we had, the practice was
16 this," while the results or their actual practice was not followed.

17 Q. I'd now like to run through, together with you, the practice. First of all, I'd like
18 us to take a look together at the presentation of the operational command centre, the
19 CCOP. Did you have any information to the effect that the CCOP, the operational
20 command centre, was in fact a tool within the context of the General Chief of Staff of
21 the Central African armed forces under the command of the General Chief of Staff of
22 the Central African armed forces? Did you have such information? Did you ever
23 get such information?

24 A. In the documents that I reviewed, the CCOP was established after, after the
25 battle of Bangui had started, and I think it is (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 Q. Witness, are you saying before this Court that the CCOP, the operational
4 command centre, did not exist at the time of the battle of Bangui that led the MLC
5 troops from the centre of Bangui to PK12 to push back Bozizé's rebels at the time?

6 A. The information that I had, the information that I had, and I am relying, you
7 know, on Leonard's own statements, that they established, they established the
8 CC -- the operational cell. In fact, it was not as clear as you are now saying CCOP,
9 but it was the operational cell, and I assume it is the same thing, that they established
10 it. He established it. He is the one who had the information. You could have had
11 an operation centre. The Central African Republic, I would expect to have the
12 normal operational command headquarters where normal military information come
13 in and goes out, but when there is a particular theatre of war to be prosecuted, you
14 can still use the same or establish another one. According to the documents I had,
15 (Redacted) he himself established that cell, which
16 would report to Matthew and co-ordinate the activities which were going to
17 prosecute the war against the rebels, which meant it would work with all the forces
18 that were government forces, or supporting government forces, in prosecuting the
19 war. That's the way I understand it. But if you say that there was an elaborate
20 CCOP before, even before, I agree with you because you probably have much more
21 information than I do have.

22 Q. Witness, this is my last question before we break but I want to make sure that
23 we are understanding you. Are you saying to this Court that when the MLC
24 contingent arrived on the first day, when the MLC contingent arrived on the first day
25 and set foot on Central African territory, the CCOP, the operational command centre,

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 we are indeed talking of the same thing, did not yet exist?

2 A. I'm not saying that. I'm saying that I did not have that information, right?

3 I'm not saying that it did not exist. And I said, and I will say, that any

4 country - including CAR - would have their -- what you call the headquarters, and

5 the normal headquarters, if there is no war, there will be a cell that co-ordinates all

6 the information that come in and go out. And if they had a CCOP, I agree with you.

7 But if there was one, you have the information which I don't have.

8 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo. Mr Witness, we'll have a

9 short break, half-an-hour, in order to allow you and our interpreters and court

10 reporters to take some rest. It's 11 o'clock. We will resume at 11.30. I ask, please,

11 the court usher to accompany the witness outside the courtroom.

12 (The witness stands down)

13 THE COURT OFFICER: All rise.

14 (Recess taken at 11.00 a.m.)

15 (Upon resuming in open session at 11.35 a.m.)

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

17 PRESIDING JUDGE STEINER: Welcome back. Before I bring the witness in, I

18 would like to ask Maître Kilolo whether Maître has any estimation to give to the

19 Chamber in relation to the timing still needed for his questioning?

20 MR KILOLO: (Interpretation) Yes, Madam President. We hope to conclude

21 today.

22 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo.

23 Could, please, court usher bring the witness in.

24 (The witness enters the courtroom)

25 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 THE WITNESS: Thank you, madam.

2 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?

3 THE WITNESS: I'm ready, madam.

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

5 MR KILOLO: (Interpretation)

6 Q. Witness, I would like to inform you of a piece of information from someone
7 who testified before this Court; namely, Colonel Lengbe who for some time served as
8 the co-ordinator of the CCOP, the operations command unit, and I'm referring to the
9 edited transcript, French version, of 4 November 2011, page 12, lines 24 to 28, and
10 page 13, line 1, and also to the English version of the edited transcript of the same day,
11 page 12, lines 10 to 15. In that testimony before this Court, Colonel Lengbe stated
12 that the centre for command operations was a tool in the hands of the Chief of
13 General Staff of the Central African armed forces, a tool under his command; that is
14 under the command of the General Chief of Staff. Were you aware of this
15 information?

16 A. A tool of the Chief of Staff, or a function of the Chief of Staff? Which is which?
17 You know, a tool and a function could mean the same thing.

18 Q. My question is very, very clear and I have chosen my words very carefully.
19 Did you have information to the effect that the operational command post that was
20 set up in the Central African Republic at the time of the events was a tool in the hands
21 of the Chief of General Staff of the Central African armed forces and that it was under
22 the Chief of Staff's command?

23 A. Yes.

24 Q. In the information that you became aware of, did you at any time find out that a
25 military or a joint military operation was carried out in Bangui by the MLC

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 contingent and the FACA; that is the armed forces and soldiers of the Central African
2 army?

3 A. I did not find out, because I did not have any means of finding out what was
4 happening in CAR apart from the information that was given to me.

5 PRESIDING JUDGE STEINER: Mr Iverson.

6 MR IVERSON: Madam President, the Prosecution's a bit concerned here with
7 the -- in terms of the fair evaluation of General Opande's testimony. If the Defence
8 present only a partial view or a half truth, then it really serves only to distort an
9 expert opinion. The Defence should in all fairness, if they're going to characterise
10 something as a joint operation, it may be helpful to actually state what Colonel
11 Thierry Lengbe stated on the record about that operation, instead of
12 mischaracterising or twisting what actually happened on the record.

13 PRESIDING JUDGE STEINER: Thank you, Mr Iverson. I have two comments:
14 First is for practical reasons, and I ask Maître Kilolo when referring to a transcript to
15 please give the number of the transcript, because otherwise we have to go back into
16 the whole list of transcripts to find which one is of 4 November 2011, so if you could
17 please be so kind in giving the number of the transcript.

18 The second point is the point raised by Mr Iverson. I think the witness is smart
19 enough, as well as the Chamber is, in order to see that whatever quotation taken from
20 a middle of a transcript, or a statement, totally out of context, limits extremely the
21 answer that could be given - a useful answer that could be given - by the witness.

22 The system of picking and choosing one paragraph and asking the witness to make
23 comments on it in principle doesn't bring the information that the Chamber would
24 like to have in order to appreciate the points raised by the Defence. So only as a
25 recommendation, if Defence could put this information into context it would be

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 useful for the Defence and for the Chamber, being the Chamber the destinataire of all
2 information that -- gathered in this courtroom.

3 You can proceed, Mr Kilolo -- Maître Kilolo.

4 MR KILOLO: (Interpretation) Thank you, Madam President. I would have liked
5 to see my learned colleague opposite, Mr Iverson, point out the erroneous
6 information that was contained in my question, rather than make such gratuitous
7 remarks.

8 Q. That having been said, in any event, Mr Witness, we do have specific
9 information, and I'm referring here to the French version of the transcript number
10 T-182 of 4 November 2011, page 44, line 3, to -- lines 3 to 14, English version of the
11 same transcript, that is the transcript of the same day, page 43, lines 2 to 12. Colonel
12 Lengbe testifying here in open session said that the MLC troops, together with the
13 FACA troops, conducted a joint operation with a view to ward off Bozizé's rebels and
14 chase them out of Bangui. That operation actually took place and Bozizé's rebels,
15 Bozizé's attackers, were driven out of Bangui beyond PK12 and PK13.

16 My question to you is as follows: Were you previously aware of this information?

17 A. I don't -- I don't think I'm getting you, or I don't know. I don't -- I don't get
18 the -- was I aware before, or after? I don't know.

19 Q. Were you aware of this information at the time you were drafting your report?

20 A. I was aware that MLC forces were deployed in the Congo during the time I was
21 drafting my report to support FACA forces to get rid of Bozizé's forces from Bangui
22 and throughout the Central African Republic, yes.

23 JUDGE ALUOCH: General, did you mean the Congo, or the CAR?

24 THE WITNESS: Sorry, CAR. CAR. CAR, sorry. CAR. Central African
25 Republic.

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 MR KILOLO: (Interpretation)

2 Q. Thank you. Witness, my question is specific. At the time you were drafting
3 your report, "Yes" or "No," were you aware or informed that the MLC and the FACA
4 troops carried out a joint military operation to ward off Bozizé's rebel attackers and to
5 chase them out of Bangui? Were you aware of that?

