

Trial Hearing
Witness: CAR-OTP-PPPP-0031

(Open Session)

ICC-01/05-01/08

1 International Criminal Court

2 Trial Chamber III - Courtroom 2

3 Situation: Central African Republic

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

5 ICC-01/05-01/08

6 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki

7 Trial Hearing

8 Monday, 7 November 2011

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

10 (In the absence of the accused)

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

12 Please be seated.

13 THE COURT OFFICER: Good morning, your Honours, Madam President. We are in
14 open session.

15 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the
16 case.

17 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
18 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.

19 PRESIDING JUDGE STEINER: Thank you very much.

20 Good morning and welcome Prosecution team, legal representatives of victims, Defence
21 team. Mr Haynes?

22 MR HAYNES: Your Honour, a couple of words about the Defence team before we
23 proceed. You have not proceeded as you usually do to welcome Mr Bemba, because he
24 is conspicuous by his absence. He has for some time had a medical appointment this
25 morning, which he wished to keep, but we as his Counsel have instructions to

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1 proceed in his absence. He will be here this afternoon, and for the record we would
2 invite you to proceed with the witness this morning.

3 Maître Nkwebe, lead counsel, is not here this morning. He will be with us later in the
4 morning.

5 PRESIDING JUDGE STEINER: Thank you, Mr Haynes. For the record, the Chamber
6 had received on Friday the communication from the Defence in respect to Mr Bemba's
7 absence in this morning's hearing and as well received from Prosecution an email by
8 which Prosecution understands the reasons and has no objection as well for proceeding
9 with the questioning of Witness 31 in the absence of Mr Bemba this morning, so we will
10 proceed.

11 Before I call witness, I have a short oral decision. It's the decision on the applications by
12 legal representatives of victims to question Witness 31.

13 On 21 September 2011, the Chamber received an application from Maître Douzima on
14 behalf of the victims that she represents to question Witness 31. (Filing 1777-Conf) The
15 application contains a list of two sets of questions.

16 Similarly, on 29 September 2011 the Chamber received an application from Maître
17 Zarambaud on behalf of the victims that he represents. (Filing 1804-Conf) The
18 application contains a list of 21 sets of questions.

19 In its original version, Maître Zarambaud's application comprised 22 pages and as such
20 exceeded the 20-page limit established in Regulation 37(1) of the Regulations of the Court.
21 Accordingly, by email of 3 November the Chamber requested Maître Zarambaud to file
22 either a new version of his application that complies with the page limit, or (b) an
23 application under Regulation 37(2) for an extension of page limit.

24 On 5 November 2011, Maître Zarambaud filed a corrigendum to his application that
25 complies with the 20-page limit. (Filing 1804-Conf-Corr)

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1 No observations on the legal representatives' applications were filed within the deadline
2 set by the Chamber in its decision of 9 November 2011. (Filing 1729)
3 Having considered the reasons given by both Maître Douzima and Maître Zarambaud as
4 to why the personal interests of the victims they represent are affected, the Chamber
5 allows their applications to question Witness 31 as the witness will testify inter alia on the
6 movement and organisation of the MLC troops in Central African Republic, on the alleged
7 mode of liability of the accused and on the crimes allegedly committed by the MLC
8 soldiers; notably, the crime of pillage which appears to have directly affected a significant
9 number of victims.

10 Turning to the merits of the applications, the Chamber rules as follows:

11 First, Maître Douzima is allowed to put all her proposed questions to the witness.

12 Second, regarding the questions contained in Maître Zarambaud's application, the
13 majority of the Chamber, Judge Ozaki dissenting, allows these questions with the
14 following restrictions.

15 The majority rejects question 2, 17.1, 17.2 and 19, as they are irrelevant. In addition, the
16 majority wishes Maître Zarambaud to rephrase questions 4.1 and 4.2. Finally, question
17 12 is to be rephrased so that it reads "Who committed the massacres in PK13?" Judge
18 Ozaki dissents with respect to questions 2, 17.1 and 17.2, which she would accept for
19 being relevant, and with respect to questions 15.1, 18.1 and 18.2 which she would not
20 allow because they are leading, irrelevant, or speculative.

21 Now I ask, please, the court usher to bring Witness 31 in.

22 (The witness enters the courtroom)

23 WITNESS: CAR-OTP-PPPP-0031 (On former oath)

24 (The witness speaks French)

25 PRESIDING JUDGE STEINER: Good morning, Mr Witness.

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1 THE WITNESS: (Interpretation) Good morning, your Honour.

2 PRESIDING JUDGE STEINER: We hope you had a restful weekend and that you feel
3 well and ready to continue giving your testimony?

4 THE WITNESS: (Interpretation) I'm ready, ma'am.

5 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that you are still under
6 oath. Do you understand that, sir?

7 THE WITNESS: (Interpretation) That's entirely clear.

8 PRESIDING JUDGE STEINER: I also need to remind you that you try as much as
9 possible to speak slowly, slower than normal, and that you give the five-seconds before
10 starting with your answer to any questions. I'll now give the floor to Ms Schmidt that
11 will continue questioning you.

12 You have the floor, Ms Schmidt.

13 MS SCHMIDT: Thank you, Madam President, your Honours.

14 QUESTIONED BY MS SCHMIDT: (Continuing)

15 Q. Good morning, sir.

16 A. Good morning.

17 Q. Sir, I would like to seek some clarification in regards to your testimony of last
18 Friday.

19 A. I'm feeling just fine, ma'am.

20 Q. Thank you. So we can start?

21 A. Yes, we can begin.

22 Q. Thank you. Sir, you are the director of an officers' training school since last August.
23 You described the training school to us last Friday, and I refer to the English real-time
24 transcript 182, page 9, lines 10 to 17. You said that there was a two-year programme for
25 officers. You also said that there were non-commissioned officers that followed a

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1 nine-year training programme to exit the school with a rank of sergeant; is that correct?

2 A. I haven't understood, ma'am. First of all, it wasn't last August when I -- that wasn't
3 when I was the director, but it was in August of 2010. That's when I was appointed as
4 director of that particular school. That's my first point.

5 My second point has to do with the non-commissioned officers. Those officers take
6 training and it lasts for nine months, not nine years, and then they do graduate and
7 receive the rank of sergeant after they finish that training.

8 Q. Thank you for that clarification, sir. Can you give us an estimate of how many
9 trainees are instructed at the centre at this moment?

10 A. Thank you. Ever since this school was re-opened in 2005, we have trained 30
11 officers - 30 young students - and each year they come in for two years of training. As
12 for the non-commissioned officers, 60 with a baccalaureate come in and take this training
13 for nine months.

14 Q. Thank you, sir. The next issue I would like to address are the uniforms that you
15 described to us last Friday. You said -- and I'm referring to transcript 182, English
16 version real-time, page 43, lines 7 to 15. You said that the FACA had green uniforms.
17 For the Court to have a full picture, can you describe the different uniforms of the
18 different branches of the Central African forces?

19 A. Thank you, ma'am. At the time of the events, the FACA forces did not have a
20 distinctive uniform. We would receive uniforms, and these uniforms that were worn by
21 the soldiers came from donor countries such as France, China, or other countries, so they
22 did not all wear the same coloured uniforms. So I would like to be more specific about
23 the last uniforms, the new ones. They were Chinese uniforms. Those uniforms I told
24 you some had been provided to the MLC militiamen, and today, as we speak, if you go to
25 Bangui and go to a regiment or a battalion and look around, you will see that people do

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1 not wear the same uniforms. Sometimes within a platoon the men will wear different
2 uniforms. We don't have the means to have the same uniform for everyone, so we have
3 old uniforms that people wear particularly for exercises. The new uniforms aren't worn
4 then.

5 Q. So how would you distinguish the different branches of the army, such as the navy,
6 the land forces and the air force?

7 A. Well, the difference is to be seen by the berets; the berets that are worn. For
8 example, the air force, those people wear blue berets; members of the land forces wear red
9 berets; and support troops wear black berets; and the presidential security unit, those
10 people wear green berets.

11 Q. That was very clear, sir. Sir, you mentioned several incidents that happened
12 between the MLC troops and the FACA and you also provided us with a chronological
13 time-line when these events happens, and for the record I'm referring to transcript 182,
14 English version real-time, page 46, line 1 to 15; page 50, line 9 to 19; and page 49, lines 11
15 to 18. Do you recall these different incidents, sir?

16 A. Indeed I do, ma'am.

17 Q. Do you remember how many days after the arrival of the MLC troops these
18 incidents happened: The first, the second and the third?

19 A. Well, if I recall correctly, the first incident didn't last very long, because they were at
20 the support battalion, and so I may be repeating myself, but they arrived around the 24th;
21 23rd, or the 24th. Excuse me about the dates. The incident that occurred, that must
22 have been between the 24th, 25th or the 26th, because the attack - the decision to repel
23 General Bozizé's soldiers back to PK12 - that was on the 27th; the 27th or the 28th. So the
24 first incident occurred -- I may be mistaken, but I believe it was the 25th or the 26th
25 before - I repeat before - it was decided to mount an offensive to drive away Bozizé's men

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1 beyond PK13. That was the first incident.

2 The second one was after. The second one I was talking about the death of the colonel,
3 who was the director of intelligence. That was after that incident. That's when the
4 second incident occurred, and that's when things really turned sour in that there was no
5 longer any trust. We were asked to leave and Commander Damango, who -- we were
6 together with him and I left that place to go to Camp Béal.

7 And the third that was at PK13. Two of my soldiers were there. So there you have it,
8 those are the incidents. That's the chronology of those incidents. The last incident was
9 at PK13, and after I came back and then left.

10 Q. This last incident, did it happen after the attack on Bozizé's men?

11 A. That last incident occurred at PK12, so that means we repelled Bozizé's men. They
12 were no longer at PK12. They were no longer in Bangui. They were no longer in
13 Bangui. So, you see, it happened at PK13. Bozizé's men, we had driven them out of
14 PK12 and it was when people were static, in the neighbourhoods - PK13, static - and that's
15 when the incident occurred. Two of our soldiers who were at PK11 went into the
16 neighbourhood and they were taken for spies, and that is when I intervened. So that's
17 what happened, ma'am.

18 Q. Let me go back to the joint operation between the MLC troops and the FACA that
19 you just mentioned, the attack to push back Bozizé's men. You said that the FACA had
20 sent a platoon, and I'm referring to transcript 182, English real-time, page 58, lines 2 to 4
21 and 22 to 25. Sir, did you communicate with this FACA platoon during that operation?

22 A. Yes, indeed I did, ma'am. They had a talkie-walkie, so the commander would
23 communicate with us whilst they were advancing.

24 Q. Did you also communicate with the MLC during this operation?

25 A. They were together. As I told you, when there is combat we do not communicate.

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1 It is when they find themselves in difficulty that they communicate with us and they
2 report back to us, but when an offensive is undertaken, if nothing happens they just
3 advance. There are certain limits that they need to reach. When they reach a certain
4 location then the soldiers tell us, "We have reached such-and-such a location.
5 Approximately, we are 200 metres say from that location," and when they reached PK13
6 they told us that they had reached said location. They said everything was fine,
7 everything is calm and they said that they were in position at PK11 and that's how we
8 received communication, madam.

9 Q. Before you received a report, when they had arrived, was there any communication
10 on the way between the MLC troops and you?

11 A. As I told you, the MLC troops had telephones and they even had walkie-talkies
12 which had been given to them, so once they arrived in the company of our soldiers they
13 used the telephone and reported and so we realised that they had all arrived together and
14 that they had reached PK13 and that no incident had occurred. I repeat this fact, because
15 Bozizé's soldiers knew that an offensive - a major offensive - was being prepared. They
16 could not wait with the number of people who were opposite them, they could not have
17 great losses, so once the offensive was set-off or launched there was no resistance as such.
18 It took us a while to walk, we reached PK12 and at that moment in time that is where we
19 came up against a certain amount of resistance.

20 Q. In which language did the troops communicate among themselves, the MLC and the
21 FACA?

22 A. As I said, the MLC had their very own radio sets. They didn't have walkie-talkies
23 as such, but they had radios with which to communicate. I think it was a VHF. I'm not
24 quite sure. Now, the walkie-talkies that the General Staff had given to them, well, that
25 was far more used in the Lingala language and really it was our soldiers who would

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1 report back to us. They were in their company, they were advancing with them and they
2 told us - reported back to us - that they had reached PK12. However, we could not
3 communicate from the centre of operations with the MLC soldiers, because they did not
4 speak our Patois or French or Sango. So it was once they had arrived, I think it was their
5 commanding officers who would then -- over the telephone which they had received from
6 the ministry, they would tell us that they had arrived. They would rarely use their radio
7 sets and -- well, they would use their walkie-talkies to co-ordinate matters with their
8 soldiers and they would talk in Lingala, but they didn't speak Sango or French.

9 Q. Thank you, sir. When the FACA troops and the MLC troops pushed back Bozizé's
10 men and arrived at PK12 and PK13, what happened next?

11 A. I wasn't talking about PK14. It was the support battalion. General Bozizé's
12 soldiers, upon their arrival they were not too far afield from the support battalion and not
13 too far afield either from the residence of the former president, Patassé, so they were
14 driven back. As I repeat, this offensive occurred from the place where they were at, that
15 is in Bangui, at the support battalion location, not far from Camp Béal. The offensive
16 was launched from here, from this location, until PK13, but not further afield. So that's
17 where the offensive occurred. Subsequently, the MLC soldiers took up position in the
18 neighbouring neighbourhoods.

19 Q. Can you be a bit more precise what you mean with "in the neighbourhoods"?
20 Where was the MLC accommodated?

21 A. The MLC was set up further afield from the PK12, beyond the PK12. There is a
22 barrier there that is recognisable, so on either side, as I said, from PK12 there is a sort of
23 division in the road. The road goes towards the north and they set up base on either side
24 of this road. So on one side you have the road to Damara and the other side you have
25 the road to Boali. There were two roads. So we have Begoua, which is the

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1 neighbourhood. You have a school, there's a market nearby and that -- in those
2 neighbourhoods this is where they set up shop. The Bozizé soldiers went off. They left
3 on the Damara road.

4 Q. Did they stay in barracks?

5 A. No, madam, they were in houses. Either -- some of them were in the school.
6 Others were set up in various neighbourhoods. This was a large neighbourhood. They
7 weren't barracks, as such. They were houses belonging to private individuals. They
8 had left and nobody was occupying those houses. I gave you the example of a
9 magistrate, Mbata Flavien. They occupied his residence and this magistrate lives there
10 today, so they were occupying houses belonging to private individuals.

