

1 International Criminal Court

2 Trial Chamber III - Courtroom

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 Sylvia Steiner, Judge Joyce Aluoch and

7 Judge Kuniko Ozaki

8 Trial Hearing

9 Friday, 22 November 2013

10 *(The hearing starts in closed session at 9.41 a.m.) Reclassified as Open session

11 THE COURT USHER: The International Criminal Court is now in
12 session. Please be seated.

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

15 THE COURT OFFICER: Thank you, Madam President.

16 Situation in the Central African Republic, in the case of the
17 Prosecutor versus Jean-Pierre Bemba Gombo, ICC-01/05-01/08.

18 PRESIDING JUDGE STEINER: Thank you very much. Good morning. I
19 welcome the Prosecution team, Legal Representatives of Victims, Defence
20 team, Mr Jean-Pierre Bemba Gombo.

21 Good morning to our interpreters, our court reporters. We start
22 today with a delay, and the Chamber apologies for that, due to technical
23 problems with the English transcript.

24 Good morning, Ms Bossette.

25 THE COURT OFFICER (via video-link): (Interpretation) Good

1 morning, Madam President.

2 PRESIDING JUDGE STEINER: And good morning, Mr Witness. How are
3 you today?

4 THE WITNESS: CAR-CHM-PPPP-0001 (On former oath)

5 (The witness appeared via video-link)

6 (The witness speaks French)

7 THE WITNESS: (Interpretation) Good morning, your Honour. I feel
8 fine, except for a few incidents that happened yesterday during the
9 testimony concerning the Defence. Fortunately, your Honour, you have set
10 things back on track and I hope and I believe, Madam President, that
11 today's session, which will be our last session, will unfold in a
12 serene - repeat, serene - atmosphere with strict respect of the rules
13 that apply at your Court.

14 Furthermore, Madam President, that should also be with strict
15 respect for one and the other or for each other, without any pressure and
16 without any intimidation, as was the case yesterday at the beginning of
17 the examination by Defence counsel. I want to thank you,
18 Madam President. I am in good form, perfectly in good form, following
19 four days of testimony and at the beginning of the fifth day of my
20 testimony before your Court. Thank you.

21 PRESIDING JUDGE STEINER: Mr Witness, we will for sure conclude
22 with your testimony, even if we have to sit till a little bit later due
23 to this delay that was unexpected. If we are to conclude with your
24 testimony today, Mr Witness, it's very important that you make an effort
25 to give answers as much objective, direct, and, if I may say, short as
26

1 possible. That helps a lot, if you can -- if you do your best to be
2 objective.

3 Once again, I have to remind you that under a -- an atmosphere of
4 full respect and courtesy, the Defence is entitled to put some questions
5 to you that are not related to the facts but, rather, to test, to
6 challenge, your credibility. This is part -- it's a normal part of a
7 trial. The Presiding Judge will be attentive in order that no borders
8 are crossed between the rights of the Defence to challenge your
9 credibility and the respect and courtesy that you deserve, and let's try
10 to proceed in a way that allow us to conclude today's session as soon as
11 possible in order for you to be able to go back home to your family and
12 to be released from your duties as a witness.

13 Mr Witness, before you start I need to remind you that you are
14 still under oath. Do you understand that, don't you, sir?

15 THE WITNESS: (Interpretation) Yes, Madam President. I am still
16 under oath, as has been the case from the beginning of my testimony.
17 And, Madam President, I'm doing my level best to answer the questions
18 that are being put to me. Let me remind you once again that the events
19 that we are talking about today happened more than ten years ago, more
20 than a decade ago, and that is when those things happened.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 4

1 (Redacted)
2 (Redacted)
3 (Redacted)
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5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)

11 PRESIDING JUDGE STEINER: Witness, whenever you don't know or you
12 don't remember a certain fact, it is sufficient for you to say "I don't
13 know, I don't remember such fact." You are here to tell the Chamber what
14 you know, what you saw, what you are aware of, to the best of your
15 knowledge and belief. If you don't know something, just let us know. I
16 will give then the floor to Mr Haynes in order to allow the Defence to
17 continue with the questioning of the witness.

18 Mr Haynes, you have the floor.

19 MR HAYNES: Thank you very much, your Honour, and a belated good
20 morning. Good morning to everybody else in the courtroom.

21 QUESTIONED BY MR HAYNES: (Continuing)

22 Q. And good morning to you, sir.

23 A. Good morning, Counsel.

24 Q. And can I add my apology that you've had to sit in that room
25 waiting to commence your evidence this morning, but we can start now.

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 5

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 A. (Redacted)

7 Q. (Redacted)

8 A. (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. (Redacted)

12 (Redacted)

13 A. (Redacted)

14 Q. (Redacted)

15 (Redacted)

16 A. (Redacted)

17 Q. (Redacted)

18 (Redacted)

19 (Redacted)

20 A. That is correct.

21 Q. Was there in the Central African Republic, under

22 President Patassé and under President Bozizé, a system for punishing
23 soldiers who committed crime?

24 A. Yes, Counsel. There is the permanent military tribunal which
25 deals with such matters, such as prosecuting or punishing soldiers who
26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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1 have committed various offences or who have been the subject of
2 misconduct in the performance of their duties.