6 A. I was aware that MLC forces were deployed in Central African Republic in the
7 environ of -- of Bangui to assist FACA forces to fight against Bozizé's forces, yes.

8 Q. Witness, what would you understand "joint operation" to mean?

9 A. Joint operation in the military context mean forces fighting side-by-side for one
10 purpose, to achieve one purpose.

11 Q. Witness, in the information you were able to glean, did you find out who the
12 officer in charge of the operations command post reported to in respect of military
13 operations?

14 A. The brigade, that is the MLC brigade, deployed their troops, units which
15 reported to the brigade headquarters under the command of Mazi, Mazi, they
16 reported to his command. Mazi, in the information that I got, had two channels of
17 reporting. He reported to the command cell you are talking about as and when, as
18 and when. It was not regular, from the information that I have. He reported
19 sometimes directly to President Patassé, to -- he reported to -- we gave a name to --

20 PRESIDING JUDGE STEINER: You can mention the name, no problem.

21 THE WITNESS: Ah, to the general you are referring who was the Chief of Staff of
22 the Central African Republic. He reported to his commander-in-chief and he
23 reported through the chain of command of the MLC through General Amuli, as and
24 when. That is the information I received. There was no one direct chain of
25 command, if we are talking about the MLC forces, you know, all the way down.

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 You know, when I say from the brigade, the brigade level, the brigade level, he had
2 two conflicting reporting channel. He reported direct to his commander-in-chief
3 and also sometimes reported to this other chain of command of FACA.

4 MR KILOLO: (Interpretation)

5 Q. Witness, are you thereby telling this Court that General Mazi reported to the
6 operational command post? Is that what you're saying?

7 A. No, that's not what I'm saying.

8 Q. My question then is as follows: Who did the operational command unit or
9 post, which was under its co-ordinator, Colonel Lengbe, who did that unit report to
10 on the joint operation prosecuted or conducted by the MLC troops and the FACA
11 troops in Bangui?

12 A. That went to Mazi, General -- is it Mazi? The Chief of Staff of FACA. That is
13 the chain of command. The report went to him and then from him to the president.

14 Q. Witness, from the information that was provided to you, did you learn that the
15 command -- the operations command unit -- and I am referring here to transcript
16 number T-183, edited French version of 7 November 2011, page 65, lines 2 to 10, and
17 the English version of the transcript of the same day, page 60, line 25, and then on to
18 page 61, line 6.

19 This is what Colonel Lengbe said in his testimony: He explained that the
20 operational command centre was in fact a tool which designed proposals regarding
21 the various manoeuvres and forwarded such to the Chief of Staff of the Central
22 African armed forces, and you would of course remember the joint operation
23 between the MLC and the FACA forces.

24 Question: Was this information available to you at the time you drafted your
25 report?

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 A. I will answer this way: What Colonel Lengbe stated here in the Court, what
2 you have just said, is what it is supposed to be. That's what it is, and perhaps that's
3 what it is. The practice, you know, could be completely different. The practice and
4 what we understand by "operational headquarters" could be completely different two
5 things.

6 Q. Witness, my question is clear. When you were drafting your report - and here
7 I'm not asking you to speculate - did you have the information to the effect that the
8 operational command post was a tool used to come up with proposals for
9 manoeuvres to be carried out in the theatre of operations and addressed to the
10 General Chief of Staff of the Central African armed forces? You will recall the joint
11 MLC/FACA operation, so what I want to know is whether you had that specific
12 information?

13 A. I think you are putting me in a situation where you think that I don't
14 understand. I don't know. I do know that the operational command cell is a tool of
15 any military operation at all, and hence is the same -- it goes the same without even
16 thinking that if FACA had that operational command they had that tool.
17 So you're asking me something which is obvious for me as a senior military officer
18 who knows that that is the tool. Even if I was not told that it was, you know, in
19 place, but then I find out that they had it in place, I already know. That is a tool of
20 command and control, a tool of organising operation, a tool of monitoring operation,
21 a tool of running an operation. That's the whole idea of having that cell.

22 Q. Now, I'd like us together to take a look at what happens in practice. When you
23 were drafting your report, did you hear, did you learn - and here I refer to the same
24 reference - that Colonel Lengbe had testified to this Court that in practice, in concrete
25 actually practice in the field, the CCOP gathered intelligence on the ground and made

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 concrete proposals for manoeuvres to be carried out in the theatre of operations?

2 And I'm referring to the very same document, T-183, transcript in the edited French
3 version of 7 November 2011, page 65, read line 10. In the English version, it's the
4 same date, page 60, line -- lines 25, over to page 61, line 6.

5 So my question is very simple: At the time of your drafting your report, had you
6 received the information to the effect that in actual fact, in reality, the operational
7 command post did gather intelligence after which it then made concrete proposals for
8 manoeuvres addressed to the General Chief of Staff of the Central African armed
9 forces?

10 A. Not at all, because Lengbe testified after I had written my report. I only -- and
11 I hope I haven't made a mistake by calling his name. He testified after I had written
12 my report.

13 Q. Witness, is this information that strikes you as being important?

14 A. Yes, the -- the information is important, what actually happened, if it happened.

15 Q. Witness, here I'm referring to transcript 174 of 19 October 2011, page 22, lines 6
16 to 12, and also the English version, page 22, lines -- line 22, over to page 23, line 2.

17 Witness, did you receive information to the effect that the CCOP was making
18 analyses of the situation on the ground in the theatre of operations at the time of the
19 events? Did you have such information? Did you hear about that?

20 A. No.

21 Q. Witness, did you learn that at the time of the events, in other words throughout
22 the operations, the CCOP aside from making proposals on manoeuvres was making
23 proposals concerning the military strategy to be implemented in the theatre of
24 operations?

25 A. No.

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 Q. I'm going to read an excerpt from the -- I'm going to read to you from the
2 testimony that was made before this Court by the liaison officer, who was at the
3 operational command centre at the time of the events. He explained to the Court
4 how things were at the time, and this is what he said: "Indeed, there were liaison
5 officers who within the CCOP attended working meetings for the purpose of
6 analysing the situation on the ground and to provide advice for military strategy,"
7 and he added: "The different people in charge of all of the cells in the operational
8 command centre took part in technical meetings with a view to defining a strategy."
9 Obviously, I'm making the same reference, T-174, edited French version of the
10 transcript of 19 October 2011, page 22, lines 6 to 12, and in the English version of the
11 same date, page 22, line 22, to page 23, line 2.

12 Witness, the excerpt that I've just read out to you, I'd like to know whether you are
13 learning about the content of that excerpt for the very first time here today?

14 A. I'm hearing that for the first time now, that they were -- they had a functional - a
15 functional - CCOP where they were -- okay, there was an attempt of a liaison officer,
16 if I talk about the liaison officer I remember from MLC which was attached there, but
17 he went there on and off, but what you have just read I'm hearing for the first time
18 now.

19 Q. Witness, does this information strike you as being important in the assessment
20 made of the command on the ground?

21 A. It is important if there is an effective command and control and that command
22 and control command will bring results, good results, not ineffective results. That is
23 my point. If that command and control functions the way it is supposed to function,
24 there should be no problem at all. You should not have any difficulties in
25 deployment, and executing your mission without the kind of tragedies that will occur

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 or occurred. I agree with you it's important, but the results will say -- will prove
2 whether that function was scrupulously used to avoid the kind of tragedies that
3 followed in the CAR, and I'm talking about the tragedies like unnecessary killing of
4 civilians.

5 Q. Thank you, Witness. I would ask you just to focus on the military questions
6 and avoid speculating on matters pertaining to tragedy.

7 I would now like to ask the court officer to show on the screen document 24 on the
8 Defence list, page CAR-OTP-0042-0237.

9 THE COURT OFFICER: Madam President, if I may, before publishing the
10 document, I see that in the Defence list of documents it's stated that it's a public
11 document, but in eCourt it's marked as a confidential document.