11 Q. Can you give us an estimate of how many MLC troops settled in these houses?

12 A. From the outset I said that I do not have the precise number of troops for the MLC,
13 but it -- I think most of the troops were there. If I were to cite you an example there
14 would have been approximately 400 soldiers, but there was a support section - a whole
15 support battalion - that had remained behind where the offensive had been launched.
16 They remained there, but most of them had set up in these neighbourhoods.
17 Approximately, 400 of them. I'm not sure about this. I do not know precisely how
18 many of them there were.

19 Q. Do you know if the MLC troops stopped and settled in any other area apart from
20 PK12 and the area from where the attack was launched?

21 A. To my mind, no. However, before the offensive was launched I believe that there
22 were neighbourhoods surrounding the Camp Béal, and next door to the National
23 Assembly - this is quite a large neighbourhood - they were there as well. So we were
24 going towards Boy-Rabé in order to go towards PK12. I believe it is those
25 neighbourhoods. So they went into the quartier Fouh. The Fouh neighbourhood. I

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1 think throughout the offensive they did not stop. I think they only stopped once they
2 reached PK12. Once an offensive is launched, one does not stop. You only stop when
3 the offensive reached its end, but it was at PK12 that they settled, or they set up.

4 Subsequently, I believe that some soldiers who were lacking in discipline did go out in
5 order to loot here and there. Otherwise they settled at PK13, in that neighbourhood.

6 THE INTERPRETER: Message from the English booth: Could the witness please be
7 requested to speak more slowly and to enunciate names and possibly spell them out for
8 the transcript? Thank you.

9 MS SCHMIDT:

10 Q. Mr Witness could you please ask (sic) a little bit slower and pronounce the names
11 very clearly. I will also make an effort. Thank you. Sir, where did the FACA troops
12 go after the joint attack?

13 A. After the joint attack, the FACA troops found themselves at PK11 because that is
14 where we have a battalion; an infantry battalion. This is before the PK12 barrier and this
15 battalion is still in existence at this location. That is an infantry battalion of the territorial
16 army. So our soldiers were at BT1. That is the territorial infantry battalion. The
17 FARCA -- the FACA were at PK11. That is -- that is where the barracks were and that is
18 where they were located.

19 Q. Were there any other FACA troops located in other locations?

20 A. No, madam. There were only the FACA soldiers, but for your information there
21 were also unconventional troops who were moving around in this PK13 area. They were
22 not FACA as such, but there was a non-conventional group of troops who were in the
23 surroundings of PK13 and they were in the area of the livestock market.

24 Q. Can you explain who these unconventional troops were?

25 A. These troops belonged to Abdoulaye Miskine, who was in that area. They did not

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1 fall under FACA, which as I said -- I said this at the very beginning. When our soldiers
2 were conducting manoeuvres with the MLC, in view of the fact the communication was
3 not easy and with regard to the incidents that occurred, they were to be found in the
4 barracks at PK11, but I know that Abdoulaye Miskine's soldiers, who are from Chad,
5 these are militia who were to be found in that area and who were hunting down Central
6 Africans of Chadian origin because they were suspected of helping General Bozizé.

7 Q. How did you find out that Miskine's troops were at PK13?

8 A. As I said, the gendarmerie was at PK12/PK13. We had liaison officers at the
9 operations centre and it was they who called us to tell us that Abdoulaye Miskine, who
10 was not a soldier, whom I don't even know, I only saw him subsequently, and it was he
11 with other individuals who were not soldiers who were moving around in those -- in the
12 surroundings and conducting violent acts upon the civilian population of Chadian origin,
13 who were selling cows at the livestock market. You should know that when
14 Bozizé - General Bozizé - came, it was said that he was together with the Chadians, with
15 those from Chad.

16 So this individual, Abdoulaye Miskine, had a few soldiers. I do not know quite exactly
17 how many, 15 to 20 say. We were told that they were around PK13 and they were
18 conducting violent acts and even more they were killing Central African civilians of
19 Chadian origin, because that area -- well, it wasn't really PK13 specifically, but it was a
20 little bit beyond PK13, on the left-hand side where the market is, that Muslim individuals
21 of Chadian origin resided. So Abdoulaye Miskine was moving around in those
22 surroundings, madam.

23 Q. What uniforms did Miskine's men wear?

24 A. I did not see them. I did not see them. I do not believe that they had any
25 uniforms. They were civilians. They were not soldiers, they were civilians, but maybe

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1 the question should be put to those who were supporting them because they were not
2 with us. They were not soldiers. You should ask this question of Mr Abdoulaye
3 Miskine and he could provide you with an answer, but I believe that all Central Africans
4 know that, or were in the know that, there was this manhunt going on, this search for
5 Chadians undertaken by Abdoulaye Miskine's men.

6 Q. Do you know --

7 A. I do not know whom he was working for.

8 THE INTERPRETER: Interruption, apologies.

9 MS SCHMIDT:

10 Q. Thank you. Do you know what language Miskine's men spoke?

11 A. I did not see them, but it might have been Arabic or Sango, one of the two languages,
12 but they were not MLC militia. At the time many things were going on and one needs to
13 search for information, but I do know that Abdoulaye Miskine's men were there and they
14 murdered members of the civilian population. I never actually frequented them as such,
15 but I know from the information that we received, because we do receive telephone calls
16 from all over and I believe that after this event the whole of Bangui was talking about this.

17 Q. You said that these elements were a little bit further than PK13. How far is it
18 between the place where the MLC troops were stationed and where Miskine's men were,
19 if you could give us an estimate?

20 A. Thank you. These were not people who remained in one place. They made the
21 most of the fact -- and this is my analysis. They made the most of the offensive, the joint
22 offensive conducted by the FACA and the MLC, until PK13 -- PK12/PK13. The MLC and
23 FARCA troops came to a stop and they then -- because there are many roads. They did
24 not go past the MLC troops. They went another way, because the livestock market is
25 somewhat further afield, about 400/500 metres from the location where the MLC troops

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1 were stationed, so they went a bit further on in order to conduct a witch-hunt upon this
2 poor civilian population and I know that people died. I know this only too well, because
3 many complaints were made with regard to these killings. People do not talk about this,
4 but there were killings of poor Central Africans, or Chadians, who were just livestock
5 rearers and they were not accomplices to General Bozizé, but they died. It should be
6 known that they were not members of the regular army. They did not wear uniform.
7 They were volatile individuals who would -- so maybe you might have to put the
8 question and you would be told. This is the information that I have that I am giving you.

9 Q. Thank you, sir. You mentioned different troops already, the MLC, the FACA and
10 Bozizé's men, and now you mentioned Miskine's men. Do you recall if there were any
11 other troops, military groups or non-military groups, on the ground at that time?

12 A. No, with the exception of those I mentioned, the presence notably of CEN-SAD
13 troops or Libyans from the regular army, Libyans who were -- who surrounded the
14 residence of the former President Patassé. So there we are. There were Libyans and
15 there was also a light aviation force, which at a certain moment in time were plying the
16 position of General Bozizé's forces beyond PK13 when they were going back, but apart
17 from this there were no other troops, madam.

18 Q. Do you know how many Libyans troops were there, approximately?

19 A. I have no idea, but I believe that there were no more than 100.

20 Q. Were there any other forces in the CEN-SAD force?

21 A. I do not know, but I know that there were Libyans. There were Libyans who were
22 there. As for other nationalities, I am not in a position to be able to tell you this because
23 they were not with us. These were people who fell under the guard of the president's
24 guard. They -- the CEN-SAD forces did not fall under the FACA and so we did not have
25 any orders to give them, and even Miskine's men, as I said, were individuals who were

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1 not soldiers. So that is what I can tell you, in brief.

2 Q. What language did the Libyan forces speak?

3 A. We didn't have any dealings with them, madam, but when we chanced upon them
4 before the events, because from time to time they would come out, they spoke Arabic.
5 Now, for those who were a little bit more educated some of them would speak a little bit
6 of English, so they would speak either Arabic or English. Those were the two languages
7 they spoke, but they spoke Arabic far more often.

8 Q. What was their physical appearance?

9 A. The Libyans? Well, they are recognisable by virtue of the colour of their skin,
10 madam. We are black, so they are recognisable. They are white. Some of them are a
11 little darker, but they can also be recognised by their uniform. They had a uniform that
12 was recognisable. They had a sort of a sand camouflage type of uniform. This was a
13 desert uniform, as it was called. I believe this was a regular army, but they were not
14 following the orders of FACA. They were an autonomous army.

15 Q. You mentioned the light aviation force that also intervened. Who did this aviation
16 force report to?

17 A. I do not know, madam. There might have been a parallel General Staff to which
18 matters were reported back, but we did not receive orders from the Chadians at our
19 operations centre. So it might have been -- there might have been a command post at the
20 presidency, or elsewhere. I'm not quite sure because, as I said to you, we did not have
21 any command over the Libyan soldiers, Abdoulaye Miskine's forces, or any other forces.
22 We did have a little bit of oversight over -- well, we did know what the MLC troops were
23 doing by virtue of the walkie-talkies we had given to them, but the Libyans as to whom
24 they reported to I do not know. You might need to ask their leader. They would be
25 able to tell you.

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1 Q. Thank you, sir. Last Friday, you were talking about the CCOP. At the time of the
2 events, what exactly was the name of the CCOP?

3 A. This was the centre of operations. It was called the CO, the centre of operations, or
4 the command centre of operations. Afterwards, subsequently, it became the centre for
5 command of operations. It's the same thing as the command centre, or the centre of
6 operations. So at the beginning it was called the centre of operations and then
7 subsequently the name was changed and it was called operational command post, but it's
8 the very same thing. Then subsequently it was called the command centre of operations,
9 but as I said to you these centres, or this centre, is still in existence and is even higher, or
10 performs even better and it performs today as well.

11 Q. At the time in 2002, how would the MLC troops refer to the centre of operations?

12 A. They rarely contacted us, madam. They very rarely contacted us. Why is that? I
13 said this before. Well, if they needed something, they would come over for food, money,
14 to Camp Béal, but they rarely contacted us. They very rarely contacted us. And let me
15 say this once again so that it's perfectly clear: When they reached PK12, I didn't stay
16 there for long. I stayed there only one month. So you should ask the person who took
17 over from me to find out what actually happened, but when they arrived I left very soon
18 thereafter.

19 Q. You said that you were rarely in touch with them but, when you were, who were
20 you in touch with from the MLC?

21 A. I talked a lot about a certain René, who was understandable. I say this again: This
22 gentleman, well, if you needed information, if some sort of incident had happened, he was
23 the one one would turn to because he was readily understandable. I say this because
24 René I think he is from the Équateur province, so at the frontier with the Congo, the
25 Democratic Republic of the Congo, very close to our country. So we have the same sort

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1 of mentality, us Bantus.

2 There are other ethnic groups on the other side and he spoke Lingala and French, unlike
3 Mustapha for instance. I am going to talk about Mustapha here. René, on the other
4 hand, was someone -- well, if an incident had occurred, or if there had been problems
5 such as plundering or other problems, well, we would go to René, we would call him and
6 if we found him we would explain to him. If he was at PK12 we would turn to him so as
7 to get help to solve problems, and if he couldn't handle this then he would take us to
8 Mustapha. Mustapha, as I already said, was a gentleman who spoke French, but did not
9 wish to speak. He always needed an interpreter. So we spoke to -- in French and we
10 would be translated into Lingala, and we were rather upset that faced with this person we
11 were treated as dirt. This is the sort of image we got from Mustapha. We were treated
12 like dirt. He didn't need us, whereas René -- René was someone who understood us and,
13 when there were issues, we would speak to René and try and find solutions. There we
14 are, madam.

15 Q. Which means of communication did you use when you contacted René?

16 A. Telephone. Basically, the telephone. His number was known to the centre of
17 operations, known to everybody. If incidents occurred, then people would try and
18 contact René to solve the problem. These incidents were occurring far too much at one
19 point and in the neighbourhoods, like minor thefts here and there, and people who had
20 telephones would contact us. So we basically communicated with René by telephone.
21 Let me repeat this once again: They were given telephones. Twenty -- Series 20, I think.
22 It begins -- well, they would begin -- the numbers would begin with the number 20 and
23 those were the series. There were four of them; four of those telephones that were given
24 to the persons in charge.

25 Q. How often people would contact you to report about incidents?

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1 A. Initially, when they settled there, nothing much happened. There were very few
2 calls. Calls were not made unless something happened. But as time went by, and they
3 remained in PK12 a long time, that is when soldiers -- well, when they are not billeted,
4 when they are not under supervision, they would go out into the neighbourhoods to
5 plunder. In cases of rape -- well, I didn't hear of many cases of rape before I left. At the
6 time I was there it was more a question of theft and pillage, and things sped up before I
7 left and there was even no need - no longer any need - to get calls about it and I didn't
8 need to go through anybody.

9 Indeed René, there were so many complaints he himself had to shut down his phone. So
10 when there were a series of incidents, we would have to move physically to see the people
11 in charge, and, well, there was no -- the penalties, I did see René once. We left because
12 there was a customs officer who called me, and we got there and his wife told us about
13 cases of rape, or theft of telephones, et cetera, and she recognised -- she said to us that she
14 recognised MLC soldiers doing this because they came by her house all the time.

15 René went to see Mustapha and explained what had happened, and for the very first time,
16 this time, Mustapha realised that his men were doing this and asked for the woman and
17 her husband to come to him and that's what they did. They went to PK12, to Mustapha's,
18 and Mustapha lined up several people so that the woman could recognise the perpetrators
19 and that is indeed what happened.

20 She recognised two militiamen, two young men, and before her very eyes Mustapha
21 ordered that they should be taken and tied, hand and foot, and be whipped. They were
22 whipped and they were very harshly whipped and we ourselves saw this, saw this being
23 done. It was difficult to stand seeing this. I was there myself and saw this.

24 So, if this had been done from the very start, if there had been preventative measures to
25 prevent these things happening, then things would have been very different, and I don't

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1 think that this was the first time that the MLC soldiers had intervened in Central African
2 Republic. The first time, things had gone smoothly. It had been -- it was a question of
3 leadership. I don't know who was there at the time but clearly, it must have been
4 someone who had wielded a lot of discipline. There had been no wrongdoing.
5 Mustapha, but he, on the other hand, was someone who did things differently. He didn't
6 have that authority of a leader, the authority of a leader, to prevent the plundering, the
7 thefts et cetera, and that is why there were all -- there was all this wrongdoing. There we
8 are, ma'am.