3 Q. Thanks very much. Now, I want again to go back to what you said
4 to the Office of the Prosecutor in 2008, when I imagine events were
5 fresher in your mind.

6 MR HAYNES: And so that we can all see what you said and you can
7 read it, can the court officer and Ms Bossette please display Defence
8 document number 1, that's CAR-OTP-0006-0219, and the last four numbers of
9 the relevant page are 0277.

10 PRESIDING JUDGE STEINER: Mr Haynes, 06 you say? 0006 or 0008?

11 MR HAYNES: It's time I got some new glasses I think,
12 Madam President, you're quite correct.

13 THE COURT OFFICER (via video-link): (Interpretation) Mr Haynes,
14 would you please kindly repeat the page number.

15 MR HAYNES: Do you want all of you it or just the last four
16 numbers? It's 0277.

17 THE COURT OFFICER (via video-link): (Interpretation) Thank you.

18 MR HAYNES: And we need to focus in on the middle of the page.

19 Q. Now --

20 THE COURT OFFICER (via video-link): (Interpretation) The document
21 is being shown to the witness.

22 MR HAYNES: Thank you to the court officer and thank you
23 Ms Bossette.

24 Q. Now just to put this into context, during the process of the
25 interview you were being asked allegations of rape by MLC soldiers
26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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1 against South African -- Central African civilians. And I'm not going to
2 join in the reading this time. I'm going to let your better French
3 accent deal with it. And I wonder if you can commence with:

4 "Vous avez dit que le commandant en chef des troupes MLC était
5 MUSTAPHA."

6 Can you see that, sir?

7 A. Yes.

8 Q. The questions are quite short, so I'll read them.

9 "(Interpretation) You said that the commander-in-chief of the MLC
10 troops was Moustapha?"

11 A. I answer?

12 Q. (Previous translation continues)...

13 A. "Was Moustapha informed?"

14 And I said: "Yes."

15 Q. "Was Moustapha informed of the cases of rape?"

16 A. That I don't know and I'm not in a position to tell you or to say
17 so.

18 Q. "Did the inhabitants complain to the MLC leaders about these
19 cases of rape?"

20 A. "The people should have complained to the government of the
21 Central African Republic and not to the MLC."

22 Q. "Are you therefore saying that there were some complaints that
23 were made?"

24 A. "The people demonstrated, as far as I know."

25 Q. (In English) Okay. That's all I want you to read. Now, when you
26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 8

1 said that the people should have complained to the government, which
2 government were you referring to?

3 A. The Central African government at the time.

4 Q. And why was it that anybody who had a complaint of rape to make
5 against an MLC soldier should have complained to the Central African
6 government?

7 A. Counsel, they are Central Africans. They complain to their
8 government, the Central African troops as I said. They came to support
9 the Central African government. This population complained to the
10 government with regard to the abuses and rapes that had been committed on
11 them during that period.

12 Q. And was it the responsibility of the Central African government
13 to investigate allegations of crime during that period?

14 A. Certainly, because there were associations and victims'
15 associations, rape association, pillaging, and there were abuses which
16 were committed.

17 Q. And it is specifically your view that it was not the
18 responsibility of the MLC to do that?

19 A. The people complained to their government which was in place and
20 who had made the MLC troops come.

21 Q. Thank you very much indeed, sir.

22 MR HAYNES: That document can now be removed from the screen.

23 Q. (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 9

1 A. (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. (Redacted)

5 (Redacted)

6 (Redacted)

7 A. (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. (Redacted)

11 A. (Redacted)

12 Q. Did you see, (Redacted) the

13 arrival of General Bozizé's rebel forces in Bangui in October 2002?

14 A. I can't remember exactly. I know that on that day when the
15 forces had broken through into the northern neighbourhood where there
16 were attacks, as I stated, that was during the day and by surprise.

17 Q. Do you remember where you were at that time?

18 A. It was during the day. (Redacted)

19 (Redacted)

20 Q. Okay. And I know it was a long time ago, but (Redacted)

21 (Redacted)

22 (Redacted)

23 A. (Redacted)

24 (Redacted)

25 Q. Okay. And do you have any recollection of how long the fighting

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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1 went on in Bangui?

2 A. Well, I can't tell you because when there was the attack, there
3 was reaction. USP troops who were more equipped at that time, they went
4 to provide support in order to drive back the attackers; and it was after
5 that on the call of the head of state that the MLC came.

6 Q. Okay. Well, we'll come back to that a little later. I want to
7 ask you now about (Redacted)

8 (Redacted)

9 A. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. (Redacted)

14 A. (Redacted)

15 (Redacted)

16 Q. (Redacted)

17 A. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. (Redacted)

23 (Redacted)

24 A. (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 11

1 (Redacted)
2 (Redacted)
3 (Redacted)
4 Q. (Redacted)
5 (Redacted)
6 (Redacted)
7 A. (Redacted)
8 Q. (Redacted)
9 (Redacted)
10 A. (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 Q. (Redacted)
17 A. (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)
26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 12

1 (Redacted)

2 Q. (Redacted)

3 (Redacted)

4 A. (Redacted)

5 Q. Did you ever go to the CCOP (Redacted)

6 A. CCOP? That was operational, it came under the chief of general
7 staff of the armies and the minister of the national defence. The CCOP
8 was operational.