12 PRESIDING JUDGE STEINER: Since this is a Prosecution document, could
13 Mr Iverson clarify?

14 MR IVERSON: Certainly, Madam President. May I just have a moment to confer
15 with the Prosecution team?

16 PRESIDING JUDGE STEINER: We were informed that this document was
17 reclassified as public. It can be displayed.

18 THE COURT OFFICER: Yes, Madam President. Actually there were two versions,
19 one redacted, and it's the one that is being displayed on the screens under reference
20 CAR-OTP-0042-0237_R01, meaning first redacted version, at that same page. It's a
21 public document.

22 MR KILOLO: (Interpretation)

23 Q. Witness, as all of the parties and participants here, you have before your eyes a
24 document, unfortunately we don't have an English version. I don't know whether
25 you have any knowledge of French? Anyhow, what I'm going to do is to read to you

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0219

1 what this is about. It's a service note. It's object, and I'm quoting, is "...
2 establishment of an operations centre in the armed forces staff HQ. Mission:
3 Under the direct authority of the Chief of Staff of the armed forces, the operations
4 centre is primarily in charge of the preparation, planning and conduct of military
5 operations throughout the entire national territory."

6 Witness, before, or rather at the time when you were drafting your report, did you
7 have this information?

8 A. No, I did not.

9 Q. Does this strike you as being important information?

10 A. It is an important information, yes.

11 Q. At the top right-hand of the page, or rather on the left, it says -- or rather -- yes,
12 if the court officer could scroll up so that we can see the upper portion of the
13 document, please. Here on the top left it says, "Central African Republic," and on
14 the right at the top it says, "Ministry of National Defence. Staff HQ of the armed
15 forces 3rd office." Witness, do you know in general terms what was the role or the
16 remit of the 3rd office of the HQ, army staff HQ in the Ministry of National Defence?

17 A. Not at all, sorry.

18 Q. Very well. And if we scroll down, court officer, if you could scroll down so
19 that we can see the second part of this document, that's right, it says "Organisation.
20 Operational structure broken down into cells. The operations centre is structured as
21 follows: Chief of operations centre, senior officer, cell for planning and future
22 manoeuvres, cell for the situation and summary reports, the cell for conduct, the cell
23 for intelligence, the cell for logistics, the cell for transmission, the cell for
24 communication, liaison officer, secretariat of the command centre."

25 Witness, when you were drafting your report, at that time were you aware of the

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 structure of the operational command centre as established by the Ministry of
2 Defence and the staff HQ of the Central African armed forces?

3 A. No, I was not aware. I was not aware of this document. I did not see that
4 document.

5 Q. Do you think that the information contained in this document is important from
6 the point of view of command?

7 A. Absolutely.

8 Q. Aside from the structure, I'd like us to take a look in concrete terms at the
9 organisation and how intelligence was gathered on the ground by the operational
10 command centre. In that regard, I should like to refer to transcript T-174, the edited
11 French version of 19 October 2011, page 29, lines 16 to 28, and page 30, lines 1 to 12.
12 The English version equivalent of the same day is on page 31, lines -- or line 2. So
13 page 31, lines 2 to 25.

14 Witness, this is testimony made in this Court by a liaison officer, a Central African
15 liaison officer, who according to what he said to us was on the ground. He was
16 clearly the liaison officer at the operational command centre and he explained the
17 situation. He said on the ground, in the theatre of operations, there were several
18 radio operators who gathered information - intelligence - on the ground and
19 transmitted it to the central operator, who was in the office at the operational
20 command post.

21 In the office of the central operator, there were staff who were working on the radio
22 message that had been received. There was a dedicated service processing the
23 different messages and, once those messages had been processed, they were made
24 available to the co-ordinator of the operational command post.

25 Witness, I'd like to know whether you already had that information at the time of

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 your drafting your report?

2 A. No, I did not have that information at all.

3 Q. Mr Witness, do you think that this information is important enough in terms of
4 the management and organisation of military intelligence as -- at the time of the
5 events?

6 A. That information is important. That is why the cell - the intelligence
7 cell - collects information and sends it to a central place where it is sieved, analysed
8 and given to the commander so that the commander can make judgment decisions
9 which will make that particular operation succeed.

10 Q. Witness, I would now like to find out from you who was the addressee, or to
11 whom was all the information gathered on the field forwarded? To which
12 commander was that information forwarded in order to facilitate decision-making on
13 military matters in the field?

14 In connection, I want to refer to transcript number T-174, edited French version of
15 19 October 2010 (sic) page 30, lines 8 to 12, and the English equivalent being the
16 transcript of the same day at page 31, lines 2 to 25.

17 This testimony is -- or rather this transcript refers to a testimony before this Court by
18 a Central African liaison officer who was assigned to the operational command post
19 during the events. That officer testified before this Court in open session, and his
20 name is Commander Mokondoui, who said the following:

21 He said that after the intelligence was gathered, various messages were sent to the
22 PCO through the central operator and that they were sent in the main to two figures
23 of authority, namely the co-ordinator of the CCOP, and you may want to remember
24 that initially it was Colonel Lengbe and later on, according to the information, it was
25 Colonel Bemondombi. He went on then to testify further that the messages were

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 sent to the Chief of Staff of the Central African armed forces.

2 Now, Witness, was this information available to you at the time you were preparing
3 your report?

4 A. That information was not given to me. I didn't have it.

5 Q. Witness, I would like you and I to look into the content of the information or
6 intelligence that was gathered at the CCOP. In that connection, I would like to refer
7 to transcript number T-174, the edited French version of 19 October 2011, page 35,
8 lines 5 to 28, the corresponding English version being the transcript of the same day
9 at page 36, from line 13 up unto page 37, line 7.

10 This is the testimony of a Central African liaison officer assigned to the CCOP, whose
11 name is Captain Mokondoui, who testified before this Court and provided us with an
12 example or a sample message, the type of message that could have been transmitted
13 for example to communicate the position of friendly or enemy troops.
14 My question to you is to find out whether you were informed of that testimony at the
15 time you drafted your report?

16 A. But the testimony came after my report, so how would I have been informed of
17 the testimony?

18 Q. Very well, Witness, the testimony came after. However, the information
19 contained in that testimony, did you have the same information in the other
20 documents that were made available to you by the Office of the Prosecutor?

21 A. Not at all.

22 Q. Witness, I would also like to examine with you the issue of which authority
23 took the decision within the chain of command in the Central African Republic,
24 which decision took -- which authority took the decision to set up that joint operation
25 between the MLC and the FACA troops?

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 In that connection, let me refer to transcript number T-182 of 4 November 2011, page
2 44, lines 20 to 22, the English equivalent of that transcript of the same day at page 43,
3 lines 17 to 18. The transcript relates to the testimony of Colonel Lengbe, which was
4 given in open session, Colonel Lengbe being the co-ordinator of the operational
5 command post at the time.

6 This is the question that was put to him: "Who led the joint operations between the
7 MLC and the FACA troops?" And his answer was the following: "The decision
8 was taken by the minister delegate in charge of defence."

9 Now, Witness, at the time you were preparing your report, were you aware of this
10 information?

11 A. I was not aware that the Minister for Defence had given that instruction.

12 Q. Witness, would this according to you be information that is important in
13 matters of command and control?

14 A. Definitely. The establishment of a cell to command and control troops in the
15 field or in operations is absolutely important, and if it functions.

16 Q. Witness, I would now like to consider with you the question as to which
17 military commander concretely organised the implementation of this decision by the
18 Central African Minister for Defence to conduct a joint MLC/FACA military
19 operation, so I want to review with you which authority was in charge of organising
20 the implementation of this decision through the CCOP. I'm referring here to
21 document transcript T-183 of 7 November 2011, page 33, lines 21 to 28, and page 34,
22 lines 1 to 4, the English equivalent being the same transcript of the same day at page
23 31, lines 5 to 14.

24 This transcript refers to an open session testimony before this Court by Colonel
25 Lengbe. The following question was put to him: "Who took the decisions that

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 were to be implemented by the operations centre?" In his answer, he said: "It was
2 my direct boss. Our army has a hierarchy. It is the Chief of General Staff." Then
3 he went on to say: "For example, the first time when we started the manoeuvre of
4 the joint operations seeking to oust General Bozizé's troops, it was the Chief of Staff of
5 the army. Now, when the MLC militia were ready, he told us 'Now they are ready'
6 and it is then that we jointly launched the manoeuvre and went to PK13."

7 Now, Mr Witness, were you aware of this information? Was this information
8 available to you at the time you prepared your report?