9 Q. After Mustapha punished the soldiers for what they had done to the custom's officer
10 and his wife, were there less crimes?

11 A. It did go down a little, it did decline a little, but then things started up again. That's
12 what would happen. There were a lot of people there so this was only a single case, one
13 where we had to intervene, but there had been many other cases. The neighbourhood
14 was a large one, and people were spread out all over the neighbourhood, but when -- for
15 those who were present when the punishment was administered by Mustapha were
16 certainly frightened, but the ones who didn't see this perhaps didn't know about it.
17 There were so many of them, madam.

18 In any case, plundering continued afterwards. It would be a zigzag. It would go down,
19 up again, et cetera. I am not the head of the militia but I know that these measures
20 should have been taken right from the start by Mustapha. And why am I saying this?
21 Because the people, the people opposite the militiamen, the people from Zongo, are very
22 close to the Central Africans. The people in the MLC would get their supplies from
23 Bangui, and it's not in their interest, and if Mustapha had understood this it is not in their
24 interest to do any harm to the population where they get their own supplies to go to
25 Zongo. The very close large city to Zongo is Bangui. Mustapha was not from this area,

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1 and didn't -- wasn't aware of the Bantu mentality in this area, and that is why he behaved
2 in the way he did and that was the result that we saw, madam.

3 Q. Sir, are you in a position to locate these incidents that were reported to you by the
4 people in the timeline? Do you recall when this happened, while you were in Bangui?

5 A. The only incidents that I reported to, in sequence, i.e., the soldiers that were
6 disarmed and their clothes removed, that was at the camp. It wasn't -- it didn't happen
7 at PK13. The incident relating to Colonel Zakatao who disappeared and is still missing,
8 that too happened at the camp, and other incidents, all of them, the pillaging, well, some
9 of this was linked with Zakatao, but after that, all the other incidents that occurred
10 happened further afield towards PK13, Boy-Rabé and so on. But before I left most of this
11 was happening at PK13. Many incidents happened there which -- and even I, when I left
12 to go to PK13, I would encounter convoys of Central African nationals who with
13 pushcarts were leaving PK12 to take shelter further south in Bangui. There were
14 convoys. It was a terrible sight to see. They had to leave their neighbourhoods.
15 Children were carrying things and they couldn't stay at PK13. It was a continuous
16 procession of pushcarts. People on foot leaving even though the situation was already
17 calm, the General Bozizé's troops had already left, but these people were leaving the
18 neighbourhood because they had settled there. They left their neighbourhood to go
19 further south, madam.

20 Q. Just for the record, who had settled there, sir?

21 A. I was talking about Mustapha and his troops. The MLC troops.

22 Q. How long did the MLC troops stay at PK13?

23 A. Thank you. I left in -- on 25 November. That's when I left. When I left they were
24 still there, so you should ask people who took over from me. In any case, up to the point
25 I left, they were still at PK13. That is, 25 November, that's the day I left Bangui to go to

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1 Cameroon. They were still there at the time and I left.

2 Q. You said before that the bulk of the MLC troops went from the support regiment to
3 settle at PK13. At the time when you left, was there still the bulk of MLC troops at PK13?

4 A. Yes, indeed. When there's a battle somewhere, and when you dislodge enemy
5 troops that are on the spot, then you occupy that spot because if you were to withdraw,
6 the enemy would simply return. So, they drove away General Bozizé's troops, occupied
7 the spot and stayed there. A small number of people remained as a rearguard, by way of
8 support. They were based at the support battalion but most of the troops, the very major
9 part of them, was over there, including the commander, Mustapha and all the other
10 commanders.

11 Q. During the time that the MLC troops stayed at PK13, and until you left, can you
12 remember how many phone calls you received from civilians per day?

13 A. There were quite a few of them. At the beginning there weren't very many calls.
14 Most of the calls came from the police station in PK12, because every day complaints were
15 made there. Four or five days before I left, I think the incidents, the pace of the incidents
16 was so great that we felt powerless. What could we really do? I talked to my own
17 senior officers saying that we needed to find a solution, but there was no solution and I
18 couldn't perform any miracles.

19 You know, madam, when you are faced by this powerlessness, when you are powerless,
20 well, you simply give up and that's what I did, and I'm not sorry I left. I'm not a bit sorry
21 that I left because my contribution, for some people who know me, I can give you the
22 example of that judge, and others, but other people who don't know about -- didn't know
23 about this would go via the police station. But if there is no solution, well, those who
24 made them come over, perhaps it was up to them to tell these people to stop. Perhaps
25 that was done and -- but they didn't follow those instructions. But in any case, officially,

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1 there was no condemnation, those abuses were not condemned and I, as
2 lieutenant-colonel at the time, would ask the MLC -- well, would it be up to me to ask the
3 MLC to stop? No, I don't think so. After all, we're talking here about a country. We
4 ask people to come over and help. Now, if there are abuses, as subordinates, we report
5 them to our leaders and our leaders should in turn report to the Head of State. There has
6 to be this reporting, and the upper echelons must know about this. So, we were
7 powerless. We were incapable of doing anything whatsoever.

8 Q. Sir, you said that in the beginning you reverted to René when incidents happened,
9 for him to report to Mustapha. How often, how many times did you talk to René about
10 incidents?

11 A. Well, I don't know at what rate I contacted him, but in any case, it was towards the
12 end, towards the 20th, the 24th, just before I left, that these incidents were happening so
13 thick and fast, and I think René was trying to do his best, actually, I think so, because he
14 was the only one who grasped the difficulty. But this was not a regular army; it wasn't a
15 disciplined army. Militiamen differ from the army where people are recruited and
16 educated, and if you do certain things you are punished, and perhaps that's it. The
17 appropriate measures were not taken right from the start, and gave rise to those
18 consequences.

19 In any case, incidents were happening at a very fast rate and there was no solution. I
20 sought somebody to convey the message but the message didn't get across.

21 Q. You spoke to Mustapha at least once at this incident you mentioned, where he
22 punished soldiers. Were there any other moments when you spoke to him personally?

23 A. Yes, I remember. I spoke to him personally on an occasion when two of my
24 soldiers, there was an incident where two soldiers were captured thinking that they were
25 spies for General Bozizé. They had come over to look, allegedly look at their positions

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1 and tell General Bozizé about that. This created uproar, and their Central African
2 colleagues, who were at PK11 at the barracks there, came out en masse into the streets and
3 that is why I went over to see Mustapha, to get those soldiers released and I told him, and
4 in spite of my presence they were still there, those two, still tied up, lying on the ground,
5 and I told him that they were not spies. That these were people with us and they had
6 simply gone out to get coffee. It was no easy thing.
7 There was quite a lot of discussion. They didn't want to release them. I phoned General
8 Mazi, who came over. There were negotiations and, finally, he did release them, and I
9 said to him, "You came over to help us, so you didn't need to do that. That isn't normal
10 procedure." But what can you do, madam? They had the means to do so. We had
11 nothing at all. If we had had something, if we had the resources then we would have
12 been able to force him, but we had nothing at all, madam. Two of my soldiers were tied
13 up, on my own territory, lying there on the ground, that is a problem.

14 Q. What was Mustapha's reaction when you told him about the complaints of people,
15 and the crimes?

16 A. *He remained true to form. Mustapha was a gentleman who... As I said, he
17 always... He spoke French, but he always needed an interpreter. He was not a major
18 commanding officer that when you have contact with him, the way in which he speaks to
19 you, well, he treats you like you didn't exist. That's the impression he gave you. And,
20 well, logically, you just don't stay on to speak to that type of person.
21 Mustapha thought he was God's gift to humanity. I don't want to say derogatory things
22 about René, even in spite of the fact that he too was an MLC member, but he at least was a
23 gentleman who was able to understand us, and try to do his best. Today, they -- well,
24 they are accused of all this but nonetheless I say this: René did try his best to settle things
25 but he wasn't the leader.

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1 MS SCHMIDT: Madam President, your Honours, I see it is 11 o'clock.

2 PRESIDING JUDGE STEINER: Thank you, Ms Schmidt.

3 Mr Witness, it's 11 o'clock. We'll have our half-an-hour break that allows you to take a
4 coffee or a tea and take some rest, as well as our interpreters and court reporters. We
5 will resume at 11.30.

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

7 (The witness stands down)

8 THE COURT OFFICER: All rise.

9 (Recess taken at 11.01 a.m.)

10 (Upon resuming in open session at 11.31 a.m.)

11 (In the presence of the accused)

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

13 PRESIDING JUDGE STEINER: Welcome back. Mr Jean-Pierre Bemba Gombo,
14 welcome. Counsel Maître Liriss and Maître Kilolo can come in when they are ready, but
15 we will continue with the questioning of Witness 31 and for that purpose I ask, please, the
16 court usher to bring the witness in.

17 (The witness enters the courtroom)

18 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

19 THE WITNESS: (Interpretation) Good morning, your Honour.

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

21 THE WITNESS: (Interpretation) I'm ready.

22 PRESIDING JUDGE STEINER: Thank you very much.

23 Ms Schmidt, you have the floor.

24 MS SCHMIDT: Thank you, Madam President.

25 Q. Welcome back, sir.

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1 A. Good morning.

2 Q. Sir, you said last Friday that Bozizé's rebels attacked on 22 October 2002 and they
3 entered Bangui at 3 o'clock in the afternoon. I'm referring to a transcript 182, English
4 real-time version, page 19, lines 6 to 11. Sir, you then specified that the MLC troops first
5 arrived the night of 23 to 24 October 2002. I'm referring to the same transcript, page 34,
6 line 1 -- line 2, excuse me, and 3. Sir, in the statement that you gave to the Office of the
7 Prosecutor in 2008, you stated that the attack happened on 25 October 2002 and that the
8 MLC started arriving on 26 October. I would like to give the references of the statement.
9 That is CAR-OTP-0007-0264, that is the English statement, and -- oh, excuse me, the
10 French, and on CAR-OTP-0007-0269. Sir, you mentioned before that you would like to
11 make corrections, I understand, so could you please explain to the Court why there are
12 these slight deviations in the dates that you provided?

13 A. Thank you. As I said previously, when the statement was taken I was at school
14 and I was in the very middle of my exams and I mentioned that to the judge who took the
15 statement from me. I hadn't really prepared to have a statement taken, and so I thought
16 it was the 25th, but the attack was on the 22nd. Let me repeat: 22 October. That is
17 why the Friday before I began speaking, I made reference to that because, you see, I was
18 right in the very middle of my exam period and I was focusing on my exams so much that
19 I didn't realise that thing about the date, but the attack was on the 22nd, not the 25th.
20 That's the first point.

21 The second point that I'd like to make is that I didn't think that I would find myself here
22 today giving testimony, because when I left I wanted to forget everything that we had
23 experienced, everything that I experienced myself. Each time that the questions are put
24 to me it's difficult, and when I think of these things that happened it's like I'm
25 experiencing them once again. This is something -- and I had really truly forgotten, I had

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1 forgotten these events in my mind, and that is why I would like to apologise about the
2 date. It was the 22nd. That was when Bozizé's soldiers attacked. Two days later, the
3 23rd or the 24th, I don't have the exact dates at hand, that was when the militiamen
4 arrived in Bangui.

5 Q. Sir, there's no need to apologise. We understand and thank you for that
6 clarification. I have only one more question in that regard. Today that you are
7 testifying here in Court, can you exclude that the MLC arrived later than the days that you
8 gave us here?

9 A. I haven't understood the question. Could you repeat it?

10 Q. My apologies, sir. I repeat the question: You said that the MLC started arriving in
11 the night from the 23rd to the 24th. Can you exclude that the first MLC troops started
12 arriving later, after that date?

13 A. *No, I stand by what I said. Because when the attack occurred, the MLC people
14 were not there. And let me repeat: people didn't think... myself personally I didn't think
15 that the MLC were going to arrive. We were alone. We were alone facing Bozizé's men.
16 It was after - after - that General Yangongo called me to say to me that the MLC soldiers
17 would come to help us. So they arrived. I don't have the date in
18 mind, but that is basically the chronology of the events.

19 Q. That was very clear, sir. Sir, we spoke several times already about the centre of
20 operations and you described to us the different cells and the heads of the cells who
21 operated in the centre of operation. You also mentioned that you brought in people from
22 the gendarmerie and from the presidential protection, and I'm referring to transcript 182,
23 the English real-time version, pages 26/27, line 25 to the first line on page 27. My
24 question is, sir, was the MLC also represented in the operation centre?

25 PRESIDING JUDGE STEINER: Maître Liriss.

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- 1 MR LIRISS: (Interpretation) I beg your pardon, sorry for interrupting, but could my
2 learned friend also give the French reference, just as we give you the reference in English?
- 3 PRESIDING JUDGE STEINER: Fair enough, Maître Liriss.
- 4 MS SCHMIDT: Are you referring to the representation of the gendarmerie and
5 presidential security in the centre of operations, Counsel?
- 6 MR LIRISS: (Interpretation) Exactly, ma'am.
- 7 MS SCHMIDT: If you would please just give me a minute, Madam President?
- 8 MR LIRISS: (Interpretation) My learned friend can continue. It's really not a problem.
9 It's just a detail, but in the future could she be a bit more careful? We don't want the
10 proceedings to be blocked, though, because of this detail.
- 11 MS SCHMIDT: Certainly. I will proceed then.
- 12 Q. Sir, let me repeat my last question: Was the MLC also represented in the centre of
13 operations?
- 14 A. Yes, ma'am. As I said, as soon as they arrived we were -- Jonas was seconded to us,
15 Jonas. I was saying that he was from the other side. He spoke our Patois a bit. He
16 was there as well as an officer from presidential security and a gendarme, and every two
17 days - every 48 hours that is to say - the gendarme was replaced by another one.
- 18 MS SCHMIDT: Thank you, sir. Madam President, your Honours, I would like to give
19 the reference requested by Maître Liriss. That is transcript 182, the French real-time
20 version, on page 26, lines 5 to 10.
- 21 Q. Was Jonas permanently based at the centre of operations?
- 22 A. No, Counsel. He would come, he would spend some time with us and then later in
23 the evening he would leave. He would go back to the side of the river. Right from the
24 beginning that's what he did, but later on we no longer saw him. He no longer came at
25 all. And once the soldiers were at PK12 and PK13, the MLC soldiers, Jonas barely came

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1 at all, and when we called him he would either be on the other side or he would be
2 alongside the river. So we no longer saw him. If Jonas had been continually at the
3 centre, I would not -- I would not have always been calling upon René during these events,
4 because he was in the field, you see? That's what I'd like to say.