9 Q. Physically, where was the CCOP?

10 A. Counsel, in Camp Béal there are several buildings, several small
11 buildings. As I stated, and you had the building in which the minister
12 lived, the minister of defence, and his chef de cabinet. And there was
13 another building where you had the deputy minister. Then you -- in
14 another building, you had the chargé de mission at that time. And, in
15 fact, it's still the case today. And then you had, a bit further away,
16 the CCOP; that was, if you like, a secure building. And as I said, it's
17 an operational structure.

18 Q. Do you agree it was about 50 metres away from the minister of
19 defence?

20 A. Yes, about that. The office of the minister of national defence,
21 going on foot.

22 Q. And the CCOP itself was just a single room, wasn't it?

23 A. (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 13

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. When you were being asked questions by the President of the
5 Trial Chamber, (Redacted)

6 (Redacted)

7 PRESIDING JUDGE STEINER: Reference, Mr Haynes, please?

8 MR HAYNES: Can I come back with this in a little while?

9 PRESIDING JUDGE STEINER: Yes.

10 THE WITNESS: (Interpretation) I state once again: The CCOP was
11 an operational office; it came under the chain of command, under the
12 staff of the armies.

13 MR HAYNES:

14 Q. (Redacted)

15 (Redacted)

16 A. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. Well, do you know who Colonel Thierry Lengbe was?

21 A. I knew him. One of the officers of the Central African army.

22 Q. Well, he was the commander of the CCOP until he left Bangui on
23 the 22nd or 25th of November; do you remember that?

24 A. Counsel, there were several officers who would replace each other
25 within the CCOP, and I know that there is an officer who went to the

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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1 CCOP. I can't exactly remember everybody who went through the CCOP, but
2 I do know that the Colonel Lengbe, a commander I think at the time, was
3 somebody who did go through the CCOP.

4 Q. Well, he has given evidence in this trial, and I'm going to tell
5 you something that he said so that you can comment upon it for (Redacted).

6 MR HAYNES: And the reference, for everybody else's benefit, (Redacted)
7 (Redacted)

8 Q. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 A. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 15

1 (Redacted)

2 (Redacted). You said that Colonel Lengbe left in November 2002. No.

3 Colonel Lengbe left after the fall of Bangui, after the 15th of March,

4 2003, if my memory serves me well.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. (Redacted)

13 (Redacted)

14 (Redacted)

15 A. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 16

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 PRESIDING JUDGE STEINER: Mr Haynes, I'm sorry to interrupt.

5 Ms Bossette, can you please put the microphone closer to the
6 witness? Yes, better.

7 MR HAYNES: And during the gap, your Honour, (Redacted)

8 (Redacted)

9 (Redacted)

10 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

11 MR HAYNES:

12 Q. Well, Mr Witness, I accept that answer. But that doesn't
13 explain, does it, (Redacted)

14 (Redacted)

15 A. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. (Redacted)

22 (Redacted)

23 (Redacted)

24 PRESIDING JUDGE STEINER: Yes, Maître Badibanga. I think there
25 is a confusion here. Please.

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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1 MR BADIBANGA: (Interpretation) Yes, indeed, Madam President. As
2 you have underscored, there is some misunderstanding or some confusion.
3 The witness's answer is quite clear. I think he has been asked to talk
4 about what was happening in Colonel Lengbe's mind or his head. It's
5 quite difficult to ask the witness to do that.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 PRESIDING JUDGE STEINER: (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 So after that, I do not understand your next question, Mr Haynes.

16 MR HAYNES: Well, I'll -- I'll put it a different way.

17 Q. (Redacted)

18 (Redacted)

19 (Redacted)

20 A. Counsel, let me repeat myself. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted) That's the first point. Secondly, if as you say

25 Colonel Lengbe left the country, well, as far as I remember, if I am not

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 18

1 mistaken, it was not in November when the regime fell, on the 15th of
2 March, 2003.

3 In any event, Counsel, after the fall of the regime in 2003, it
4 was necessary to reorganise the army. The officers who had left the
5 country returned -- or who had left returned; they did not remain abroad
6 or outside indefinitely. The regime fell in March 2003. And you may
7 want to recall, as I already reminded you, that it was necessary to
8 reabsorb or reintegrate all the troops of the USP who had been under
9 President Patassé and who had all disappeared. It became necessary to
10 bring them back and reintegrate them into the various corps of the
11 Central African Armed Forces.

12 You may also want to recall that those who were involved in
13 Kolingba's coup d'état who had gone into exile had been brought back in
14 April and reintegrated into the Central African forces. I know, for
15 example, that Colonel Lengbe had left, but it would appear to me that he
16 left only a few days before the regime fell and not in November, as you
17 say, Counsel. But he came back -- he came back to the Central African
18 army in much the same way as I have stated about the others previously.

19 Q. (Redacted)

20 A. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. But you were reading a document with Mr Badibanga the other day

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 19

1 (Redacted)

2 (Redacted)

3 PRESIDING JUDGE STEINER: Mr Haynes, which document you're
4 talking about, please? I like following the questions and answers, and I
5 need to know which document you are referring to.