9 A. The information was not given to me. I didn't see it in any document that I
10 reviewed.

11 Q. Do you think that this information is relevant in analysing issues of command?

12 A. It is.

13 Q. Witness, I want to refer to document number 39 on the Defence list of
14 documents, CAR-OTP-0054-0081 and the following page 0082. The document itself
15 on page 1 bears the following reference, CAR-OTP-0054-0047, and the equivalent
16 document in English would be at page 0401, 0402 and 0403?

17 PRESIDING JUDGE STEINER: Maître Kilolo, could you please repeat the reference
18 of the French version, CAR-OTP-0054-00 -- you said 81, but there is no 81 in my -- at
19 least in my --

20 MR KILOLO: (Interpretation) Madam President, not at all. The document is
21 document number 39 of the Defence list of documents, CAR-OTP-0054-0047. That is
22 the first page of the document, and the relevant page -- the relevant pages will be
23 0081 and 0082 in French, whereas the relevant pages in the English version will be
24 pages 0401, 0402 and page 0403.

25 PRESIDING JUDGE STEINER: Maybe there is a problem with my binder, because I

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Private Session)

ICC-01/05-01/08

1 don't have pages 81 and 82, but you can proceed.

2 MR KILOLO: (Interpretation) Madam President, I have been told that you are
3 right, so I am referring rather to document number 36 of the Defence list of
4 documents, which is CAR-OTP-0054-0070. That will be document number 36, at
5 page 0081 and 0082.

6 Witness -- maybe we can go into private session briefly, Madam President.

7 PRESIDING JUDGE STEINER: Court officer, please turn into private session.

8 *(Private session at 12.57 p.m.) Reclassified as Open session

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

10 MR KILOLO: (Interpretation)

11 Q. Witness, once again I would like us to agree on a pseudonym for (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted) and I will be referring here to a

15 statement that he made to the OTP and I would suggest that we refer to him as

16 "Benjamin." Is that fine with you, Mr Witness?

17 If so, Madam President, we could return into open session.

18 A. Yes.

19 PRESIDING JUDGE STEINER: Maître Kilolo, my question is about timing.

20 MR KILOLO: (Interpretation) Very well, Madam President. We will proceed
21 after the break.

22 PRESIDING JUDGE STEINER: Mr Witness, thank you very much. We will
23 suspend now for our lunch-break. It's 1 o'clock. We will resume at 2.30.

24 I ask, please, court usher to accompany the witness outside the courtroom.

25 (The witness stands down)

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

- 1 THE COURT OFFICER: All rise.
- 2 (Recess taken at 12.59 p.m.)
- 3 (Upon resuming in open session at 2.39 p.m.)
- 4 THE COURT USHER: All rise. Please be seated.
- 5 PRESIDING JUDGE STEINER: Good afternoon and welcome back.
- 6 Could, please, court usher bring the witness in.
- 7 (The witness enters the courtroom)
- 8 PRESIDING JUDGE STEINER: Mr Witness, good afternoon and welcome back.
- 9 THE WITNESS: Good afternoon, madam. I'm glad to be back.
- 10 PRESIDING JUDGE STEINER: Ready to continue with your testimony?
- 11 THE WITNESS: I'm ready, madam.
- 12 PRESIDING JUDGE STEINER: Maître Kilolo, you have the floor.
- 13 MR KILOLO: (Interpretation)
- 14 Q. Good afternoon, Mr Witness.
- 15 A. Good afternoon, sir.
- 16 Q. Mr Witness, I would like to refer to a document that I already referred to just
- 17 before we took the break. I shall recall the reference of this document; that's
- 18 document 36, French version CAR-OTP-0054-0082. We are talking here about the
- 19 statement of Benjamin. You have this name in your list, I believe? Benjamin who
- 20 provided a statement to the Office of the Prosecutor saying that the different military
- 21 operational orders in the CAR were always communicated in writing in order to
- 22 ensure that precise details were received as to the missions given over to the troops.
- 23 He went on to add that these orders exist today and that they are part of the defence
- 24 secrets within the CAR. Now, were you aware of this?
- 25 A. I was not aware that these documents were available. If they were secret, I

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 wouldn't have had them and I didn't have them.

2 MR KILOLO: (Interpretation) I think there's a microphone problem.

3 THE INTERPRETER: From the English booth point of view, there is none, Madam
4 President.

5 MR KILOLO: (Interpretation)

6 Q. Did you attempt any undertaking whatsoever with the CAR government with
7 the assistance of the Office of the Prosecutor with a view to obtaining a lifting of
8 defence secrets providing access to the orders that were given to the various troops,
9 including the MLC troops, out on the ground by the Central African authorities?

10 A. No, I made no attempts.

11 Q. Witness, I would like to refer now to another statement, that is document 38 of
12 the list of Defence documents, CAR-OTP-0027-0311, but also I would like to refer to
13 CAR-OTP-0027-0313. Now, this is the statement provided by Bernard to the Office
14 of the Prosecutor, in which it is stated that it was the centre of operations in Bangui
15 that took the decision as to the moment in time when the MLC troops were due to
16 attack the rebels with a view to repelling them, that is to say Bozizé's rebels, and it
17 was this very same centre of operations that decided upon the positions to be
18 occupied by the MLC troops within Bangui during the operations. Was this
19 information at your disposal before you compiled your report?

20 A. No, that information was not in my --

21 PRESIDING JUDGE STEINER: Maître Kilolo, a clarification please. This centre of
22 operations you are talking about is the same we were discussing before with the
23 document displayed on the screen, the CCOP?

24 MR KILOLO: (Interpretation) Yes, I can confirm that that is the case, Madam

25 President. We're talking here about Camp Béal operations centre. This is what is

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 called the operational command post, or centre of operations.

2 PRESIDING JUDGE STEINER: Maître Kilolo, I want to be clarified, because I
3 remember the discussion between different centres of operations and I want the
4 witness to be sure about what he has been asking about and maybe there is some
5 confusion because by the document you showed you displayed on the screen CCOP
6 was created at the end of December. Is this the same centre d'operation du Camp
7 Béal?

8 MR KILOLO: (Interpretation) I can confirm this fact, Madam President. When
9 we talk about the centre of operations we -- and from the outset in this case we are
10 always talking about the Camp Béal operations centre. We talked about the PCO,
11 which is operational command post. Sometimes it is referred to as "CCOP," the
12 centre de commandement des opérations, the operational command centre.
13 Sometimes we just refer to it as "CO" centre des opérations in French, which is
14 operations centre. Now, in terms of terminology, the centre of operations has only
15 ever been used when describing the Camp Béal operations centre.

16 THE INTERPRETER: Says counsel at speed.

17 PRESIDING JUDGE STEINER: That's fine. You may continue,
18 Mr Haynes -- Mr Kilolo.

19 MR KILOLO: (Interpretation) Madam President, would you like me to read the
20 relevant excerpt in closed session?

21 Q. Mr Witness, you said that you were not aware of this piece of information,
22 notably about the decisions taken by the command centre, operations centre, at Camp
23 Béal with regard to the operations led by the MLC troops. Now, do you believe that
24 this information is important when assessing the command of operations out on the
25 ground?

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 A. It's important.

2 Q. I would like to refer, Mr Witness, to the document number 34 on the list of
3 Defence documents, that's CAR-OTP-0007-0137. This is a statement provided by
4 Mathieu, who you no doubt recall? He figures on your list.

5 A. Matthew?

6 Q. Yes, Mathieu or Matthew. Do you remember Matthew on the list that you
7 noted down? Do you have that first name, Matthew?

8 A. Yes, I have the name Matthew, yes.

9 Q. Very well. Matthew provided a statement to the Office of the Prosecutor in
10 which he stated that General André Mazi from the CAR personally manoeuvred
11 operations applied to MLC troops in Bangui and even extending into the provinces,
12 notably up to Damara. Were you informed of this fact before you compiled your
13 report?

14 A. No, I did not have that information that he commanded. Did you say
15 "commanded"? What did the general do? Commanded, or directed? Use the
16 word.