5 Q. Did René replace Jonas at the centre of operations after he left?

6 A. René did not replace him. René was a leader. He was in the field. He didn't
7 replace him. He was easier to reach than Jonas, and so the intermediary, if we needed to
8 get information, or if there were incidents, once again I repeat it was much more René that
9 we would turn to. He would help us solve the problem. Jonas at the beginning, once
10 the people were at PK13, Jonas no longer came to the CCOP. He was either alongside the
11 river, or on the other side of the river, because I wanted to say that Jonas lived along the
12 river, so he spoke some Sango. He might have been Mbanja, so it was a similar ethnic
13 group. He was -- the Congolese people on the other side of the river, the people from the
14 Équateur province are more closely related to us. There are some family ties, you see?

15 Q. Was Jonas replaced by any other person from the MLC?

16 A. In my opinion, no. Not until I left, Jonas was not replaced.

17 Q. Sir, what means of communications did you use at the centre of operations?

18 A. At the operations centre we had walkie-talkies which we used, we had telephones
19 which we used, we had radio equipment that we used and the radio equipment was far
20 more for our soldiers, not just in Bangui, because we also had soldiers in the provinces, in
21 Bouar. So we had this radio equipment so we were able to speak to people there. Those
22 were the various means of communication used.

23 Q. And with this radio equipment could you reach anyone in the provinces? My
24 question is what was the range of these radios?

25 A. Yes, Counsel. The range of these radios, particularly for Bangui, you see, they were

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1 walkie-talkies, walkie-talkies for operations, but for people who were outside of Bangui
2 we had radio equipment. There was radio equipment and you see it was the
3 transmission company right beside who handled that. So they would reach people who
4 were further away, outside of Bangui, 4 or 500 kilometres away, but that was not within
5 the operations centre. Those -- I'm speaking of the events that occurred in Bangui.
6 There was also the Presidential Guard. They had their own radio equipment with their
7 own frequencies that we didn't have. We only had the FACA frequency. We didn't
8 have the frequency used by the presidential security unit.

9 Q. Thank you, sir. And what about the range of the walkie-talkies that you used?

10 A. The walkie-talkies, their range would have been up to ten or 12 kilometres, unless
11 I'm mistaken. I'm not a technical person, but I do know that the range of walkie-talkies
12 varies depending on where you are as well, if there is no interference, if there are no hills,
13 if the terrain is flat. It also depends on the weather conditions, but in terms of Bangui the
14 walkie-talkies had a range of at the very most 20 kilometres, but I'm not a technical person,
15 but I do know that the range was up to 15, maximum 20, if the terrain is flat and if there
16 are no obstacles.

17 Q. Do I understand correctly that the same would apply to the walkie-talkies that were
18 given to the MLC troops?

19 A. Exactly.

20 Q. You said you would also use telephones. Do you know how far -- how far the
21 mobile phone network reached?

22 A. Well, now, you see -- well, at the time there weren't a lot of telephone companies
23 and there was no relay possible, so at the time the range was not very far. Perhaps 30
24 kilometres, the telephones in Bangui? I would say a radius of 30 kilometres, no more
25 than that. Nowadays, people -- well, you see, they have set up -- at the time even our

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1 brothers in the provinces did not have phones, only Bangui had coverage, but now since
2 that time, you see, relay antenna has been set up and even in Piro, which is very much to
3 the north, is -- that place is connected, but at the time it was about 20 -- approximately 20
4 kilometres, 30 at the most. That was the coverage of the network.

5 Q. And the mobile phones that were given to the MLC troops also had this coverage?

6 A. Yes, exactly, ma'am. I'll give the example of Jonas. If I wasn't able to reach him, I
7 would call, it would ring, he would be on the other side in Zongo and we could
8 communicate. We could hear one another.

9 Q. Sir, on Friday you said that all the information that the centre of operations received
10 was set down in writing to allow for correct co-ordination, and I'm referring to transcript
11 182, first the English real-time version, page 23, lines 22 to 24, and the French real-time
12 version, page 23, lines 14 to 16. This information that was gathered and set down in
13 writing, who was it reported to?

14 A. That information was not reported to anyone. It stayed within the operations
15 centre and the general, the head of staff, as I said, well, he was the leader responsible for
16 the operations at the time. The delegated Minister of Defence would come and his office
17 was not all that far away, about 50 metres away, and everyone would come and we would
18 have a briefing, and explanations would be provide of the various events and, you see,
19 everything was put on a sort of a flip chart. In the morning he would come and see and
20 in the evening as well, but it wasn't really intended for anyone. The chiefs -- they were
21 our chiefs, you see? It wasn't intended for other people.

22 Q. Would the centre of operations proceed in that way during all the time that you
23 were there until you left in November?

24 A. Yes, ma'am, it had operated in exactly that manner.

25 Q. What would your superiors do once they received these reports?

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1 A. I couldn't tell you. They were my superiors. It's them. They are the ones who
2 have to report either to the head of all the army forces, but they took into account
3 everything that we had done, but what was done after with that information I don't know.
4 You could ask them. It's really up to them to answer such a question.

5 Q. Who took the decisions that had to be implemented by the centre of operations?

6 A. It was my line superior. This is a hierarchical army, so it was the Chief of Staff of
7 the army.

8 Q. Can you give us an example of decisions that were taken by your superiors that had
9 to be implemented by the centre of operations?

10 A. I do not have any examples to provide you with. The first time when we launched
11 the manoeuvre, that is when we repelled the General Bozizé's troops, it was the General
12 Chief of Staff. So when the militia was ready, they said to us, "Well, they're ready," and
13 this is how we together launched the manoeuvre in order for us to reach PK12. Our
14 soldiers had remained at PK11 and they set up at PK13.

15 Q. Thank you, sir. Sir, who was Mustapha's superior?

16 A. In the field, Mustapha did not have a superior. He was in charge. Well, in the
17 field Mustapha did not have a chief and as he was an MLC militia then his superior was
18 the senator.

19 Q. Who are you referring to with "senator," please?

20 A. I am referring to Mr Jean-Pierre Bemba.

21 Q. How do you know that Mustapha had no superior in the field?

22 A. Because he was the individual who was out there. He was the person in command
23 out in the field. Physically speaking, he was the one who was there. Everybody,
24 Roger -- everybody said that it was Mustapha who was in charge and that is why we went
25 to see him. Every time an event occurred we would go and see him because Mustapha

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1 was in charge. Contact with Mustapha, as I said, was not very easy. Contrary to Roger,
2 or Roger, as I said, Mustapha was quite a pretentious individual and he was the
3 commander out in the field.

4 Q. Would Jonas report to Mustapha?

5 A. I would not be able to tell you. Maybe at the beginning, yes, because they
6 communicated in Lingala. Maybe it was Jonas who would ring Mustapha and speak in
7 Lingala. We do not speak Lingala, so we could not know whether they -- he was
8 communicating or not. It was in the Lingala language which we did not understand at
9 all.

10 Q. Were you present when Jonas spoke to Mustapha?

11 A. At the outset, well, Mustapha's presence was felt more when he was at PK13. At
12 the beginning we didn't really feel his presence, but once he was at PK13, and as I said
13 Jonas was no longer with us virtually, he was either at the riverbank or on the other side
14 of the river, so we were obliged to travel by vehicle in order to go and see Mustapha and
15 also go and see René so that René could take us to Mustapha.

16 Q. Did you ever see or hear Jonas speaking to Mustapha?

17 A. No, ma'am. This was not a matter of concern for us as to what they said to each
18 other. What interest would we have had in listening to them? If he was talking to
19 Mustapha, then he was talking in Lingala. We speak Sango in Bangui, so even if he was
20 speaking to Mustapha we would not have been in the know. We do not speak the same
21 language. However, on the contrary, Roger, Jonas spoke our language, because he is
22 part of the family. He is on the other side of the river, so it's -- the families ties are there.

23 Q. Sir, do you know if there was any interaction between Mustapha and General
24 Bombayake?

25 A. I would not be in a position to tell you. Perhaps. Maybe the general knew that

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1 these people were coming, because he was one of the president's closest contacts, but
2 maybe Mustapha reported back to General Bombayake. I'm not in a position to be able
3 to tell you that, but they were aware of the fact that the MLC troops were arriving and
4 General Bombayake, well, I told you about the forces that were present there. I did not
5 only speak to you about the MLC. I also talked to you about Abdoulaye Miskine's
6 people who were committing violent acts.
7 We are talking about the MLC, but we're also talking about these people, the Central
8 Africans who were killed at the time, because at the time the MLC -- well, people weren't
9 talking about looting as such. The people who were there killed Central African people
10 of Chadian origin at the livestock market. So, no, I was not in a position to know that.

11 Q. Are you aware of the existence of a crisis committee within the organisational
12 structure of the Central African Republic at that time?

13 A. No, but had there been a crisis committee, it must have been at the level of the
14 presidency. There must have been a crisis committee at a high level for those in charge
15 of the army, whether it be the Ministry of the Interior or Ministry of Defence. Of course a
16 crisis was present and there must have been a crisis committee in order to discuss the
17 current crisis. I do believe that a crisis or such a crisis committee must have been in
18 existence.

19 Q. Sir, do you know whether Mr Bemba travelled to Bangui during the 2002/2003
20 conflict?

21 A. Yes, ma'am. On the first occasion, I saw him. He was not alone. He -- he was
22 surrounded by people. President Patassé was there. That was at the support unit. He
23 was already present and I was asked to come and see him, and when I arrived he was
24 there with the president. I believe that Lamine Cissé. General Lamine Cissé was also
25 present. There were a number of figures of authority present, ambassadors et cetera.

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1 There were quite a few people in attendance. I greeted them and that is how President
2 Patassé introduced me even to the senator. That was the first time that I saw Jean-Pierre
3 Bemba in the flesh.

4 Q. Do you recall the day that you saw him for the first time?

5 A. I do not recall the day very well. What I do know is that it was possibly around the
6 beginning of November. I no longer recall very well, because General Bozizé's soldiers
7 were repelled or driven out around the 23rd/24th. Bangui was already calm at the time.
8 I believe that the soldiers were based at PK13 and it was at that time that Jean-Pierre
9 Bemba arrived.

10 Q. Do you know why he arrived to Bangui?

11 A. I have no idea. Maybe he was coming to see President Patassé, who had invited
12 him, or maybe he wanted to speak to his troops. I am not in a position to be able to
13 answer that question.

14 Q. You said that this was the first time that you saw Mr Bemba physically in the
15 Central African Republic. Was there another time that you saw him?

16 A. No, ma'am. This was the first time that I saw Jean-Pierre Bemba personally.

17 Q. You said that you did not know why Mr Bemba came to Bangui, but do you know
18 by any chance what he did while he was in Bangui?

19 A. No, I didn't have his programme, but I do believe that he went to PK13 in order to
20 discuss matters with people who were located there, but as I said to you, I did not know
21 his programme. I could not divine what he was up to, but he must have been aware of
22 some of the violent acts, and I believe that if he came to speak to his troops it might have
23 been in order to call them to order, I believe, but I do not know what he came to say. I
24 believe that if he did go and speak to his troops, it was in order to warn people that they
25 should avoid violent acts. I talked about Mustapha. I mentioned the first time when

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1 the militia came there were not any violent acts at the time, because the man who was in
2 command had power over the troops and he held them to account and that's why there
3 were no mishaps or aberrant behaviour but Mustapha, who was in charge, did not have
4 control over his troops who were numerous and that is why there was aberrant behaviour.
5 Had he at the outset been firm with them, I believe that things would not have gone the
6 way they did.

7 Q. Did the behaviour of the MLC troops change in any way after the visit of
8 Mr Bemba?

9 A. I would not be in a position to say. I provided the example of the customs officer,
10 the lady custom's officer, who was -- whose property was looted and who called upon me
11 and we went to see Mustapha. I believe that it might have been subsequently, after
12 Jean-Pierre Bemba's visit, that the other individual, Mustapha, who was in charge out in
13 the field, reacted in a firm manner and authorised for the two who had looted this lady's
14 possessions to be arrested and tied up. They were punished and they were whipped.
15 They received many a lashing in front of us. Maybe this is associated with the arrival of
16 Mr Jean-Pierre Bemba, but it all started again afterwards.

17 Q. How long did Mr Bemba stay in Bangui?

18 A. I would not be able to tell you because I did not have his programme, but I do
19 believe that he did not spend the night. He did not spend the night, because Gbadolite is
20 not far afield from Bangui. He came by plane and then he left immediately, so unless I
21 am mistaken he did not spend the night in Bangui.

22 Q. Sir, you left to Cameroon in November 2002 and could you please explain to the
23 Court what the reasons were for leaving?

24 A. Thank you. I did not feel that I was understood. That's the reason why I left. I
25 might talk to you about the events at the time; a succession of events which caused me to

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1 leave everything behind and seek exile in Cameroon.

2 I remember the first incident which occurred between our troops and the MLC troops,

3 where the MLC troops surrounded about 30 of our troop members who had decided to

4 guard or set up guard for the support unit. They disarmed them. They removed their

5 clothing. So there was that incident.

6 The second incident when the colonel, who was a missing individual, he was in charge of

7 the intelligence of the Central African Republic, he had had a number of altercations with

8 MLC troops at the same location where our troops were -- had their clothes removed.

9 That was the second incident.

10 And when I came to seek the body of that colonel, I came with a gendarmerie, I was not

11 alone. There was a whole team of us. We -- the MLC came and told us to leave. Even

12 though it was our home terrain, if you like, it was an army barracks, those troops asked us

13 to leave. So this was one more humiliation. This was the -- there was another incident,

14 the last incident, where two of our soldiers had conducted a manoeuvre in order to reach

15 PK12. They were captured, they were tied up and they were thrown upon the ground.

16 I intervened, but in vain. They were not released and General -- Chief of General Staff

17 came to find me. We intervened so that Mustapha could free them.

18 And then I have an image in my mind of the distressed population, the civilians who were

19 conducting an exodus towards the south of the country on -- they were moving south

20 using pushcarts. I had no control over the situation. That was what encouraged me to

21 leave, because I had spent virtually all of my life in the army and I could not accept the

22 situation. I was powerless, ma'am. I was powerless and that is why I left.

23 MS SCHMIDT: Thank you, sir. I have come to the end of my questioning on behalf of

24 the Prosecution and thank you for your co-operation and your patience.