6 MR HAYNES: It's the fairly well-litigated May the 4th report,
7 which is on the Prosecution's list of documents.

8 PRESIDING JUDGE STEINER: It's document 45, I presume, on the
9 Prosecution's list; is that it?

10 MR HAYNES: Yes. I think we all got there at about the same
11 time.

12 Q. So can you comment on that, Mr Witness?

13 PRESIDING JUDGE STEINER: Can you first explain to the witness
14 which document is that, Mr Haynes.

15 MR HAYNES: Yes.

16 Q. Do you remember, Mr Witness, you were looking at a document the
17 other day with Mr Badibanga signed by Mustapha, dated the 4th of May,
18 which set out a report of the MLC mission to the
19 Central African Republic; do you remember that?

20 A. Yes, Counsel. I expressed my opinion on that document which I
21 must say mixed up a number of issues, which was inconsistent, and which
22 did not reflect reality to the extent that some of the links or key
23 points in that document, parts of which I flipped through quickly -- (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 20

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted) And once again, this document mixes up a

18 number of issues and contains a number of falsehoods, (Redacted)

19 (Redacted), Counsel. Thank you.

20 Q. Well, I've got one more question about what Mr Lengbe told us,

21 and that's this: The CCOP was effectively an organ to enable the chief

22 of staff to make decisions, wasn't it?

23 A. This is what I have already said. The CCOP is an organ of the

24 operational command chain, as reflected by its name C for Centre, C for

25 Command, O for Operational, so CCOP, Centre for Operational Command.

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 21

1 Q. (Redacted)

2 (Redacted)

3 (Redacted)

4 A. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 A. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. Well, I think the Chamber would like to have clarified what

12 Colonel Thierry Lengbe has told them. So see if you can answer this

13 straight-forwardly. (Redacted)

14 (Redacted)

15 A. Counsel, once again, let me clarify matters. When you talk about

16 Colonel Lengbe, at that time he wasn't a colonel; he was a major during

17 the events. It is when he came to testify here that his rank had gone up

18 and that he had become colonel or lieutenant-colonel or colonel, as you

19 say. So at the time, he was not a colonel, he was a major. And I need

20 to clarify this point with you.

21 (Redacted)

22 (Redacted)

23 (Redacted) So,

24 Counsel, once again, what I'm saying is that the CCOP, the command

25 centre, the operational command centre was in place. (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 23

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. (Redacted)

10 (Redacted)

11 A. (Redacted). However, the CCOP was - and

12 I repeat -- in fact, it was an organ of the operational command chain.

13 And by the way, it was prohibited for any officer who did not belong to

14 the operational command chain to go to the CCOP, because it is at the

15 CCOP that operational decisions were taken. Not all soldiers went to the

16 CCOP. Most of those who were not of the operational chain of command or

17 who were not of the general staff. That is the clarification I can

18 provide. Not everyone had access to the CCOP. It was a secure

19 environment.

20 You see, a command centre is not a place to which all and sundry

21 may have access. The information may be disclosed. It is a secure and

22 safe environment, and all those who were not involved in its activities

23 did not have access to it. So, Counsel, that is an additional

24 clarification which I needed to make on this matter.

25 Q. (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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1 (Redacted)

2 (Redacted)

3 A. (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 A. He continued to be in charge of the CCOP up until the time that
13 Bangui fell for all practical reasons. I repeat, he continued to be the
14 commander of the CCOP until Bangui fell. And as I have stated already,
15 many officers who feared for their safety sought refuge there, and at
16 that time he continued to be chief of the centre.

17 Q. That's your evidence, is it, Colonel Thierry Lengbe was commander
18 of the CCOP until March of 2003?

19 A. (Redacted)

20 (Redacted)

21 (Redacted) and he was there until Bangui fell or shortly there before when
22 he sought refuge.

23 Q. (Redacted)

24 (Redacted)

25 A. (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 25

1 (Redacted). I know colonel -- well, he was Major Lengbe at the time and

2 he's now colonel. (Redacted) who was

3 very competent, very courageous. (Redacted)

4 (Redacted)

5 (Redacted) And

6 several officers, like Lengbe, had gone through, and I (Redacted)

7 (Redacted)

8 (Redacted) Several officers went through that.

9 So it was not only Colonel Lengbe, Counsel -- well, maybe you called him,

10 but there were several other officers who went through the CCOP. But I

11 can't recall all of them. But you have talked to me about Lengbe. (Redacted)

12 (Redacted) He was one of the officers of our army, (Redacted)

13 (Redacted)

14 Q. Okay. Well, I'm going to try and finish this topic before the

15 break. And just to change gear a little bit, I'm going to ask you to

16 look at your interview again.

17 MR HAYNES: And this time it's Defence document number 1, and the

18 last four numbers of the page of the ERN is 0256.

19 Q. It's just a small point, sir. We're looking at the very middle

20 of the page, just above the middle. And we'll try the usual procedure.

21 The question asked was:

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 A. (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 26

1 (Redacted)

2 (Redacted)

3 Q. (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 A. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. (Interpretation) (Redacted)

14 (Redacted)

15 A. (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. (Redacted)

19 (Redacted)

20 A. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 27

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. (In English) (Redacted)

7 (Redacted)

8 (Redacted)

9 A. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 PRESIDING JUDGE STEINER: Mr Haynes.

17 MR HAYNES: Yes, I've spotted. Thank you.

18 PRESIDING JUDGE STEINER: Mr Witness, it's 11.00. We are going

19 to our half-an-hour break. Time for you to have a cup of tea, take some

20 rest. We will suspend and resume at 11.30.