17 JUDGE ALUOCH: The words on the transcript are "manoeuvred operations."

18 THE WITNESS: Manoeuvred, yes, but "manoeuvre," the way I understand it, you
19 are actually taking the troops. You are in charge of the troops, manoeuvring them
20 into battle. Unless you say "he directed," or "issued instruction for them to go to A, B,
21 C, D." I did not have that information that he manoeuvred those troops.

22 MR KILOLO: (Interpretation)

23 Q. Does this information appear relevant to you when assessing the MLC troops in
24 the CAR at the time of the events? Correction, when assessing the command of MLC
25 troops within the CAR at the time of events?

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: Maître Badibanga.

2 MR BADIBANGA: (Interpretation) Yes, thank you, Madam President. Since this
3 morning, or at least since the break at 11 o'clock this morning, we have been
4 attentively following the line of questioning on the part of the Defence. Now, even
5 though my learned friend did object at an earlier stage, this might open a further door
6 for me, another aspect. Now, since this morning two questions have been put to the
7 witness, notably was this information available to you before you compiled your
8 report, that is first question, and then whether you think that this information is
9 important. I am noting, Madam President, that one is not asking the expert opinion
10 from the witness. It is not his expert opinion that is being requested with regard to
11 certain elements. What is being done is that the Defence case is being prevented and
12 hiding behind the artifice of putting a number of sort of subquestions, we are -- of
13 course we can put certain ideas or hypotheses to the expert as the Office of the
14 Prosecutor did, but I believe that what characterises the witness is his expertise and in
15 this regard we, the Office of the Prosecutor, left him the opportunity to develop his
16 analysis or expertise on the subject.

17 If you look again at the questions that have been put to him since this morning it's
18 that we are presenting him with a situation and we are asking him whether he had
19 that information and whether he thought the information was important. Thank
20 you. I'm supposed to be talking more slowly.

21 I do not see in his line of questioning where his expert opinion appears and I believe
22 that we can revisit all of the statements, Madam President, of all the witness, quoting
23 all the excerpts in the courtroom without it, to my mind, being timely, because of
24 course he will have the opportunity to make his final submissions, but because also
25 most of the questions are being put to the witness out of context as was raised this

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 morning. That is my last observation, Madam President.

2 The Statute guides us all and it provides for an equality of arms when assessing the
3 witness and I do not believe that there is equality here, Madam President. Thank
4 you.

5 PRESIDING JUDGE STEINER: Thank you, Maître Badibanga. In relation to
6 relevance and probative value of the information that is being gathered from the
7 witness, it will be of course for the Chamber to decide at the end of the presentation of
8 all evidence. I have already expressed my concerns with the Defence in that respect,
9 but if Defence intends to continue pursuing this to obtain this kind of information, it's
10 a Defence making use of the time allocated to the Defence until the time the Chamber
11 says that the time has been enough. So the Chamber is not going to interfere.
12 You can continue, Maître Kilolo.

13 MR KILOLO: (Interpretation) Just one word, with your leave, Madam President.
14 The Prosecutor is an arm of the judiciary and it is his duty to seek the truth.
15 The witness himself has continually testified that he asked of the Office of the
16 Prosecutor to be authorised to directly contact military officers in the Congo and in
17 the Central African Republic who were involved on the ground, including liaison
18 officers assigned to the operations command centre, because he wanted to cross-check
19 a number of pieces of information and he told us here that he was not given that
20 authorisation and that no reasons were given for that refusal.
21 Now, today we are checking the material on which the witness relied to make his
22 report and it is clearly emerging that most of the relevant statements made by
23 high-ranking military officials, officers, who made such statements to the Prosecutor
24 were hidden from the witness and we want to find out why it was so. That is our
25 response to the comments by the Prosecutor.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0219

1 Furthermore, the witness submitted a second report and the Office of the Prosecutor
2 would have us believe that this report was submitted spontaneously at the witness's
3 behest, but when questions were put to him he said that it was the Office of the
4 Prosecutor which contacted him and asked him for a second report which by the way
5 was filed outside the normal filing periods, but fortunately, Madam President, we
6 were able to rely on you in this matter. Otherwise, there would have been defects in
7 the proceedings going by those types of delay tactics employed by the Office of the
8 Prosecutor.

9 I will stop at that and then move on with my examination.

10 PRESIDING JUDGE STEINER: Maître Kilolo, you can continue, just make a
11 statement and all this -- the two points that you raised were points referred in
12 questions put by the Defence team to the witness in the first day of the witness's
13 questioning by the Defence.

14 So after that what the Defence is doing, objectively speaking, is asking the Defence
15 whether -- the witness whether the witness had access to a portion of testimony or a
16 statement, the witness says "No," and you ask "Would it be important to have access
17 to that?", and the witness says "Yes." We've been doing this pace for three days, but
18 you can continue. It is not a problem, it's just calling the attention that it will be for
19 the Chamber to decide on the relevance of this kind of question.

20 You can continue, Maître Kilolo. Of course you can.

21 MR KILOLO: (Interpretation) Witness, I would like to refer to document number
22 37 on the Defence list of documents, CAR-OTP-0048-0257.

23 Madam President, could we go into private session, please?

24 PRESIDING JUDGE STEINER: Court officer, please turn into private session.

25 *(Private session at 3.05 p.m.) Reclassified as Open session

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Private Session)

ICC-01/05-01/08

- 1 THE COURT OFFICER: We are in private session, Madam President.
- 2 MR KILOLO: (Interpretation) Witness, I simply asked for a private session so that
- 3 we can agree on a pseudonym on (Redacted)
- 4 (Redacted)
- 5 and I think we could refer to him as "Barnabe." And when I talk about Barnabe, I
- 6 will be referring to (Redacted)
- 7 (Redacted).
- 8 Madam President, we could revert to open session.
- 9 PRESIDING JUDGE STEINER: Court officer, please turn into open session. Sorry.
- 10 THE WITNESS: Before we go on, you have been going very fast for me to really pick
- 11 the names of the people, or the person you are, you know, talking about, and his
- 12 responsibility.
- 13 MR KILOLO: (Redacted)
- 14 THE INTERPRETER: Microphone, Counsel.
- 15 MR KILOLO: (Interpretation)
- 16 Q. (Redacted) That is the name.
- 17 A. Spell that.
- 18 Q. (Redacted)
- 19 A. (Redacted)
- 20 Q. (Redacted)
- 21 A. (Redacted)
- 22 Q. (Redacted) I suggest that we call him "Barnabe."
- 23 A. How do you spell Barnabe?
- 24 Q. B-A-R-N-A-B-E for Barnabe.
- 25 PRESIDING JUDGE STEINER: Can we move into open session, Mr Witness?

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 THE WITNESS: Yes, madam.

2 PRESIDING JUDGE STEINER: Court officer, please.

3 (Open session at 3.08 p.m.)

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

5 MR KILOLO: (Interpretation)

6 Q. Witness, I want to refer to document 37 of the Defence list of documents,

7 CAR-OTP-0048-0257. That is Barnabe's statement to the Office of the Prosecutor in

8 which he states that, during the MLC/FACA joint operation in Bangui, at some point

9 in the advance of the MLC troops they found themselves in a neighbourhood known

10 as Boy-Rabé and at that time there was still ongoing fighting against Bozizé's rebels.

11 Barnabe goes on to specify that the MLC soldiers received orders from the operational

12 command post asking them to advance towards such-and-such a sector or to go

13 towards the left or to the right. Mr Witness, before drafting your report did you

14 have access to this information?

15 A. That particular information, I don't remember that I had that particular

16 information coming from a logistics officer, no.

17 Q. Witness, if that information had been available to you before you drafted your

18 report, would it have had any impact whatsoever on your report?

19 A. I would have to cross-check that information, especially because it is coming

20 from the logistics officer rather than from the operational officer, because I would

21 expect the operational officer of MLC to have that information. So I would accept

22 his information. I would -- you know, I would get that information from whoever,

23 like you said Barnabe, but I will have to cross-check it if there is another information

24 coming from operational officer confirming exactly what Barnabe is saying before

25 I can put weight on to that particular information.

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 Q. Thank you, Mr Witness. Let us now look at another piece of information along
2 the same lines provided by another officer who was on the field, and I'm referring
3 here to document number 27 in the Defence list of documents, a bilingual document,
4 CAR-OTP-0034-1221, and I want to look at page 1241 and 1242, those two pages.
5 You must remember Marcel, don't you? He is on your list. This statement was
6 provided by Marcel to the Office of the Prosecutor and this is what he had to say:
7 He said that the MLC troops in Bangui during the operations -- this is what Marcel
8 offers by way of information to the Office of the Prosecutor.