25 PRESIDING JUDGE STEINER: Thank you very much, Ms Schmidt.

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1 Mr Witness, the legal representatives of victims, Maître Zarambaud and Maître Douzima,
2 were authorised by the Chamber to put some questions to you. I will now give the floor
3 to them, I suppose starting by Maître Zarambaud? Maître Zarambaud, you have the
4 floor.

5 MR ZARAMBAUD: (Interpretation) Thank you, Madam President.

6 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

7 Q. Good morning, Mr Witness.

8 A. Good morning, Counsel.

9 Q. I think I've already introduced myself to you during the familiarisation process, but
10 I shall introduce myself again. My name is Maître Zarambaud Assingambi, I work with
11 the Central African courts and I here am legal representatives for some of the victims and
12 by my side I have my learned friend Counsel Edith Douzima-Lawson. I have a number
13 of questions that I would like to put to you and which have been authorised by the Trial
14 Chamber. I shall not put them all to you, because some of these questions have already
15 been asked of you by the representative of the Office of the Prosecutor.

16 Now, Mr Witness, my first question to you refers to a number of citations from your
17 statement, or statements, before the investigators from the Office of the Prosecutor. I will
18 not repeat all these citations. I could do so were the need to arise in order to jog your
19 memory.

20 So my first series of questions have a number of sub-questions. You stated that Bozizé's
21 rebels arrived 300 or 400 metres away from Patassé's residence. I wanted to know what
22 other locations within the town General Bozizé's rebels had occupied?

23 A. Thank you, Counsel. Indeed, the rebels arrived in Bangui at about 3 p.m. They
24 occupied virtually the whole of Kuduku (phon) Avenue up to the police station of the 4th
25 arrondissement and up to the road in the northern neighbourhood of Boy-Rabé. So these

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1 are the limitations of that location that they settled in. We knew that they had arrived at
2 PK12 and we implemented our troops in order to stop their progress. So one part of the
3 troops was towards Boy-Rabé, that is the road going towards the assembly, the road up to
4 Boy-Rabé, that is where we positioned our troops, and another part of our troops was
5 positioned lower down the hill towards 36 Villas neighbourhood, looking opposite
6 towards the other side of the hill.

7 I thank you for that question. The general's troops did not manage to get through our
8 troops and attack Patassé's residence, because many more people were asleep in Boy-Rabé
9 and, in view of the fact that they had not seen their family for quite some time, a few of
10 them left to the neighbourhoods in order to see their families in Boy-Rabé, and this meant
11 that we swelled the ranks and we made sure that they could not advance and that they
12 could not take the residence of President Patassé. That is the position, Counsel.

13 Q. Thank you, Witness. So we have just talked about the presence of the Bozizé rebels
14 within the distance of 3 to 400 metres of the president's residence at the time and you have
15 just told us that this residence was guarded by Libyan troops. Now, do you know why it
16 was that the Libyan troops did not participate in the fighting, because you said that in
17 those first days it was only the FACA who had repelled General Bozizé's forces?

18 A. Thank you, Counsel. I did not say that the Libyan troops did not take part in the
19 combat. I talked even about the fact that the Libyan aviation had plied the -- or bombed,
20 shelled the neighbourhoods where General Bozizé's troops were. They had heavy
21 weaponry. They had rocket launchers that were based virtually at the residence of the
22 former president, Patassé. So this was heavy artillery, and this heavy artillery of course
23 caused heavy collateral damage because they were shelling the position of General
24 Bozizé's troops. I believe I have answered your question, Counsel.

25 Q. Now, to enable me to understand better, this shelling, did it take place as soon as the

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1 rebels - Mr Bozizé's rebels - arrived?

2 A. Yes, and in fact I think that this deterred them somewhat. Otherwise, they would
3 have gone straight for it. If there hadn't been the shelling, then they would have
4 practically immediately have taken over the residence because the Libyan artillery that
5 was there to guard the former president's residence, well, it was heavy artillery after all.

6 Q. Thank you. You said that the FACA alone plus the heavy artillery of the Libyan
7 soldiers -- about this you said that before the arrival of the MLC soldiers you, with your
8 own resources, had repelled the attack by Mr Bozizé's rebels. Now, what I want to know
9 is to what level did you repel those rebels to before - prior to - the arrival of the
10 militiamen?

11 A. We prevented them from advances. We didn't actually repel them as such. We
12 prevented them from advancing. We were in a stationary position of defence, so firm
13 defence, at a standstill. They made individual forays, so this was firm defence. We
14 didn't actually repel them. At one point in time they were on the other side, we were on
15 opposite sides and we were looked at one another, and we are able to maintain them in
16 that position until we were told that Jean-Pierre Bemba's militiamen were arriving.
17 That's the way it went.

18 Q. Thank you, Witness. In the questions I prepared for you before you began to
19 testify here, well, the date I mention, and which I found in your statements, is 25 October.
20 When you made your statements, or rather during your testimony, you spoke about
21 22 October. So to help the Chamber to better understand the time-line, perhaps you
22 could tell us on what day of the week, without actually specifying the date, what day of
23 the week was involved, if you remember that?

24 A. I don't remember that, but in any case it was not on the weekend. If it had been on
25 the weekend, we wouldn't have been there. General Bozizé's troops would have easily

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1 have been able to take over the residence of President Patassé. It was a working day
2 necessarily, and I say this at the risk of repeating myself, 20 October. Now, there was a
3 mistake during the first hearing. I wasn't ready for that hearing, or rather for that
4 interview. I was in the examination period at the academy and so I wasn't prepared for
5 the interviews.

6 THE INTERPRETER: Interpreter's correction: 22 October.

7 MR ZARAMBAUD: (Interpretation)

8 Q. Thank you, Witness. I won't be asking you my second set of questions because I
9 believe you have already answered them while you were answering the Prosecutor's
10 questions.

11 My third set of questions relates to the fact that you repelled General Bozizé's forces and
12 earlier on you said that you simply brought them to a standstill, prevented them from
13 advancing, so I don't need to ask you any further questions on that particular topic.
14 The question I want to ask you now, my fourth set of questions in other words, is as
15 follows: You spoke -- and here I have many references I could bring up. You spoke
16 about the fact that you had set up Jean-Pierre's troops at the support regiment when they
17 arrived, as soon as they arrived, and that they began to loot what was found in the
18 buildings of that regiment; in particular, musical instruments that are used for the military
19 bands. Now, at that particular point in time, you hadn't spoken about the advance of
20 those troops to PK13. The goods that were looted in this way, where were they stored?
21 What happened to those objects, since they were right there next to you at the support
22 regiment?

23 A. Thank you. You said right from the start there was a platoon that was supposed to
24 guard the support regiment where the musical instruments were stored, as well as office
25 equipment. After the incident -- after the incident when the soldiers who were supposed

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1 to be guarding that base, which I mentioned and described earlier on, well, they were
2 clothe-less and I brought them back and perhaps that was a mistake, because the base was
3 no longer protected. As of that, to avoid friction, we brought back all the troops to Camp
4 Béal and the base was handed over to the MLC troops who were there. Now, I don't
5 know at what particular time they took away the equipment over to the river and crossed
6 it, but you are a lawyer speaking on behalf of the victims. 15 March -- since 15 March we
7 no longer have musical instruments and we were obliged to call on the police and people
8 in the church to lend us musical instruments.

9 Now, for an army -- in any case, I don't know when they took the instruments across, but
10 you must agree with me that after 15 March 2003 we never again had any musical
11 instruments.

12 Q. Thank you, Witness. My fifth set of questions relates to the clothing of MLC
13 soldiers and what could distinguish MLC soldiers from FACA soldiers, and I think you
14 have already answered this question in fact, and as a result I won't repeat it. What I
15 inferred was that, according to you, they were given new uniforms of the Central
16 African -- Central African army, whereas the FACA still had the old uniforms and that's
17 what distinguished the two. So I won't be asking you any more questions about this.
18 My sixth set of questions relates to weapons and to transport means for the MLC troops.
19 There are several references involved here: CAR-OTP-007-0192, page 0305;
20 CAR-OTP-007-0192, page 0306. Now, on the basis of these two references, well, you
21 mentioned weapons and ammunition as well as transportation means for the MLC. This
22 is my question in this regard: You said that the MLC troops had a lot of weapons when
23 they arrived. Now, since they had their own weapons, did the Central African
24 authorities provide them with ammunition?

25 A. Thank you, Counsel. I believe - I think, but I might be mistaken - I think that as far

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1 as the Presidential Guard was concerned, well, they did have stores of ammunition and I
2 believe that some boxes of this ammunition was handed over to them by the Presidential
3 Guard.

4 Q. Thank you, Witness. Once again concerning the vehicles that were taken away, of
5 course you were not there in person when the battles ceased, but when you came back did
6 you learn that the vehicles that had been taken away had been given back?

7 A. Thank you, Counsel.

8 PRESIDING JUDGE STEINER: Maître Liriss.

9 MR LIRISS: (Interpretation) Your Honour, my colleague began his sentence saying,
10 "Once again about these objects, the vehicles that were taken away." It was as if he is
11 going on following on from a discussion about vehicles that had already taken place, but I
12 didn't hear anything about this in what the witness said when the Prosecutor was
13 questioning him, nor now, so which are these -- what vehicles that were taken away are
14 we talking about? So I believe this question, at least in context, is not relevant.

15 PRESIDING JUDGE STEINER: Maître Liriss, I think Maître Zarambaud was trying not
16 to quote parts of the statement, but in his request on page 7 there is some reference to
17 vehicles that were put at the hands of the MLC. Maybe you could complete your
18 question with such reference in order to make it clear for the witness, Maître Zarambaud.

19 MR ZARAMBAUD: (Interpretation) Thank you, your Honour. I believe my learned
20 friend is quite right. I should not have spoken about vehicles that were taken away, but
21 I was speaking about CAR-OTP-07-0192-0305 and CAR-007-0192 page 0306. Well, they
22 concern vehicles that were handed over made available to the MLC troops.

23 Q. And the question was: "When you came back, did you learn that they had taken
24 those vehicles away, or did they leave them behind when they left?" That was my
25 question.

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1 A. Thank you, Counsel. When they arrived, those vehicles were handed over to them
2 and, as I said right from the start, a barge carried the equipment of the MLC troops and
3 when I came back, well, they had -- they had not crossed the river with those vehicles.
4 All those vehicles remained. Others were damaged during the battles, but not a single
5 vehicle was taken over to the DRC because the barge would not be in a position to
6 transport those large lorries and that was at the end of the battle, so people were trying to
7 get across rather than taking large vehicles -- well, that would have been too risky, so they
8 didn't do that. They didn't take the vehicles over the river.

9 Q. Thank you, Witness. The seventh set of questions, that too I won't be asking you
10 because they relate to the messages that you possibly received from militiamen belonging
11 to the MLC, but you already answered those questions by saying that the messages were
12 sent to you by your own troops and that it was very rare for any messages to be conveyed
13 between you and them.
14 So I'm going directly on to the eighth set of questions and the reference here on
15 the -- which I am basing my questions is CAR-OTP-007-0192, page 031, paragraphs 4 and
16 5. The subject matter here is the way in which the MLC troops got food and you said
17 that they were given money, that the Central African soldiers received food itself, but as
18 far as the militia - the MLC militia - are concerned, well, they were given money to buy
19 their food. Now, as far as you know, was that enough? Was the money enough to
20 properly feed the MLC soldiers?

21 A. Thank you, Counsel. Well, I am not in a position to answer that. What I know is
22 that money was handed over to them for their food. Now, what they did with that
23 money I don't know, but in any case they would send out people to the market to get food
24 ready for them. They would come and collect the money from the Defence ministry at
25 Camp Béal. I saw them coming to get the money. But now, what they did with that

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1 money afterwards I don't know, but I do know that the soldiers ate, that they themselves
2 prepared their own food.

3 Q. Thank you. And now my last question in this series is this: As far as you know,
4 did the MLC troops eat animals that were raised by the civilian population in the areas
5 that they occupied?

6 A. In Bangui, well, there were not a lot of complaints in this respect. No doubt it
7 happened, but as I already said cases of looting and theft, we know about that, but that's
8 not when people have set up quarters in certain neighbourhoods from which the
9 inhabitants have fled. Of course, if there are animals wandering around, they -- the
10 owners are not there, well, naturally they will make off with them to improve their diet.
11 That's what I would say, Counsel, in this respect. That must have happened.

12 Q. Thank you, Witness. My ninth set of questions now. I base myself on the
13 following documents: CAR-OTP-007-0192, page 0273, paragraphs 4 and 7, as well as
14 document CAR-OTP-007-0192, page 0281, paragraph 3. To summarise what you said,
15 you said that you had set up quarters for the MLC troops at the support regiment, as we
16 already heard, but that you had no contacts with them. You also said in the second
17 reference I just mentioned that the commander -- commanding officer of the presidential
18 security was the one in contact with those troops and in answer to the question about the
19 relationship in the MLC and the FACA you -- immediately upon their arrival you said
20 that there was no contact. So my question is this: How do you explain, how can you
21 explain, that there was no contact with Jean-Pierre Bemba's troops, whereas your Chief of
22 General Staff had taken shelter in the embassy and the co-ordination chief was there, so
23 you were acting as co-ordinator? How can you explain that there was no contact with
24 Jean-Pierre Bemba's troops?

25 A. No, I didn't say that I didn't have any contacts with the MLC troops. I did have

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1 contacts with them. The General Chief of Staff felt threatened and took shelter in the
2 Chinese Embassy and General Bombayake, who was head of the presidential security,
3 told me that my chief was at the embassy and that I must go and get him, and on that
4 same day - the very same day - my chief came back and we worked together that day. So,
5 as soon as the troops arrived, I was asked to set them up at the support regiment. The
6 contact was a good one. There were no abuses at that point. The first contact was a
7 good one. The first incident that took place happened later on, but initially there was
8 contact. We would go to the support regiment and that's where they were. We would
9 go and visit them. And the general told us to do that, "To go and see them and see
10 whether they had set up quarters there." Initially there was no incident at all, but after
11 the whole series of events I described, things began to deteriorate, but initially there was
12 no incident whatsoever, Counsel.

13 Q. Thank you very much, Witness. My tenth set of questions relates to points that you
14 already discussed. For instance, who represented the presidential security at the
15 operations centre and whether someone from the MLC had been delegated to take part in
16 the operation centre's activities, and the last question was this: Perhaps it didn't depend
17 on you, but do you know why the MLC did not replace Jonas, who was their delegate at
18 the operations centre?