21 The hearing is suspended.

22 THE COURT USHER: All rise.

23 (The witness stands down via video-link)

24 (Recess taken at 11.00 a.m.)

25 *(Upon resuming in closed session at 11.34 a.m.) Reclassified as Open session

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 28

1 (The witness enters the courtroom via video-link)

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

3 PRESIDING JUDGE STEINER: Welcome everyone.

4 Welcome, Mr Witness.

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

6 PRESIDING JUDGE STEINER: Are you ready to continue, sir?

7 THE WITNESS: (Interpretation) I am ready, your Honour, to

8 continue.

9 PRESIDING JUDGE STEINER: Thank you.

10 Mr Haynes, you have the floor.

11 MR HAYNES: Thank you kindly, your Honour.

12 Q. And welcome back, sir.

13 A. Good morning, Counsel. It's going fine up to now.

14 Q. Just to tidy up a couple of things you told us before the break,

15 (Redacted)

16 (Redacted)

17 A. (Redacted)

18 Q. (Redacted)

19 A. (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. (Redacted)

23 (Redacted)

24 A. (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 29

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. (Redacted) And who executed President Patassé's directives or
10 instructions?

11 A. For example, if on the front there was a problem with regards to
12 food and if the troops did not have anything to eat and they were on the
13 front, it was necessary to use the subsidy or the bonus for food or the
14 daily subsistence allowance, which I mentioned before, and to send bovine
15 carcasses or sacks of rice, tins of sardines, other such foodstuffs, such
16 that the troops in the field could eat and continue with their operations
17 and to -- if there were problems with regards to ammunition and other
18 such-like. And as you know, at the FACA level, we had practically
19 nothing. It was much more the USP who had the reserves and who sometimes
20 would try to meet those concerns.

21 Q. All right, well let's go the other way (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 A. As to be recognised, the CCOP is an operational centre. The CCOP

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 30

1 followed the situation in the field, and in particular in terms of the
2 rebel positions, enemy positions, and the friendly positions, where there
3 were problems (Redacted)
4 (Redacted)
5 (Redacted) for example, of the position of rebels in
6 the north centre, by Bossangoa, Bozoum, (* indiscernible) and others.
7 And in particular, with regards to the allies or friends, the USP, MLC,
8 in the counter-attack, in operations whether it's Bossembélé or
9 Bossangoa, et cetera.
10 (Redacted)
11 (Redacted)
12 (Redacted) Because when you
13 have troops who are fighting, you can't fight on an empty stomach. And I
14 say again and I repeat, if you would allow me to do so, when it comes to
15 the Central African army, we didn't have campaign rations, war rations,
16 to put it like that, where every man had a packet in which you have food
17 for several days. Where it concerns the armed forces, it was on a daily
18 basis. If they had carcasses, animal carcasses, or sardines, you
19 couldn't conserve these things. And it was necessary to have support, it
20 was necessary for these troops to get support with regards to foodstuffs
21 in order to make it possible for the men to be able to continue with the
22 operations.

23 So that the was the situation. (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 31

1 (Redacted)

2 Q. Thank you, sir. That's a very full and helpful answer. I just
3 want to check one thing with you before we move on to another topic, and
4 it's something you said a couple of days ago.

5 MR HAYNES: And it's realtime transcript of the 20th of November,

6 (Redacted)

7 Q. And what you said was this:

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Now I assume you agree with that, do you?

14 A. That's correct. That's correct, Counsel. And that's the reason
15 why all the questions that you put to me, there are some things where I
16 don't remember particularly well. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. Thank you. What I specifically wanted to check with you was
23 Mazi's rank. He was a colonel, wasn't he?

24 A. (Redacted)

25 (Redacted) I know that Mazi afterwards became a

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 32

1 general, but to the best of my knowledge, if my memory serves me well, it
2 was Bétibangui who was a general, chief of general staff of the armies.
3 I don't know if Mazi was also a general at that time, but it was
4 Bétibangui who had the rank of brigadier-general, chief of general staff
5 of the armies. And I don't know if Mazi was also named general,
6 appointed general; that's something I don't know. But what I do know is
7 that afterwards Mazi was made general until his death. After the army --
8 until his death, he was a general. But I know that at the time the chief
9 of general staff, that was Bétibangui, and he had the rank of
10 brigadier-general.

11 Q. Okay. Well, we might as well just look at this document now to
12 get it out of the way, it's Defence document 51.

13 THE COURT OFFICER (via video-link): (Interpretation) Counsel
14 Haynes, please could you mention the exact ERN number please.

15 MR HAYNES: Yes, it's CAR-OTP-0042-0237. Let us know when you've
16 got it in front of the witness.

17 THE COURT OFFICER (via video-link): (Interpretation) Thank you.
18 The document is being shown to the witness.

19 MR HAYNES: And can we go to the next page, please.

20 THE COURT OFFICER (via video-link): (Interpretation) The next
21 page is now being shown.

22 MR HAYNES:

23 Q. We see here that when André Mazi signs as acting or Deputy chief
24 of staff on the 18th of December, he is accorded the rank Général de
25 Brigade; do you agree with that?