9 He says that the MLC troops in Bangui during the operations never advanced, never,
10 not once, without prior orders having been issued by the Central African operations
11 headquarters.

12 Now, the specific question comes to you because I understand that the Office of the
13 Prosecutor provided some statements by Marcel to you. Now, did you have access
14 to this specific piece of information I am referring to before preparing your report?

15 A. I did not have the information specifically from Marcel stating that every move
16 that they made was cleared or orders were issued by the Central African authorities.

17 MR KILOLO: (Interpretation) Let me suggest that we move into private session so
18 that the witness can read the statement himself.

19 PRESIDING JUDGE STEINER: We can turn into private session, please.

20 *(Private session at 3.17 p.m.) Reclassified as Open session

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

22 MR KILOLO: (Interpretation) I would like to ask the court officer to display
23 document number 26 on the screen, that is document 26 Defence list of documents,
24 CAR-OTP-0034-1241. It is a confidential document.

25 PRESIDING JUDGE STEINER: We need to lower the blinds behind the witness,

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Private Session)

ICC-01/05-01/08

1 please.

2 THE COURT OFFICER: Document CAR-OTP-0034-1221, first redacted version, at
3 page 1241, is available on the screens. It's a confidential document.

4 MR KILOLO: (Interpretation)

5 Q. Witness, you have the document now before you and with the benefit of an
6 English translation, so it is a bilingual version and you can read along with me as I
7 read out the relevant excerpts. (Redacted)

8 (Redacted) and I would like to draw your attention to line 640 in the

9 English version, lines 640 and 642, at which (Redacted): "When we invaded

10 Damara on the same day after the operation Mazi came to get the report." Read line

11 644 in English as well, where it is written: "When Sibut fell, Mazi came to get the

12 report". Then look at lines 657 and 658 and 659 in English, where it is written, and

13 this is (Redacted): "Because even I personally, who was in the battle-field,

14 whenever I had got an instruction, they were calling me from there so that I could be
15 briefed or to get my instructions."

16 Then there is line 660 in French -- well, maybe the court officer could move the

17 document forward to the next page, CAR-OTP-0034-1242? Witness, are you done?

18 Can we proceed? But just to go quickly, let me read the last line of the document in

19 French in which (Redacted): "I never advanced or moved forward without prior

20 orders having been issued by the headquarters of the operations." Then let us go to

21 the next page, court officer. Witness, I believe you have read that page in English, so

22 661 and 662? Thank you very much. I also would like you to read line 666, 667, 668,

23 at which point (Redacted): "I didn't any longer receive any instructions from my

24 chairman, because it was that headquarter of operation which was giving me

25 instructions."

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0219

1 THE INTERPRETER: A comment from the interpreters: There seems to be a
2 discrepancy. We are strictly reading the document as translated.

3 MR KILOLO: (Interpretation)

4 Q. Let us move to 671, 672 and 673, and I'll read in French: "And then uh,
5 sometimes I was just calling him to tell him that we have received instructions to
6 progress and catch such a place." Expert, I wanted you to read the document
7 yourself and not just to rely on my own reading.

8 THE INTERPRETER: Once again from the interpreters, we are simply reading the
9 document as portrayed on the screen.

10 MR KILOLO: (Interpretation)

11 Q. Well, I was just trying to speed up things. We have only 30 minutes to go and I
12 was hoping we would complete our examination today, but in a nutshell you have
13 read the information which we wanted to bring to your attention and in that context,
14 Mr Witness, if you had read these documents, like the one we have just looked at, if
15 you had read such a document yourself, which was not provided to you by the Office
16 of the Prosecutor, you received some (Redacted), but not relevant
17 statements such as the one we have just looked at, if you had looked at this statement,
18 would it have had an impact in the preparation of your report?

19 A. I want to state it here for the second time, maybe for the third time, maybe for
20 the fifth time, and I believe this is the last time I am going to state it, that any extra
21 information - relevant information - which I would have received, or any information
22 that is received which will help me in compiling my report, it's definitely important.
23 It's definitely important. I want to qualify that by saying that in the military
24 situation as it were, this particular one, you have to look at the entirety of the
25 information that you are getting. Is it information that is half-cooked? Is it

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 information that can meet the test of battle? That is the question for me as an expert
2 to look at it, this information.

3 MR KILOLO: (Interpretation) Madam President, can we return to open session?

4 PRESIDING JUDGE STEINER: Court officer, please turn back into open session.

5 (Open session at 3.29 p.m.)

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

7 MR KILOLO: (Interpretation) I would like to ask the court officer -- we are in open
8 session, aren't we? Well, court officer please, I would like you to display document
9 number 53 on the Defence list of documents. It is a public document.

10 THE COURT OFFICER: Document CAR-ICC-0001-0076 is available on the screens
11 and it's a public document.

12 MR KILOLO: (Interpretation)

13 Q. Witness, you have on the screen before you a diagram which was drawn in
14 open session by Colonel Lengbe, Colonel Lengbe who was the head of the operational
15 command centre, and during his examination it was requested of him that he
16 establish the chain of command of operations within the CAR. Can you see at the
17 top of the diagram, at the top of the pyramid, is written the word "President"? So
18 can you see that in the second chain of the link, just under the "President of the
19 Republic" link of the chain, just under the President of the Republic, we have
20 "Minister of Defence." Can you see this?

21 A. I can see that quite well.

22 Q. And in the third box in this chain of command, can you see the "Chief of Staff of
23 the Central African forces"?

24 A. The letters are not familiar with me, but I believe what you are telling me that
25 that is the Chief of Staff and if that is the Chief of Staff --

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

- 1 Q. Yes, indeed, and I would underscore this fact by referring to -- I would
2 underscore this fact by referring to transcript T-183, the edited French version dated
3 7 November 2011, page 72, line -- lines 2 to 28, and the equivalent English version
4 dated the same day, page 67, lines 9 going over to page 68, line 1.
5 And here we can see very well that at the time of drawing this diagram Colonel
6 Lengbe states that the Chief of Staff reports to the minister - the minister - who then
7 reports to the Head of State and he says that the operational orders were provided by
8 the Chief of Staff, who then gave orders to the post -- the command post and the
9 orders were then given on to the troops.
10 Now, within this fourth link of the chain, which is connected to the Chief of General
11 Staff, can you see "PCO," the operational command post?
12 A. I can see that. It is there.
13 Q. So can you see just to the right-hand side of PCO there are the various cells or
14 units that we referred to when we saw Mazi's service note. Do you recall that and
15 can you see it here?
16 A. Yes, I can see the cells are on the right, which is the right way to portray a staff
17 headquarters with their cells, and then there is a line showing the commands down
18 below the PCO, "FACA," MLC," there is something like "USP," although it is not
19 connected to the PCO as such, and there is something "CEN-SAD" which is also not
20 connected to this, to the cell. In other words, there should be a direct, but that
21 doesn't matter. Yes, I see that. I see.
22 Q. Witness, what do you understand by "chain of command"?
23 A. The chain of command in the military sense is how orders and command is
24 exercised from the very lowest command all the way to the top command.
25 Q. Witness, when Colonel Lengbe, who is a well-trained Central African officer,

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0219

1 put all of these units which you see under the "CCOP" with a line linking up the
2 CCOP to the two units, that is to say to FACA and to the MLC, what does it mean to
3 you in military terms; generally speaking that is?

4 A. It means that those two formations, or units as you call them, were directly
5 reporting to the chain of command.

6 MR KILOLO: (Interpretation) Witness, the Prosecutor --
7 (Defence counsel confer)

8 MR KILOLO: (Interpretation) Mr Witness, this calls the cross-examination by the
9 Defence to a close and we thank you very much for your co-operation. It was a great
10 pleasure to be able to discuss matters with you. Thank you.

11 PRESIDING JUDGE STEINER: Thank you very much, Maître Kilolo. I ask whether
12 the Prosecutor intends to re-direct?

13 MR IVERSON: Very briefly, Madam President.

14 PRESIDING JUDGE STEINER: Is it a promise?

15 MR IVERSON: It is a promise, yes.

16 QUESTIONED BY MR IVERSON:

17 Q. Sir, I'm just going to ask you to soldier on for a few more minutes here. I will
18 keep to my word. It is going to be brief. Sir, when looking to a statement said by a
19 person, is context important to you?