19 A. Thank you for that question. I asked this question. I wondered about this myself.
20 Once Jonas had gone, did they delegate somebody else at the operations centre? Well,
21 I don't know, because after I left they stayed on a long time from November 2002 to
22 15 March 2003. Was -- well, when -- later on did Jonas come back, or was somebody else
23 appointed to replace him? Well, I don't know, because during that period I was no
24 longer there.

25 Q. Thank you, Witness. I have several references here that I'm going to use to ask the

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1 subsequent questions, in particular when you say that the MLC troops -- well, that there
2 were many of them and that they were in practice at the front, whereas we came up
3 behind, you explained earlier on that the advance when you -- they went to PK13 and you
4 stayed at PK11, could you tell us what the exact role of the armed forces was in this
5 description -- in this position behind the second in line as it were? Could you give us
6 further explanations?

7 A. Thank you, Counsel. You yourself are in a good position I'm sure to clarify matters
8 for the Court. *There were a whole series of -- a whole succession of events from 1996
9 onwards to 2002, up to 2002 there were three mutinies in the army. There was an
10 attempted coup d'Etat on the 28th of May, and then the army was in a terrible state when
11 Mr Bozizé left, and what little there was left was what permitted us to face the situation.
12 The chief commander just didn't know how to deal with his army. If we had the
13 necessary resources there would have been no need to call on the MLC forces to help us.
14 Someone who comes along with their own resources, and if you yourself have no
15 resources, how can you say "This is what you should do. Do this and this. This is the
16 order of battle."? That is what I can say about this, Counsel.

17 Q. Thank you, Witness. My next question relates to the advance -- their advance to
18 PK13 and when you stayed at PK11 you said earlier on -- well, you talked about what
19 happened at the livestock market. Now, this is an important point, so I want to know
20 who it was that perpetrated the crimes that you described in relation to the livestock
21 market and at PK13 in general?

22 A. Thank you. I mentioned the livestock market, because the national or international
23 community disregards this detail. The MLC troops were not the ones that committed
24 those abuses, were not the ones who killed those poor Central African nationals who were
25 there at PK13 in the livestock market there, who are of Chadian descent, who were

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1 unfortunate enough to be of Chadian descent. I mentioned the famous Abdoulaye
2 Miskine, a mercenary who was not a soldier, and the Court must be aware of this, I said
3 that there were incidents with the MLC, but we must keep in mind that Central African
4 nationals were killed at the market. They turned the situation to their own advantage,
5 the presence of the MLC at PK13, to commit their own crimes, but we did not have any
6 control over Abdoulaye Miskine and his men. They should be sought out and punished
7 for what they did.

8 MR ZARAMBAUD: (Interpretation) Your Honour, there are not many questions left,
9 as far as I'm concerned, but I can see that it is time for the break.

10 PRESIDING JUDGE STEINER: Thank you, Maître Zarambaud. You can continue after
11 the break.

12 Mr Witness, it's 1 o'clock. We'll have now our lunch break. You can not only have
13 lunch, but take some rest. We will resume at 2.30.

14 I ask, please, court usher to take the witness outside the courtroom. In the meantime, we
15 will suspend to resume at 2.30.

16 (The witness stands down)

17 THE COURT OFFICER: All rise.

18 (Recess taken at 1.00 p.m.)

19 (Upon resuming in open session at 2.33 p.m.)

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

21 PRESIDING JUDGE STEINER: Good afternoon and welcome back.

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

23 (The witness enters the courtroom)

24 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

25 THE WITNESS: (Interpretation) Good afternoon, your Honour.

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1 PRESIDING JUDGE STEINER: Did you have an opportunity to take some rest after
2 lunch?

3 THE WITNESS: (Interpretation) Yes. Yes, I did.

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

5 THE WITNESS: (Interpretation) I'm ready.

6 PRESIDING JUDGE STEINER: Then Maître Zarambaud, legal representative of victims,
7 will continue putting some questions to you.

8 Maître Zarambaud, you have the floor.

9 MR ZARAMBAUD: (Interpretation) Thank you, your Honour.

10 Q. Witness, I just have one small question for you. It is point 13, actually, on my list of
11 questions. To your knowledge, did the MLC troops perpetrate any murders amongst the
12 civilian population?

13 A. Thank you, Counsel. Before I leave, now I don't want to get this wrong, but
14 mention was not made of murder at that time, up until 27 November, but
15 rather -- correction, 25 November, but rather there was more talk about looting and
16 pillaging. At that time, sincerely, no, there was not mention made of murder by the
17 MLC.

18 Q. Thank you. As for cases of rape, you stated that the rapes occurred after -- well,
19 after your return you learned that there had been rapes and you gave an example. You
20 mentioned the case of the wife of a minister, or a former minister. Could you tell us
21 what the circumstances were in which you learned about these cases of rape?

22 A. As you just mentioned, when I returned I learned that there had been cases in places
23 where they had set up operations. As for the case of the minister's wife, we learned of
24 this. Everyone was talking about it, and I too heard about it just as other people had.

25 Q. Thank you, Witness. My next series of questions had to do with the occupation of

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1 houses owned by private individuals by members of the MLC, and I would like to know
2 whether those people had authorised the MLC to occupy their houses, "Yes" or "No," but I
3 believe you've already answered that question when you answered questions from the
4 Prosecution, insofar as you said that people had abandoned their houses and that is how
5 it came to be that the MLC went and stayed in those houses. So the people were not
6 there and they could not give their permission, or not, regarding the houses.

7 Now, my next questions have to do with looting, and the reference is

8 CAR-OTP-0007-0325, at page 0334, paragraph 5, as well as CAR-OTP-0007-0325, 0335, the
9 first nine paragraphs of that particular page. You said that it was when the militiamen of
10 the MLC set up operations in the homes of various private individuals at PK13 that was
11 when the problems began and even intensified, because every day you would be
12 summoned and you would have to intervene because there had been looting. Could you
13 tell the Chamber what sort of items were looted?

14 A. Thank you, Counsel. I told you that I had seen -- well, actually, I received
15 telephone calls for the most part. People who knew me, who had my number, they
16 called me. I gave the example of the judge, Mbata Flavien, and that is correct. I even
17 went to see his home, which had been looted. What's more, there was a sergeant, and he
18 lived in that area as well and he was a member of the presidential security unit. He
19 called us and we went to see his house, which had been damaged and various items had
20 been taken from that home. Yes, there were such cases.

21 Q. Thank you. And once again the same reference numbers, you mentioned that you
22 had seen that the looted goods were sent to the other side of the river. Did you see those
23 items being taken over to the other side, or did you hear about items being taken over to
24 the other side of the river?

25 A. Thank you, Counsel. There was a great deal of talk about that; those goods that

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1 were taken over to the other side of the river. To my mind, when Jonas was no longer
2 there, because as far as I was concerned he was at the riverbank and that was where the
3 goods were being taken across, but since then I really never had gone to the side of the
4 river, to the riverbank, to see with my own eyes. And some of our soldiers, who were
5 there alongside the river, they did say that to the other ones, that all the looted goods were
6 taken over to the other side and everyone learned about that. So the word went out.
7 People knew.

8 Q. Thank you, Witness. Now, I have another series of questions, but I won't be
9 putting them to you for the same reasons. You have already answered.

10 My next question is based on this reference: CAR-OTP-0007-0325, page 0397, last two
11 paragraphs; CAR-OTP-0007-0325, 0396, the last five paragraphs. You said that General
12 Betibangi had gone to see the MLC soldiers in Damara and he had had a meal there, and
13 when he came back he suffered from stomach pains and he died. My question is what
14 was his purpose in going to Damara? Were there FACA troops there in Damara? Why
15 did the general go?

16 A. Thank you, Counsel. It was after, when I was in Cameroon. I had contacts with a
17 number of officers who were in Bangui, and my contacts hinted at the fact that the general
18 had died in Damara. Well, he didn't die in Damara, but he went there and when he came
19 back that is when he had some troubles. Apparently something to do -- it had to do with
20 something he had eaten and then he died.

21 Now, I don't know whether our soldiers were there and he had gone to see them, but as
22 far as I know gradually, as people were gradually leaving, the MLC people left as the
23 others were advancing behind, you see, the area had to be occupied by the FACA. Now,
24 mind you, I wasn't there, but the way I analyse it I think that's what happened. So I think
25 that's why he would have gone and then when he came back a few days later he died. I

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1 wasn't there.

2 Q. Thank you, Witness. My last set of questions has to do with the punishment that
3 was meted out to MLC soldiers who had committed acts of abuse and violence. You
4 mentioned one case. You mentioned a customs officer and his wife, who identified a
5 number of perpetrators of abuse and violence, and you said that those people were tied
6 up and so on and so forth. Now, you've already answered this question, but this is an
7 important question and I'm going to put it to you once again. Now, after that, did the
8 acts of abuse and violence stop?

9 A. In the area, in that area where -- well, people who were there, the MLC soldiers who
10 were present when these two were punished, I believe they would have been afraid.
11 They would have been afraid and the violence would have lessened, but as for the rest I
12 really couldn't tell you because it didn't last all that long. A few days later I -- a few days
13 later I left. That was the period of time just before my departure and I was present. I
14 was present when they were punished. I believe that the customs officer in question is
15 still alive, as is his wife, and they attended or they were present when this punishment
16 was administered.

17 Q. Thank you. Now, this is my last question. Other than that the perpetrators of
18 these crimes being whipped, from a legal point of view did you learn -- when you were
19 there, or after you had come back from Cameroon, did you hear anything about the
20 perpetrators of acts of violence and of violence being brought before the Courts; for
21 example in Gbadolite?

22 A. Yes, thank you, Counsel. I did hear that those who made mistakes -- well, not the
23 soldiers, but some commanders, some leaders of the MLC, were brought before the courts
24 and I believe they were tried, put on trial there - I can tell you that - and convicted.

25 Q. I'd also like to know whether you learned that before you left for Cameroon, or after

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1 when you came back?

2 A. Well, I learned of that from a few officers who had remained behind. They said
3 that some commanders were taken to the Congo, and also I heard indirectly that some
4 soldiers who were responsible for these acts of violence and abuse had been brought to
5 justice in the Congo, in Gbadolite, in the DRC, and they had to answer for their actions
6 before the courts.

7 MR ZARAMBAUD: (Interpretation) Thank you, Witness. As I just said, this was my
8 last question and I thank you very much for answering my questions.

9 Your Honours, I have concluded and once again I thank you.

10 PRESIDING JUDGE STEINER: Thank you very much, Maître Zarambaud.

11 Mr Witness, now Maître Douzima-Lawson will put some questions to you.

12 Maître Douzima, you have the floor.

13 MS DOUZIMA-LAWSON: (Interpretation) Thank you, your Honour.

14 QUESTIONED BY MS DOUZIMA-LAWSON: (Interpretation)

15 Q. Good afternoon, Witness.

16 A. Good afternoon.

17 Q. Witness, I'd like to introduce myself once again. My name is Marie-Edith

18 Douzima-Lawson, I am a lawyer from the Central African Republic and here I am

19 representing a number of victims in the case against Jean-Pierre Bemba.

20 Given that you were present when the MLC troops entered Bangui at that particular time

21 and you yourself saw some of the things that they did, I have asked for leave to put a

22 number of questions to you.

23 I have a few questions about the statements that you made to the investigators from the

24 OTP in 2008, and then after that I will be asking you a few questions that follow up on

25 those initial ones, namely some questions in light of the replies that you gave to the

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1 Prosecutor during today's hearing, just so that I can get further information from you.

2 Witness, first of all, I'll give the reference number for parties and participants:

3 CAR-OTP-0007-0280, page 192. You stated, speaking of the MLC troops deployed in

4 Bangui, that on 27 October already there were many people and you thought that there

5 were at least 500 of them, and then you said that they came in a number of waves; waves

6 of 50 or 100 people. My question is this number of 500 that you mentioned, was that the

7 total number of MLC troops?

8 A. Thank you, Counsel. It was just an estimate. As I said initially, the barge -- I think

9 you've seen the barge as well. It's not a very large vessel, so what I gave you was just an

10 estimate. Indeed they did come in waves, perhaps 30 or 50 of them. 30/50, I believe that

11 was the capacity of that particular barge, but I'm really not in a position to give you the

12 exact number of MLC troops that crossed. Perhaps the colonel who commanded Ifibi

13 (phon) at the time, because there were some Central African Republic people who were

14 present alongside the river, they might be in a position to tell you approximately how

15 many troops came, but I couldn't really -- it was -- it was only an estimate, but I couldn't

16 give you an exact number of troops.

17 THE INTERPRETER: Interpreter correction: The previous page reference was 192.

18 MS DOUZIMA-LAWSON: (Interpretation)

19 Q. Now, Witness, my role is not to -- well, I'm supposed to be aware of everything that

20 occurred at that time. Now, this number of 500, this approximate figure, was this

21 already higher than the number of FACA troops?

22 A. Yes, Counsel, I said so. I've said so right from the beginning. Our soldiers didn't

23 want to fight. They didn't want to fight at all. People were fleeing. They were going

24 back home. That was not their concern, Counsel, and in all sincerity people were leaving

25 and people were running away. So the people who could be mobilised, they were the

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1 people in Kassaïe that I commanded. I spent all my time - my commanding time - there.
2 That's what happened, trying to maintain, but the number of troops who arrived, yes, it
3 was much greater than the number of FACA fighters.

4 Q. Thank you, Witness. Once again, on the same page, you stated that it was
5 practically the MLC troops that were at the front and that you were in second position,
6 and you've just answered the question from Mr Zarambaud because -- well, you said that
7 you were in the second position. You were coming up behind. I would like to ask you
8 this: Were you in second position bringing up the rear just until PK6, or was that during
9 the progression of the MLC troops?

10 A. Up until PK12, we were not really bringing up the rear. There was one
11 platoon - and I said this on Friday - I was practically with them and they moved forward
12 together to PK13, PK12, and then after, General Bozizé's men left and the ones who
13 stayed -- the MLC stayed at PK13 and the soldiers, as I told you the co-operation, they
14 were taken to the military base that was at PK11. So they were the ones who occupied all
15 of PK12, all the way to PK13, and so that was the position of the Central African Republic
16 troops who were operating along with the support battalion from PK12 to PK13.
17 Now, you were asking about after, whether they were in a particular position. I
18 believe -- well, I wasn't there at the time. I think that gradually as they were repelled, as
19 the other ones moved ahead, you can't leave a vacuum behind. You also have to occupy
20 the territory behind you, and I believe the FACA troops were working with the MLC
21 troops and I think they were operating in that particular manner.