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 33

1 A. Counsel, as I said a moment ago, Mazi afterwards became a
2 brigadier-general. I don't know if it was immediately afterwards, after
3 the death of General Bétibangui or after -- but I know that this officer
4 was promoted to the rank of general. Who knows. Maybe it was
5 December 2000 -- I, here -- yes, that's what's written here, and he -- he
6 did become a general. If he had become a general in December or after is
7 something that I don't know. I don't know. My memory doesn't help me
8 with that.

9 Q. Okay.

10 MR HAYNES: Could we go on one more page, please.

11 THE COURT OFFICER (via video-link): (Interpretation) The
12 documents being shown to the witness.

13 MR HAYNES:

14 Q. Do you remember Commandant Alain Bemondombi?

15 A. Yes, Counsel. Most of the officers who are mentioned here are
16 officers from the Central African army.

17 Q. According to this document, Alain Bemondombi was appointed
18 commander of the CCOP on the 18th of December; does that accord with your
19 recollection?

20 A. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. (Redacted)

25 A. (Redacted)

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 34

1 (Redacted)

2 Q. (Redacted)

3 (Redacted)

4 (Redacted)

5 A. But Counsel, as I said, it's a deal. These are details. It's a
6 detail. (Redacted)

7 (Redacted) These were officers in the Central African army,
8 like the whole list in front of me, Counsel.

9 Q. Thank you. Well, I'll move on in a slightly different direction.
10 Do you think it is possible that General Bétibangui was either dead or
11 sick by the 20th of November?

12 A. I don't remember well. I know that between November and December
13 General Bétibangui died. I don't know if it was in November or December,
14 but I know that he died in that time. And it was his deputy, Mazi, who
15 continued until the text which were drawn by Patassé,
16 President Patassé -- in January 2003 set up a new team in the staff and
17 appointed chief of general staff and a deputy.

18 Q. You see, not having the chief of staff during this crisis would
19 have been a catastrophe, wouldn't it?

20 A. Indeed, that's what happened. Because with regards to
21 Bétibangui, when he died, it was his deputy who took over. And perhaps
22 things didn't work well, and that's the reason why President Patassé set
23 up a new team, put a new team in place. In principle, normally, it was a
24 deputy who would become the chief of staff and there would be a new
25 deputy; but the whole team was replaced, Counsel. That's the problem.

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 35

1 That's the problem. The whole team was replaced. The deputy didn't take
2 the post; he went to another team. That's the paradox. The deputy had
3 the interim job for the chief of staff during that period.

4 PRESIDING JUDGE STEINER: (Previous translation continues)...

5 Mr Haynes.

6 Ms Bossette, again, I see the witness inclining to the side every
7 time he needs to talk on the microphone. Could you please put the
8 microphone closer to him?

9 Don't you prefer to have it closer, Mr Witness, then you don't
10 need to incline every time? I think it's more comfortable.

11 Mr Haynes.

12 MR HAYNES: Thank you.

13 Q. (Redacted)

14 A. (Redacted)

15 (Redacted)

16 Q. (Redacted)

17 (Redacted)

18 (Redacted)

19 A. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 36

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. (Redacted)

13 (Redacted)

14 (Redacted)

15 A. (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. (Redacted)

19 A. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 37

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. (Redacted)

5 (Redacted)

6 (Redacted)

7 PRESIDING JUDGE STEINER: Mr Haynes, is this a question?

8 MR HAYNES: It is --

9 PRESIDING JUDGE STEINER: (Overlapping speakers) ...

10 MR HAYNES: The question is in the first phrase, not the last,

11 (Redacted) But I'll put it another way.

12 Q. (Redacted)

13 (Redacted)

14 A. (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. (Redacted)

24 (Redacted)

25 A. (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 38

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- 24
- 25
- 26

Page 38 redacted

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 39

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. (Redacted)

6 (Redacted)

7 (Redacted)

8 A. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. (Redacted)

14 (Redacted)

15 MR HAYNES: It's Defence document number (Redacted), if that can be shown
16 to the witness and put on our screens, and we might as well look straight
17 away at page 2.

18 PRESIDING JUDGE STEINER: Ms Bossette, could you please confirm
19 if the witness has the document in front of him?

20 THE COURT OFFICER (via video-link): (Interpretation) Mr Haynes,
21 can you kindly repeat the ERN number, please?

22 MR HAYNES: Yes, Ms Bossette, it's (Redacted), at page
23 (Redacted)

24 THE COURT OFFICER (via video-link): (Interpretation) Thank you.

25 MR HAYNES: But it might help if the witness just looked at the
26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 40

1 first place himself so that he knows what this is. We all know what it
2 is.