20 A. The context of a statement tells a lot. It tells a lot. It will either confirm or it
21 may not confirm what that individual is -- is saying. It tells a lot.

22 Q. And to the extent that you may have reviewed conflicting information, did you
23 make any attempt to cross-check information? This again has to do with your
24 methodology.

25 A. All the information that I had is what I relied on. I did not go beyond what

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 was not offered. And as I stated earlier on, I wanted to do one or two things, which
2 unfortunately I did not do, but that still does not - does not - make my assessment of
3 the situation as it were with the information that was provided for me change even
4 now.

5 Q. And I understand you did not go outside the scope of the information provided
6 to you, but within that universe of information provided to you did you make an
7 attempt to cross-check information?

8 A. Yes, I did. For example, if there was a statement from only one person, I went
9 through and checked whether this information is corroborated or mentioned by
10 somebody else and, if it did, then it informed my assessment of that particular
11 information, yes.

12 Q. Sir, the Defence spent a significant amount of time talking about two officers
13 from the CCOP, the command operations centre, namely Colonel Thierry Lengbe and
14 security officer Joseph Mokondoui.

15 And just for the references that I'm -- on the question I'm about to ask, I'll give that in
16 advance. The references are transcript 182 is the English transcript, page 32, lines 1
17 through 3, and the French transcript 182, page 32, lines 9 through 11, and that is
18 Witness 31. And the second citation here is for Witness 151 at transcript 173 English
19 edited, page 25 to 26, lines 18 through 10, and the French transcript 173, page 25, lines
20 15 to 10.

21 Now, Colonel Lengbe stated that they simply did not have the radio frequencies of
22 the MLC. How is command and control sustained if the command operational
23 centre doesn't have the radio frequencies of the units with whom they're supposed to
24 co-ordinate with? If those units are geographically dispersed, how is that
25 accomplished?

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 A. It is impossible to command them if you cannot communicate with them.

2 Q. And, again, the Defence asked you a lot of questions regarding the security
3 officer, Joseph Mokondoui. Would it be -- and asking if it would be helpful to your
4 analysis some information that he provided. Would it also be helpful to know that
5 that witness also stated that there was no co-operation or collaboration between the
6 Central African armed forces and the MLC?

7 A. Absolutely. That is a very vital information. It confirms that the co-operation
8 was lacking. It wasn't there.

9 Q. And with regard to your supplemental report, do you recall ever being asked
10 not to submit any additional written reports to the Office of the Prosecutor?

11 A. That is correct. After I had started working on it, I was stopped.

12 Q. Do you recall how that happened? I want to ask this in an open way, how it
13 came about that you had this idea to work on a supplemental report?

14 A. I was requested to delve more and clarify, it is clarification of command and
15 control, basically command and control, who was in charge at what particular, you
16 know, period, especially regarding the MLC's troops deployed in CAR. That's how
17 it came about. I was not asked to write a completely new report, not at all. What I
18 was supposed to clarify was already something that I had already included in my
19 report and it is still in my main report.

20 Q. Did you suggest this to the Office of the Prosecutor, or did you -- were you
21 requested to do this?

22 A. I was requested.

23 Q. Sir, after having reviewed all the information that was provided to you,
24 listening to my questions, listening to questions from the legal representatives,
25 listening to Defence questions, do you stand by your military expert report and the

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 conclusions in it?

2 A. I have no feeling that my report is deficient. I stand by that report. That is
3 what it is, the conclusion that I arrived, I arrived at them after going painstakingly in
4 looking at all the information regarding this particular operation and that is what I
5 stand by. I have no doubt in my mind that there is anything that I exaggerated or I
6 have written that does not support my finding.

7 MR IVERSON: Madam President, at this time the Prosecution submits
8 CAR-OTP-0064-0547 as evidence in this case.

9 PRESIDING JUDGE STEINER: Which is?

10 MR IVERSON: The military expert report.

11 PRESIDING JUDGE STEINER: Have you finished?

12 MR IVERSON: Thank you, Madam President.

13 Thank you very much, sir.

14 PRESIDING JUDGE STEINER: Maître Kilolo, first your observations on the filing of
15 the report and second a question. Of course Defence is entitled to have the final
16 word. My question is do you think you will address the witness, if you wish, no
17 more than ten minutes? So you have the floor.

18 MR KILOLO: (Interpretation) Very well, Madam President. I think I shall go into
19 my three questions directly.

20 QUESTIONED BY MR KILOLO: (Interpretation)

21 Q. Now, firstly, first question, I am referring to the edited French version of the
22 transcript dated 8 November 2011, page 14, lines 4 to 20, and in the English version
23 dated the same day, page 13, lines 23 to 25. Colonel Lengbe, head of the operational
24 command post, stated as follows before this very Chamber. He said that the Central
25 African Minister for Defence, General Yangongo, had given a batch of five or six

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 telephones that were to be given to the MLC soldiers. He went on to add that within
2 the command post, the person in charge of the communications and transmissions
3 cell had at his disposal telephone numbers for those leaders of the MLC troops who
4 were in the Central African Republic in order to be able to communicate with them, to
5 contact them.

6 In another document, transcript French edited version of the transcript, dated
7 4 November 2011, pages 31 and 32, first of all page 31, lines 26 to 28 and page 32, lines
8 1 to 8, and also the equivalent of the English version dated the same day, page 31,
9 lines 16 to 25, Colonel Lengbe stated that the reason why not only a batch of portable
10 telephones, mobile telephones, but also walkie-talkies were given to the MLC troops
11 via the CCOP was with a view to enabling a liaison to be established between the
12 CCOP and the MLC troops and he even specified that these means of communication
13 had been provided to the MLC troops just before the joint operation was led with a
14 view to repelling Bozizé's rebel elements.

15 Now, my question is: Do you believe that had this information been put at your
16 disposal before compiling your report, do you believe that this information would
17 have had any impact whatsoever upon your assessment of the contact between the
18 MLC troops and the CCOP?

19 A. It would only have any effect if these radios which were being given at the
20 eleventh hour were military radios, or radios which were capable to connect the
21 troops that were going to be behind them, but as you state they were meant for liaison,
22 liaison radios, phone -- mobile phone. You said "mobile phone." I wonder how a
23 division headquarters can rely on a mobile phone when it deploys a brigade in the
24 field? What use is that, unless they are meant for -- you are chatting with, you know,
25 individuals.

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 Q. Witness, the Prosecutor handed witness statements to you for 11 witnesses
2 whom -- with whom you were not able to meet as you might have liked to. This at
3 least applies to the military officers. Were you able to ascertain the reliability of the
4 statements provided to you by the Office of the Prosecutor, of these statements, of
5 these witness statements?

6 A. When I cross-checked the veracity or the information, and as a military man
7 when I checked those information, where they pointed at the reality I took them. I
8 took those informations. I didn't have to go and ask these people, me myself. I was
9 not an investigator. I was assessing. I was giving my expertise, knowledge and
10 assessing what was happening.

11 Q. This is my last question to you, Mr Witness. There is a great deal of
12 information that you did not have at your disposal. You have realised this yourself.
13 Now, would a re-read of the entirety of the case file, where you were provided with
14 all of the relevant documents and statements from all military officers, whether they
15 be Congolese or Central African, who were present on the ground during the
16 operations would this have enabled you to understand in any different manner, in
17 any slightly different manner, how operations actually unfolded in the Central
18 African Republic?

19 A. I think I had sufficient information which helped me to come up with my
20 assessment of the situation, how the operation unfolded. I may -- I may not have
21 had every information that could have been pumped into me, but that does not make
22 me change my conclusions.

23 MR KILOLO: (Interpretation) I thank you very much, Mr Witness.

24 PRESIDING JUDGE STEINER: Maître Kilolo, in relation to the document submit by
25 the Prosecution, you have any views?

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 MR KILOLO: (Interpretation) No objection in principle, Madam President.