22 Q. Thank you, Witness. In any event, I'm not asking you to say things that you don't
23 know about. I'm asking you to tell us about things that you saw.

24 I would now like to move on to the next matter: CAR-OTP-0007-0404, at page 0325.

25 You mentioned the incidents that occurred at PK12 with the MLC soldiers, and you said

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1 that when an incident occurred - and this had to do with two of your soldiers who were
2 stopped - your direct superiors called you and told you to leave from PK -- leave PK12.
3 You said that your role was to inform your chiefs, telling them that such-and-such a thing
4 was going on, and in response to a question from the Prosecutor you mentioned the
5 reaction, or rather the non-reaction, of your leaders. Did you make any suggestions to
6 them to prevent such incidents?

7 A. Thank you, Counsel. Yes, indeed. When I received the telephone calls from my
8 superiors, asking me to go to PK13 in order to solve this incident, my superiors I believe
9 felt that something was amiss. They felt that there was a certain amount of discontent
10 reigning. They could see that the FACA were becoming increasingly discontented at
11 PK13, because two of them had been arrested.

12 If they asked me to leave, well, it was because maybe I was going to be understood by
13 these soldiers, because we did spend quite a lot of time together with those soldiers. I
14 was commanding most of them and we know each other and we have known each other
15 from a young age.

16 So when I -- well, my superiors asked me to go and talk to them, maybe it was because
17 with a view to calming them down to avoid tension. So it was in this regard, with the
18 MLC soldiers that had come to see us and help us. My superiors were only too conscious
19 of the fact. I told them that we needed to talk to them, but talk to whom? Who was
20 going to interpret our concerns to the MLC? There had to be somebody, but who was
21 that individual? I can only come into play when trying to calm the situation down, but it
22 wasn't me, Counsel.

23 Q. Now, Witness, I'm talking now about your statement from this morning. On page
24 35, this is of the real-time transcript, lines 21 to 22, you stated, "I know that it was on
25 22 October that General Bozizé's troops attacked and that it was two days later, on the

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1 23rd or the 24th, that the militia arrived." You provided this response to a question put
2 to you by Madam Prosecutor as to the difference between the dates that you provided in
3 your statement to the investigator from the Prosecution. And the -- in order to be sure
4 here, and if you know please tell us, do you recall the day? The precise day?

5 A. Once again I shall repeat myself, Counsel. I do believe that it was 22 October that
6 General Bozizé's troops, or soldiers, attacked. The MLC were not there at the time. It
7 was on 22 October, and I said that between the 23rd and the 24th the first MLC soldiers
8 started to arrive.

9 Q. Mr Witness, this is not my question. My question was to ascertain whether you
10 could remember the day itself. Was it a Monday, a Wednesday, a Saturday? If you
11 don't recall, it's not an issue.

12 A. I do not remember, but I do know that it was not a Saturday and I also know that it
13 was not a Sunday. It -- it might have been a Saturday during the day, before the
14 youngsters left, but had it been a Sunday, you know, they would already have been on
15 leave and nobody would have been there. Our soldiers would have been absent. So I
16 can't tell you precisely.

17 Q. Very well, I'm now moving on to page 45, line 25. When talking of the militia of
18 Abdoulaye Miskine, you stated that they killed Central Africans of Chadian origin at the
19 livestock market. Do you know whether, apart from the livestock market, the militia of
20 Abdoulaye Miskine also killed any other Central African civilians of Chadian origin in
21 other locations? I will recall that is page 17, so this was before you stated this, lines 26 to
22 27, you stated that these were not people who were in one place. So the question arises
23 as to whether after they committed the acts at the livestock market, in view of the fact that
24 these are not people who stay in one place, as to whether they committed any such acts
25 elsewhere?

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1 A. Thank you, Counsel. I would not be in a position to tell you anything in this
2 regard. What I do know is that murders were committed by Abdoulaye Miskine's
3 people in this area of PK13. I know this, Counsel, but they might have done likewise
4 elsewhere, but it might have been at the time when I was about to leave. Maybe those
5 who were present after me would know, but there were murders, yes. The Chief of Staff
6 and I, we left. We went through the MLC area. We went past the livestock market and,
7 you know, we could feel it. It was in the air.

8 Q. At page 20 of the hearing today, line 22, you said that the Libyans were shelling.
9 Do you know, are you aware, and please tell us if you do know -- are you aware of any
10 violent acts committed by Libyan troops?

11 A. No, they were based in and around the residence of the former president, Patassé.
12 They were using heavy weaponry and they were shooting at the rebel positions. So, yes,
13 they did shoot at the various neighbourhoods, so certainly whether they wanted it or not
14 there must have been some form of damage, Counsel.

15 Q. Thank you. And on the following page, that is to say page 21, lines 12 to 15, when
16 seeking to ascertain how the MLC troops would contact the operation centre, you
17 answered Madam Prosecutor by saying that they would contact you rarely. That means
18 that they contacted you sometimes. Now, the question is in what circumstances did they
19 contact you?

20 A. Well, contact was established from the outset, more or less, before arriving at PK12.
21 These were the first to arrive. They would talk. René would contact us, because he had
22 to see who was in charge. They would come to Camp Béal and they needed to be put in
23 contact with those in charge. They needed supplies. They needed food. So this is how
24 contact came to be established at the outset.

25 MS DOUZIMA-LAWSON: (Interpretation) I thank you, Mr Witness.

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1 I have no further questions to put to the witness, Madam President. Thank you.

2 PRESIDING JUDGE STEINER: Thank you, Maître Douzima. Mr Witness, now Defence
3 will start questioning you. I suppose it's Maître Liriss, and you feel comfortable if you
4 prefer to put your questions seated? It's up to you, Maître Liriss. You have the floor.

5 MR LIRISS: (Interpretation) I thank you, Madam President.

6 QUESTIONED BY MR LIRISS: (Interpretation)

7 Q. Mr Witness, good afternoon.

8 A. Good afternoon, Counsel.

9 Q. I am lead counsel for Mr Bemba and my name is Liriss Nkwebe. I am of Congolese
10 origin, but not from Équateur. By my side we have our young intern Julien Maton;
11 Maître Kilolo, who is associate counsel; Madam Gibson, who is legal adviser; and
12 Mr Jean-Jacques Kabongo, who is the case manager and who is also of Congolese
13 nationality, but not from Équateur where you come from.

14 I read your statement some three days ago now, I believe, and we were very impressed by
15 the extremely lengthy and illustrious CV provided by the Office of the Prosecutor in your
16 regard. We'd like to congratulate you on this, and the Defence hopes that since that time
17 you have now progressed yet further and that you have reached the rank of colonel.
18 You explained that there were a certain number of troops present during the putsch
19 attempt in the year 2002. Did you hear talk of any groups, or small groups, that belonged
20 to the power in place; that is to say the MLC? Did you hear Sarawi, Balawa, Barawas, I
21 believe?

22 A. I thank you, Counsel, for putting this question to me. Indeed, the forces
23 present -- well, there were of course MLC soldiers, there were the Libyans and I also
24 mentioned Miskine's soldiers, and we heard people talking about the Balawa militia and
25 the Sarawi, as you said. I did not contact them. I did not see them as such, but

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1 everyone was talking about them, Counsel. Everyone was talking about them and I
2 believe that, unless I am mistaken, these militia were a sort of security element and as
3 soon as there were events I do not know quite under whose order they were, but they did
4 exist indeed.

5 MR LIRISS: (Interpretation) Madam, there was a mistake in the -- the English
6 translation talks about the MLC. I was talking about the MLPC, du Mouvement de
7 Libération du Peuple Centrafricain. So a correction to the English transcript, please.
8 MLPC.

9 Q. Were -- these groups of minor militia, were they armed?

10 A. I do believe that they were armed, yes, because from the outset this militia was not
11 visible and I cannot talk about what I have not seen. It was afterwards, once I had left,
12 that we learned that they existed. Now, as to whose orders they fell under, I have no
13 idea.

14 PRESIDING JUDGE STEINER: Maître Liriss --

15 MR LIRISS: (No interpretation).

16 PRESIDING JUDGE STEINER: -- just for the sake of the record, this correction that you
17 made is in the English version on page 77, line 15, if I'm not wrong. You can proceed.

18 MR LIRISS: (Interpretation)

19 Q. In order to counter the brisk, unplanned attack, you set up a command post at the
20 centre of operations, or at the co-ordination centre, and you requested that there be two
21 soldiers from the MLC allocated to you -- I am sorry, one soldier, by the name of Jonas; is
22 that correct?

23 A. Yes, indeed, Counsel.

24 Q. And in your statement to the investigators -- during your testimony you were not
25 able to ascertain how much time remained. However, to the investigators you stated

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1 that Jonas remained with you for ten days. Do you recall that? I shall give you the
2 references. I shall give the references to the Chamber. In English it is
3 CAR-OTP-0055-0703.

4 A. Thank you, Counsel. I believe that, as I have stated since the outset, I did not have
5 any notion of dates. I know that at the beginning Jonas was with us, Counsel, but
6 subsequently he left. Put yourself in my place. You know, if I talked about ten days,
7 well, it's -- it wasn't a detail for me to know precisely how much time. He was there at
8 the beginning and from time to time he would go to the riverbank and he'd come back
9 again, but then we lost touch with him. We had no more news from him. So he was
10 either at the riverbank, or on the other side because he was somebody who lived in
11 Zongo.

12 Q. Thank you, Mr Witness. Now, if we are using this period of ten days as a reference
13 without this being terribly important, do you believe that it might have been more than
14 ten days, or maybe less?

15 A. Are you talking about the presence of Jonas at the centre?

16 Q. Indeed.

17 A. I believe ten days, yes.

18 Q. Thank you. Who did you report to with regard to the activity reports that you
19 gave to the centre?

20 A. As I said, this was a tool for my direct superior at the time, who was General Mazi.
21 Generally speaking, it was General Betibangi, but since he was at Libreville for a meeting
22 of the General Staff, the -- it was his deputy who was present and it was to him that I
23 reported on a daily basis. He would come and see us at any time, Counsel.

24 Q. I thank you, Mr Witness. Now, I believe that you've answered the next question,
25 i.e. that you reported back on a daily basis, so I shall move on to the next question. The

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- 1 role of the command post was - and I am using your words here - to co-ordinate the
2 actions of the various units out in the field, but it did not take any of the final decisions.
3 So co-ordinated the action of the various units in the field; is that correct?
- 4 A. "Co-ordinate" is not the right term, as such. It was the co-ordinated operations, and
5 from a military standpoint this is the place where manoeuvres are organised, are
6 suggested. So suggestions for manoeuvres are put across, we receive all this information
7 and then we come up with proposals. So we are not talking about co-ordination, as such.
8 If I use that word, it is with a view to -- you know, if somebody leaves this area and goes
9 to another, we warn the people in the other area that there is a figure of authority coming
10 to their area from another. That's what I meant by co-ordination, Counsel.
- 11 Q. You and I -- you nor I, in fact, are respecting the five-second rule now, are we? I
12 have understood you correctly. So, Colonel, after the centre of operations studied and
13 ascertained any of the possible strategies and had then put forward concrete proposals,
14 who was it who took the final operational decisions in the matter with regard both to the
15 objectives and the military strategy?
- 16 A. Do you mean at the time, or generally speaking?
- 17 Q. All the questions I am putting to you only have a bearing to the month that you
18 lived through there. I'm not talking about what happens there now. I'm not talking
19 about what happened before or after you were there. Would you like me to repeat the
20 question for you?
- 21 A. No, it's clear, Counsel. I can answer. I said that the operations centre is under the
22 command of the Chief of Staff of the army, and at the time the Minister of Defence was
23 also at Camp Béal. He would also come to the centre of operations. There was just one
24 manoeuvre, that is to drive out the troops, and this lasted for four hours in order to drive
25 them beyond PK13.

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1 Q. I am talking specifically about this manoeuvre. Who was it who took the final
2 decision in this regard, please?

3 A. It was the Chief of General Staff.

4 Q. Colonel, I shall ask the court officer to hand over a paper for us to be able to compile
5 a sketch and assist the Chamber in better understanding the situation. Are you in
6 agreement with this?

7 A. Yes, I am.

8 Q. Now, let us try to do the following: Could you please insert small boxes at the
9 bottom of the page which would designate the friendly forces: The FACA, the MLC, or
10 any other friendly forces that might have existed?

11 PRESIDING JUDGE STEINER: Maître Liriss, I am sorry. You gave to the witness a
12 piece of paper in blank and you will ask the witness to take some notes, or to write
13 something; is that correct?

14 MR LIRISS: (Interpretation) Yes, indeed, madam. That is accurate, that is right, and
15 then we shall move forward and see whether what I am suggesting is correct or not, but I
16 can only start with the forces present out in the field.

17 PRESIDING JUDGE STEINER: I would then suggest to the Registry that he writes on the
18 screen, because then we can see what is being written on this piece of paper. Otherwise,
19 it will be a dialogue only between you and the witness.

20 MR LIRISS: (Interpretation) Yes, you are completely right, Madam President. Maybe I
21 do not know how it all works, but that is the way forward.

22 THE COURT OFFICER: Madam President, we can use the SMARTBoard in order for the
23 witness to draw and make any thing that he can and it will be shown in the screens so
24 everybody can see, and if it's a public document then it will also be broadcasted to the
25 public.

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1 PRESIDING JUDGE STEINER: That's the idea.

2 MR LIRISS: (Interpretation)

3 Q. Do you not believe that we might need also to -- then we'll know who is in control of
4 whom subsequently. The Barril forces, maybe the Presidential Guard as well. Be
5 reassured, we know that you were not in control of the Presidential Guard, or the Barril
6 forces, or any other.

7 A. Thank you, Counsel. I mentioned that there were forces present that I did
8 command, because counsel was talking about Barril's troops that I wasn't in control of, but
9 there were troops. The FACA notably, I was part of the FACA, and there was the MLC
10 who came to help us. There was the security - the presidential security unit - which was
11 not under my orders however, there was also the CEN-SAD that was not under my orders
12 and I spoke to you of the Abdoulaye Miskine's troops whom I put down here to the left.
13 Abdoulaye Miskine. So these were the forces present out in the field.

14 Q. I thank you, Colonel. Would it be possible for you to come back to the centre of the
15 page in order to draw a circle -- no, a rectangle maybe, or a triangle, representing the PCO?
16 Thank you. Could you also -- to the right of the PCO, in brackets like this, could you list
17 the various troops comprising this unit?