3 THE COURT OFFICER (via video-link): (Interpretation) The document
4 has been displayed to the witness.

5 MR HAYNES:

6 Q. (Redacted)

7 A. (Redacted)

8 Q. (Redacted)

9 A. (Redacted)

10 (Redacted)

11 Q. (Redacted)

12 (Redacted)

13 A. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. (Redacted)

18 (Redacted)

19 A. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. (Redacted)

25 A. (Overlapping speakers) ...

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 41

1 Q. (Redacted)

2 (Redacted)

3 A. (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. (Redacted)

7 (Redacted)

8 A. (Redacted)

9 Q. (Redacted)

10 (Redacted)

11 A. (Redacted)

12 (Redacted)

13 Q. (Redacted)

14 (Redacted)

15 A. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. (Redacted)

23 (Redacted)

24 (Redacted)

25 A. (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 42

1 (Redacted)
2 (Redacted)
3 Q. (Redacted)
4 A. (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 Q. (Redacted)
14 A. (Redacted)
15 (Redacted)
16 (Redacted)
17 Q. (Redacted)
18 A. (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 Q. (Redacted)
23 A. (Redacted)
24 (Redacted)
25 (Redacted)
26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 43

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. (Redacted)

14 (Redacted)

15 A. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. (Redacted)

22 (Redacted)

23 A. (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 44

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. (Redacted)

5 (Redacted)

6 A. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. (Redacted)

13 (Redacted)

14 A. (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 45

1 (Redacted)
2 A. (Redacted)
3 (Redacted)
4 (Redacted)
5 Q. (Redacted)
6 A. (Redacted)
7 (Redacted)
8 (Redacted)
9 Q. (Redacted)
10 A. (Redacted)
11 (Redacted)
12 (Redacted)
13 Q. (Redacted)
14 (Redacted)
15 A. (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 Q. (Redacted)
22 (Redacted)
23 (Redacted)
24 A. (Redacted)
25 (Redacted)
26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 46

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 A. (Redacted)

11 (Redacted)

12 Q. (Redacted)

13 (Redacted)

14 A. (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. (Redacted)

24 (Redacted)

25 A. (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 47

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. (Redacted)

7 A. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. The reinforcements, how many men were involved when they arrived?

13 A. How many men? I can't tell you. What I can tell you, as I've
14 already said, that the MLC troops who were sent into the field were,
15 right up to the end, three battalions, around 1.500 men. Perhaps one
16 additional battalion arrived with a view to providing support. Those who
17 were in the field, I think -- but I know that at the end there were
18 1.500. That's an estimation, three battalions.

19 Q. Thank you. And to make things move a bit quicker, what you said
20 in your interview with the Office of the Prosecutor in 2008 was that
21 originally there were two battalions and then a third battalion was sent.
22 Do you agree with that?

23 MR HAYNES: And it's page 0250 at the bottom if anybody wants to
24 check.

25 THE COURT OFFICER (via video-link): (Interpretation) The document

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 48

1 is being shown to the witness.

2 THE WITNESS: (Interpretation) That confirms what I said, that at
3 the end there were at least three battalions that were deployed.

4 MR HAYNES:

5 Q. And how did this third battalion travel to the
6 Central African Republic?

7 A. Counsel, you should know that the MLC is in the region of
8 Équateur, which borders the Central African Republic; and opposite the
9 town of Bangui and the Congolese town of Zongo where there is a base, I
10 think, which must have certainly troops that are based there. They just
11 had to cross a river in order to reach CAR and go to the front.

12 Q. And who arranged the transport across the river?

13 A. I don't know if it was to you or to whom I gave an answer to a
14 similar question. There was a ferry, a large ferry, which would go
15 between Bangui and Zongo. We also had Zodiacs. The navy had Zodiacs.
16 The USP and --

17 THE INTERPRETER: The interpreter didn't get the word. There was
18 a cut in the audio.

19 THE WITNESS: (Interpretation) -- riverboats which are large
20 pirogues which have a motor and they carry out transport on the river.
21 These are used in order to cross, to take men across from Zongo to
22 Bangui.

23 MR HAYNES:

24 Q. Okay.

25 MR HAYNES: I'd like to look at a document, please, it's Defence
26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 49

1 document number 13.

2 THE COURT OFFICER (via video-link): (Interpretation) Please could
3 you give me the ERN number?

4 Counsel Haynes, please could you give the ERN number?

5 MR HAYNES: (Interpretation) Yes, of course.

6 (In English) CAR-D04-0003-0138.

7 THE COURT OFFICER (via video-link): (Interpretation) Thank you.

8 MR HAYNES:

9 Q. Let's just deal with the basics of this document --

10 THE COURT OFFICER (via video-link): (Interpretation) The document
11 is being shown to the witness.

12 MR HAYNES:

13 Q. I'm sorry, sir, I was too quick. Let's just look at the basics
14 of this document. Do you recognise the stamp on the document?

15 A. Counsel, the stamp can be forged. Anybody can forge a stamp.

16 Q. Yes, but that wasn't the question. Do you recognise it?

17 A. Yes. The stamp that's a -- I can see it in the centre by the
18 minister.

19 Q. And in so far as it's possible, to identify the signature that
20 goes across the stamp?

21 A. I can hardly see the signature (Redacted). I can't
22 tell you if that's the signature of Regonessa.

23 Q. Well, that's very good of you to concede. If you were going to
24 transport a battalion of reinforcements across the River Ubangi, you'd
25 need an authorisation like this, wouldn't you?

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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1 A. Counsel, as I said, this was a period of crisis and all the
2 orders were given. They weren't written, not all of them. Not all of
3 them were written, and that's the case everywhere we have governmental
4 authorisations. That's it, Counsel. (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. Let's be clear, Mr Witness, you have absolutely no basis for
8 suggesting that that document is anything other than genuine, do you?