2 PRESIDING JUDGE STEINER: Thank you very much, Maître Kilolo.

3 General Opande, that concludes your testimony at this stage. In accordance with
4 paragraph 20 of decision 1974, you should already have been informed of the
5 possibility that your recall be requested in this case to enable you to opine on
6 additional evidence. The Chamber will address that issue if and when it arises, but
7 we want you to be aware that that possibility exists.

8 THE WITNESS: Madam President, can I get it again clearly that there may be
9 evidence required of me, or somebody else?

10 PRESIDING JUDGE STEINER: You'll be informed.

11 THE WITNESS: Ah, I will be informed.

12 PRESIDING JUDGE STEINER: Well, well in advance.

13 THE WITNESS: Well, well in advance. Okay, thank you. Thank you, Madam
14 President.

15 PRESIDING JUDGE STEINER: So the Chamber only wants to thank you very much.
16 And before you leave the Court, the Chamber wants to express its thanks for you for
17 the time that you have taken to come to this Court and give evidence at this trial. It
18 is of real assistance, Mr Witness, and we thank you very much for it. We know that
19 it has maybe been inconvenient for you staying for so long far from your normal
20 activities. You therefore leave to go home with our thanks.

21 Before you leave the Court, Mr Witness, we would like to know whether there is any
22 issue that you would like to address the Chamber? You have the floor, if you so
23 wish.

24 THE WITNESS: Madam President, let me also take this opportunity to thank you
25 and the Judges, the Prosecution as well as the Defence, for having had me for these

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 three or four days here. I am full of praise for the way in which I have been given
2 the opportunity to present my expert testimony in person here. I have no regrets for
3 having come and I leave with no regrets and I want to wish you all a merry Christmas
4 and a happy New Year.

5 PRESIDING JUDGE STEINER: Same to you, Mr Witness. Thank you very much.

6 I ask, please, court usher to accompany the witness outside the courtroom.

7 (The witness is excused)

8 PRESIDING JUDGE STEINER: Before we adjourn, and thank you very much for the
9 interpreters and court reporters that have agreed to give us a few more minutes, the
10 Chamber would like first to issue two short oral decisions.

11 The first is the oral decision extending the time limit for the filing of observations on
12 the 18th and 19th transmissions of victims' applications.

13 On 2 December 2011, the VPRS filed its 18th transmission of victims' applications and
14 transmitted 350 redacted applications to the parties, filing 1979 and annexes. On
15 7 December 2011, the Defence filed a request for an extension of time for the filing of
16 submissions on the 18th transmission of victims' applications, filing 1992.

17 The Defence observes that under the time-line set by the Chamber in its decision 1726,
18 the observations would be due by 27 December 2011, which is eight days after the
19 start of the winter judicial recess. The Defence submits that drafting observations on
20 hundreds of victims' applications during the recess would place an unreasonable
21 heavy burden on the Defence, especially since it intended to use the winter recess
22 period for the ongoing preparation of its case. For these reasons, the Defence
23 requests the Chamber to extend the time limit for the filing of observations until
24 20 January 2012.

25 Considering the explanations provided and acknowledging that the parties are also

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 entitled to take some well-earned rest, the Chamber is of the view that good cause has
2 been shown pursuant to Regulation 35(2) of the Regulations of the Court for the
3 requested extension to be granted. In accordance with the principle of equality of
4 arms, this extension shall apply to the filing of both the Defence and the Prosecution's
5 observations.
6 To ensure that the parties are not required to file their observation on the forthcoming
7 19th transmission before filing observations on the 18th transmission, the Chamber
8 further decides to extend the deadline for the filing of observations on the 19th
9 transmission from 8 January 2012 to 27 January 2012. For the remaining
10 transmissions of applications, the Chamber will continue to apply the regular 21 days'
11 time-limit in accordance with Regulation 34(b) of the Regulations of the Court.
12 That was the good one. The following oral decision is the oral decision on the
13 updated time-line for the filing of pending victims' applications.
14 By email of 17 August 2011, the VPRS informed the Chamber that in light of the final
15 deadline of 16 September 2011 as many as 2,830 applications were expected to be filed
16 over the course of the following months. The VPRS proposed to file these
17 applications on a rolling basis in nine sets of 200 to 350 applications between 9
18 September 2011 and 13 January 2012.
19 On 9 September 2011, the Chamber issued its decision setting a time-line for the filing
20 of observations on pending victims' applications, filing 1726. In this decision, the
21 Chamber informed the parties and participants that it had approved the time-line
22 proposed by the VPRS and ordered the Prosecution and the Defence to submit their
23 observations on the redacted versions of the applications within 21 days of
24 notification in accordance with Regulation 34(b) of the Regulations of the Court.
25 On 2 December 2011, by way of an internal memorandum, VPRS informed the

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 Chamber that it had received approximately 250 applications more than the estimate
2 provided on 17 August. The VPRS requested the Chamber to grant two additional
3 filing dates, on 27 January and 17 February 2012, to file the remaining applications.
4 The VPRS explained that in light of the number of applications received and the
5 VPRS's current staffing levels, it would not be possible to file all the pending
6 applications by 13 January 2012 deadline.
7 The Chamber notes that according to VPRS all pending applications were submitted
8 to the Registry on time, which is to say prior to the final deadline of
9 16 September 2011. Under these circumstances, the Chamber is of the view that
10 excluding those applications that could not be processed by 13 January 2012 would
11 unfairly prejudice the applicants concerned. For this reason, the Chamber grants the
12 VPRS request for two additional filing dates on 27 January 2012 and 17 February 2012.
13 In relation to the two additional sets of applications, the Chamber will continue to
14 apply the 21 day time-line for the parties to respond in accordance with Regulation
15 34(b) of the Regulations of the Court and instructs the Office of Public Counsel for the
16 Defence to continue to assist the Defence with the observations.
17 Finally, just the final words that the Chamber would like to address the Prosecution,
18 legal representatives and Defence. We will resume at 2 o'clock on Monday,
19 16 January 2012. The Chamber's working assumption is that Witness 45 will be the
20 first witness after the break. As has already been explained via email, the Chamber
21 understands that this witness order may need to be changed and in principle has no
22 objection if that turns out to be necessary. However, if that is the case, the
23 Prosecution is to provide the Chamber, the Defence and legal representatives with at
24 least a week's notice. So Monday, 9 January 2012, would be the last day to inform
25 the Chamber of any change in the order of the first witness after the break.

Trial Hearing
Witness: CAR-OTP-PPPP-0219

(Open Session)

ICC-01/05-01/08

1 As we adjourn, the Chamber wishes to thank everyone for their efforts over the last
2 year. The Chamber appreciates the huge amount of work that goes into running a
3 trial like this and that much preparation is required to ensure that when the Judges
4 take the Bench everything runs smoothly. We very much appreciate those efforts of
5 those in the courtroom, of course the Prosecution, legal representatives and Defence,
6 but also of those who work behind the scenes and who do not appear in Court. Due
7 to the urgency of certain issues the Chamber has imposed some very tight deadlines
8 on the parties and participants over the past year and we are aware of the burdens
9 that this imposes on counsel and their teams. We thank you for your efforts in this
10 regard without which the Chamber's work would have been infinitely more difficult.
11 Just for the sake of the record, the Chamber received the information that from
12 22 November 2010 until today the Chamber sat in Court for 163 days. We had
13 560 hours of hearings. Thirty six OTP witnesses were heard. From the 160 days
14 sitting in court, 158 days were for witnesses giving evidence.
15 We have to thank very much not only for parties and participants, but for our
16 interpreters and court reporters that so many times were so generous in granting us
17 some extra time in order for a testimony to be completed, or for any other urgent
18 measure to be taken. So we thank very much interpreters and court reporters for
19 what we can only call generosity.
20 We thank very much our court officer, our court usher and we finish here by saying
21 that, although the Chamber appreciates that there is work that will need to be done
22 over the break by all parties, participants and also by the Chamber, we do hope that
23 everyone can also take some well-earned rest. We will see you on January 16th.
24 Having said that, this hearing is adjourned.
25 THE COURT USHER: All rise.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0219

- 1 (The hearing ends in open session at 4.17 p.m.)
- 2 RECLASSIFICATION REPORT
- 3 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 4 ICC-01/05-01/08-3038 and the instructions in the email dated 3 February 2014, the
- 5 version of the transcript with its redactions becomes Public.