18 A. Which ones do you mean?

19 Q. The various committee cells.

20 A. I don't write very well, but there was one cell, the operation cell; the intelligence unit;
21 another cell, the communications unit; another one called logistics; and another one called
22 future manoeuvres.

23 Q. How could you depict this so that we can understand that they are all a part of the
24 PCO? Perhaps I could suggest you make -- you write a -- write in a bracket. Don't be
25 insulted.

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- 1 THE INTERPRETER: Overlap, points out the interpreter.
- 2 THE WITNESS: (Interpretation) All these cells belong to the operations command post.
- 3 They are all under the orders of commanding officers. They all belong to the PCO.
- 4 PRESIDING JUDGE STEINER: Maître Liriss --
- 5 MR LIRISS: (No interpretation).
- 6 PRESIDING JUDGE STEINER: -- I'm sorry, but it's completely impossible for the
- 7 interpreters to do their job when there are two people speaking at the same time. So I
- 8 remind Defence counsel, and the witness, to wait five seconds before starting giving your
- 9 answer, or putting another question, and please don't speak at the same time.
- 10 Thank you, Maître Liriss.
- 11 MR LIRISS: (Interpretation) Yes, I will do that, but I am sure you will have to remind me
- 12 again.
- 13 Q. Colonel, I was suggesting an idea doing something like this. What do you think of
- 14 that?
- 15 A. Should I erase it and put it at the bottom?
- 16 Q. No, no, that's fine. Just put --
- 17 THE INTERPRETER: And Maître Liriss makes a gesture.
- 18 MR LIRISS: (Interpretation)
- 19 Q. In maths it's the symbol for "contains," or "includes". What is above the PCO, the
- 20 operations command post?
- 21 A. The Chief of General Staff.
- 22 Q. Could you draw a rectangle above there and put "Chief of General Staff" in it? Fine.
- 23 I don't know whether you have a different felt pen, or whether we should continue with
- 24 the same one? On the basis of the explanations you provided us earlier about the
- 25 relationships between the General Staff, the co-ordination centre and its role, as well as

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1 the forces on the ground that were being used for that particular operation where you
2 were present, could you please draw an arrow that goes from the PCO to the Chief of
3 General Staff, indicating that there was a transfer of reports? So an arrow that goes
4 upwards towards -- well, indicating that the reports were submitted by the PCO to the
5 Chief of General Staff; is that accurate?

6 A. Yes.

7 Q. Could you perhaps draw a rather larger red arrow than the one you have just drawn?
8 Thank you very much. After examining the report, the Chief of General Staff gave
9 instructions, gave instructions to launch an attack to the troops going via the PCO; is that
10 right? The instructions were handed to the PCO?

11 A. I must elucidate something. Something must be cleared up immediately so that
12 everybody understands how the PCO was operating. I said to you that right from the
13 start General Bombayake told me that the Chief of General Staff had left to take refuge at
14 the Chinese Embassy. That must be considered. We have to keep that in mind. The
15 Chief of General Staff, when he came back, well, things didn't function the same. The
16 Chief of General Staff, he was just a puppet. What sort of orders could he have given in
17 view of the fact - and I say this once again, in view of the fact - that I was asked to bring
18 him back? How could he possibly give orders in his capacity? He couldn't have done
19 that. I can't enter into the details, but there was this overall deleterious climate. He
20 himself at one point was accused. He no longer had any -- his morale was no good, but
21 because he was the Chief of General Staff we had to keep him there.

22 Secondly, you talked about a manoeuvre, a manoeuvre where the chief, or the general, or
23 myself decide to launch the first attack so as to get rid of Bozizé's troops. There were of
24 course MLC troops there too who had the means, the wherewithal. They were the ones
25 who had the wherewithal. Now, of course, orders can come from elsewhere, but that

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1 general with the few resources could not act in that capacity.

2 Q. I don't think we've understood each other properly. There must be a
3 misunderstanding. I'm talking on the basis of the statements you made and I more or
4 less read out their content to you. You did indeed mention that the role of the operations
5 command post, sort of planning and proposal -- source of planning and proposal, and it
6 was according to its suggestions and according to its planning that -- well, which you
7 illustrated using that red arrow. That was what was said to the CENA, which is the
8 French acronym for Chief of General Staff. That was the principle that you outlined for
9 us.

10 And then I asked you another question: Who took the final decision? Who was the one
11 to take the final decision? If you think that this is too general, in fact you specify that
12 there was only a single operation and the final decision about that, the final decision, you
13 asked me whether it was -- the attack was against Bozizé, or not, and I said, "Yes,
14 Bozizé's -- the attack against Bozizé's rebels." If I'm going too fast or if my question isn't
15 clear please do interrupt me, but in any case, once the operations command post had
16 reported in the way reflected in the red arrow, what did the Chief of General Staff do?

17 A. The decision relating to launching the attack I said did not come from the general.
18 The decision -- let me repeat this. The decision to attack did not come from the general.

19 Q. So the Chief of General Staff had to refer to someone else?

20 A. Yes, I believe so. The chief suffered personally. I saw him at the time.

21 Q. Colonel, to whom did the Chief of General Staff report to?

22 A. The Chief of General Staff reported to the Deputy Minister for Defence.

23 Q. Could we reflect this on the drawing somewhere?

24 A. I put "Min Def." Ministry for Defence.

25 Q. And the latter party, who did he report to?

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1 A. He reported to the president of the republic.

2 Q. Thank you. So, in the particular case we are examining, who took the decision to
3 launch the attack? Who gave the green light?

4 A. I cannot tell you. Look at this drawing, I didn't receive orders directly from the
5 president. I didn't even receive orders directly from the Minister for Defence, so it was a
6 hierarchy. And in addition to that, you should be aware that the unit at the bottom, you
7 talked to me about the forces on the ground, the presidential security unit, one was at the
8 operations centre, and the USP was -- depended on the Presidency.

9 Q. So you depended on the CENA, CENA depended on the Ministry for Defence, who
10 himself depended on the Presidency. My question is: Who did you receive orders from?
11 Whoever it may be, who gave you that order?

12 A. We got the order from the General Chief of the General Staff.

13 Q. Could we also have a different coloured arrow coming from the Chief of General
14 Staff down to the operations command post.

15 A. I've written it in black.

16 Q. And then the order is sent on down to the level of the troops?

17 A. Yes.

18 Q. Could you, once again in black, draw in an arrow reflecting that process?

19 A. That's all.

20 Q. I am talking about the joint attack, the joint operation which was the only operation;
21 isn't that right?

22 A. Yes.

23 Q. Who gave the order to the MLC?

24 A. Thank you.

25 Q. Another question, the name of the Minister for Defence, please?

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1 A. General Yangongo.

2 Q. Thank you, colonel.

3 MR LIRISS: (Interpretation) Your Honour, could we allocate a number?

4 PRESIDING JUDGE STEINER: ERN number, in order for the sketch to be up-loaded.

5 THE COURT OFFICER: Yes, Madam President. The sketch, as drawn by the witness
6 today in Court, will receive the following reference: It's an ERN reference and it would
7 be CAR-ICC-0001-000, sorry 0075, and it will be a public document. Thank you.

8 MR LIRISS: (Interpretation)

9 Q. Witness, at page 456 and 457 in French, in the French version of your statement, in
10 English 0055-0712, and 0713 in the English version, you stated as follows: "General
11 Bombayake, who was spoken of earlier on, was in contact with the MLC and reported
12 directly to the president of the republic." Is that correct?

13 A. In my statement, yes, if it's in my statement, it's correct.

14 Q. I'm not asking you whether your statement is correct; I'm asking you whether that is
15 what you said?

16 A. Please ask the question again? As I already said that this statement was one I made
17 in 2008, and I looked at it for the last time on Friday, so I can't remember. Perhaps you
18 should ask the question again.

19 Q. Do you need to have the wording before your eyes? This was the question you
20 were asked: "Do you know what the duties and responsibilities of Mr Bombayake
21 were?" You answered saying: "I knew that he was the head of security, and that he had
22 an ongoing relationship with the Libyans in charge of security for the president at his
23 residence, and that he was also in contact with the people of -- that belonged to the MLC."

24 A. That was inevitable, Counsel. If I said so that was true and I'm not going to deviate
25 from what I stated. It's a certain thing. When people came, he must have been aware

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1 because he was very close to the president, and so I said that, and so it is.

2 Q. You were also asked who he reported to, and you answered, "Directly to the
3 president the republic." Is that correct?

4 A. Yes, indeed, it is.

5 Q. Did this also apply to Barril and Miskine? Were they in contact with the
6 presidency and did they report directly to the presidency?

7 A. Yes. As I said, Barril, I heard about Barril, and I was asked a question about him
8 and I answered the judge who was there to -- for the interview, and I said that I had
9 learned about the presence of a certain Barril at the presidency, so if he was at the
10 presidency, then the general might know about that. I also mentioned Abdoulaye
11 Miskine, who was not a soldier, and didn't even come to the operations centre, and he was
12 perhaps placed in certain locations but, as far as we knew, these forces that you
13 mentioned, we had no contact with them.

14 Q. Another series of questions now on a quite different subject. You explained to us
15 that there was a case of people being caught red-handed, that is, theft by soldiers
16 that -- the victim of which was the wife of a custom's officer. These people were
17 identified and according to you the reaction was very vigorous. You confirm that, don't
18 you?

19 A. In my presence, yes, indeed, I was in a position to appreciate the way in which the
20 chief, Chief Mustapha, responded to -- in order to vigorously punish the two perpetrators.
21 I was there.

22 Q. What I would like to know is what explanation do you give for the word "being
23 caught red-handed," in flagrante? So when the theft was in flagrante they, the MLC
24 authorities, reacted vigorously. Do you conceive this in the same way as we do in law?
25 What do you mean by being caught red-handed? Do you mean that the person was

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1 identified or something else?

2 A. Thank you. Well, I am not a legal specialist and perhaps I've misused this word. I
3 apologise for that if that's the case but what I'm talking about is this: The victim herself
4 recognised the people who stole from her. So when we came along she explained to, us
5 and then Mustapha brought, brought the perpetrators before us and that's where they
6 were punished.

7 Q. So, in that particular case, the perpetrator had been clearly identified; is that right?

8 A. Yes, indeed. The perpetrator was identified.

9 Q. The goods that were robbed, were they returned? Recovered and returned? I'm
10 talking about the telephone.

11 A. Yes. The goods were recovered and returned before our very eyes.

12 Q. Do you know whether that was the only case of a complaint being made? I don't
13 have your stamina as a military man. I can see it's now 4 p.m. and we are expected to
14 stop now and because of the Regulations are as they are. Thank you very much.

15 A. Thank you, Counsel.

16 PRESIDING JUDGE STEINER: Thank you very much, Maître Liriss.

17 Mr Witness, it's enough for today. You deserve to take some rest. We will adjourn and
18 resume tomorrow morning, and I inform the parties and participants that there will be a
19 slight change in tomorrow's schedule. We will resume at 10 o'clock, instead of 9.30. We
20 will sit from 10 until 12, and in the afternoon, from 2 to 4. Mr Witness, thank you very
21 much.

22 MR LIRISS: (Interpretation) Before ending, I'm sorry, but I just realised that the sketch
23 hasn't been signed. We forgot that. And since we want to put this -- have this as part of
24 the evidence I think it's necessary.

25 PRESIDING JUDGE STEINER: Is it possible for the court officer to take the sketch for

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1 the witness to sign it?

2 THE COURT OFFICER: Yes, Madam President. The sketch has been saved in the
3 eCourt portal. I can just show it to the witness again and the witness can sign the
4 document and it will be saved again with another ERN reference, unless you want that
5 the last document to replace the previous one?

6 PRESIDING JUDGE STEINER: I think it's better if we show the document now, ask the
7 witness to sign it and it will save, be saved with a different ERN number.

8 THE COURT OFFICER: Yes, Madam President. The sketch is available on the screen
9 right now. This document would be then saved in the eCourt portal with a different
10 ERN number which would be CAR-ICC-0001-0076 and it will be a public document.

11 PRESIDING JUDGE STEINER: Thank you, court officer. I thank very much the
12 Prosecution team, legal representatives of victims, the Defence team, Mr Jean-Pierre
13 Bemba Gombo. I thank very much our interpreters, court reporters. I will ask, please,
14 court usher to take the witness outside the courtroom. In the meantime we will adjourn
15 and resume tomorrow morning at 10 sharp.

16 (The witness stands down)

17 THE COURT OFFICER: All rise.

18 (The hearing ends in open session at 4.02 p.m.)

19 CORRECTIONS REPORT:

20 The Court Interpretation and Translation Section has made the following corrections
21 in the transcript:

22 *Page 26 lines 13 to 18

23 "I stand by what I said. When the attack occurred, the MLC people were not there.

24 And let me repeat: It wasn't thought -- myself personally I didn't think that the MLC
25 were going to arrive. We were alone. We were alone facing Bozizé's men. It was

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1 after - after -that General Yangongo called me to say to me that the MLC people would
2 come. So they arrived two or three days later. I don't have the date in mind, but it
3 was -- that was -- that is basically the chronology of the events."

4 Is corrected by "No, I stand by what I said. Because when the attack occurred, the MLC
5 people were not there. And let me repeat: people didn't think... myself personally I didn't
6 think that the MLC were going to arrive. We were alone. We were alone facing Bozizé's
7 men. It was after - after - that General Yangongo called me to say to me that the MLC
8 soldiers would come to help us. So they arrived. I don't have the date in mind, but that is
9 basically the chronology of the events.

10 *Page 23 lines 16 to 17

11 "Well, you have to be there to see this, but he, Mustapha was like that. He treated
12 you like dirt. He always needed an interpreter." Is corrected by "He remained true
13 to form. Mustapha was a gentleman who... As I said, he always... He spoke French,
14 but he needed an interpreter.

15 *Page 46 lines 8 to 10

16 "There were a whole series of -- a whole succession of events from 1996 onwards to
17 2002. Up to 2002 there were three mutinies in the army, 20 or several attempted
18 coups, and then the army was in a terrible state..." Is corrected by "There were a
19 whole series of -- a whole succession of events from 1996 onwards to 2002, up to 2002
20 there were three mutinies in the army. There was an attempted coup d'Etat on the 28th
21 of May, and then the army was in a terrible state..."

22 RECLASSIFICATION REPORT

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

24 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public