9 A. Indeed.

10 Q. Thank you for that --

11 A. (Overlapping speakers) ...

12 Q. Thank you --

13 A. Because (Redacted)

14 (Redacted) -- and as I said, these are

15 fraudulent documents.

16 Q. Yes. But you now -- you now say you've got no basis for
17 suggesting that, (Redacted)

18 (Redacted)

19 (Redacted)

20 A. This document's a forgery.

21 Q. Now when the battalion of reinforcements arrived, where did they
22 have to get to?

23 A. Where did you have to get to? What did you mean by that?

24 Q. Well, where were the fronts? They were in Sibut, Bossembélé,
25 Bossangoa, Bozoum, weren't they?

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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1 A. It was the commander of the contingent, the MLC contingent, who
2 dispatched his troops to the combat zones, and according to the combat
3 zone and according to the threat.

4 Q. I accept that, but each of those places was hundreds of
5 kilometres from Port Beach, wasn't it?

6 A. Yes. Yes. But I also said, as I repeated, that a long time ago
7 that there was the response to drive back the rebels. There were moments
8 when the rebels reorganised themselves and they carried out a
9 counter-offence towards Bangui. They had means. Particularly the unit
10 that was most organised had vehicles. That's much more the USP had
11 vehicles. With regard to the army, certainly there must have been some
12 but not much in the field because we ourselves did not have a lot to
13 provide mobility.

14 Q. Well, let's take it step by step. I agree with you that the
15 commander of the MLC would have to have divided these men up and sent
16 them to the different active fronts. So where would have been the best
17 place to billet them while they were being divided up?

18 A. I'll say again, when the troops of the MLC arrived at the
19 beginning after the attack on Bangui and they had to drive them back,
20 these troops were billeted more in PK12 before going towards the
21 different combat areas. It would seem to me when you have
22 reinforcements, because the navy, they had barracks, I think that these
23 troops who crossed over the river -- firstly, there were the navy forces
24 before going over to the front, either towards Damara or Sibut or going
25 towards Bossembélé, Bossangoa, or further as I've just stated.

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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1 Q. Sir, I absolutely agree with you. PK12 is the junction in the
2 road which leads to all of those places, and that would have been the
3 obvious place to put them up while they were deployed.

4 MR HAYNES: So can we have a look at Defence document number 31,
5 please.

6 THE COURT OFFICER (via video-link): (Interpretation) Please could
7 you give the ERN number, please.

8 MR HAYNES: I didn't mean that. I meant document number 14, I'm
9 sorry, which is CAR-D04-0003-0139.

10 THE COURT OFFICER (via video-link): (Interpretation) The document
11 is being shown to the witness.

12 MR HAYNES: Thank you.

13 Q. This is a document bearing the same date. Recognise the stamp?

14 A. Like the previous one, it's the same.

15 Q. And reacquaint yourself with the text, if you would. If you were
16 going to billet a battalion of reinforcements in PK12 at the school at
17 Begoua, that's precisely the sort of authorisation you would require,
18 isn't it?

19 A. Counsel, when there was the counter-attack and it followed the
20 rebels so that the MLC troops could take up positions in PK12, there was
21 no authorisation. There was confusion. There was confusion. This
22 document is presented to me -- was presented to me and I saw, as with the
23 previous document, they are all governmental authorisations. And I
24 replied that when I was presented with these documents, where they speak
25 about the limits from Begoua school, and speaking about 1 kilometre from
26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 53

1 Begoua, only on the road, Boali road, without talking about the Damara
2 road, because I've said from PK12 there are two roads going off, one
3 towards Damara and another going to Boali and Bossembélé. If you put up
4 roadblocks, that should be on both, on the two roads, not just on one
5 branch of the road, because the threat came from both sides. And that's
6 the reason why, I'll say it again, this document is a forgery.

7 Q. It is entirely in keeping with the transportation of a battalion
8 of reinforcements to the combat areas in January, isn't it?

9 A. I have said and I repeat, the soldiers upon their arrival in
10 October 2002, before their advance were in PK12. The reinforcements that
11 arrived, I believe from the naval base, did not stay at PK12. They went
12 directly to the front because the front was no longer at PK12, as you
13 have clearly said, Counsel. It was at the beginning that the soldiers
14 were stationed at PK12 at the exit of Bangui. They stayed there to
15 organise themselves and begin their advance on the various roads. Why
16 would reinforcements come and also stay at PK12? The reinforcements
17 arrived and went directly to the combat zones, either in the east,
18 centre-north, or centre-west. This is the reality, Counsel. The
19 soldiers could not stay at PK12 where there was no threat. The threat
20 had been pushed back, and the rebel advance had to be contained. (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. Well, I'll go back to a question I asked you earlier. How did a
24 battalion of 500 men get to the various fronts hundreds of kilometres
25 away?
26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 54

1 A. As I have said, the means available were used, specifically the
2 USP transport vehicles. I really do not remember whether there were
3 transport vehicles at the general staff that were helped to -- that were
4 used to assist the transportation. Usually in such cases transport
5 vehicles can be requisitioned to facilitate transportation, but I am
6 saying once again that the only unit which still had sufficient resources
7 was the guard unit of President Patassé. And at the level of the
8 Central African Armed forces and certain corps there were shortages. We
9 had some resources but there were shortages. Obviously, we would have
10 contributed to carry out that operation.

11 Q. And how many vehicles would you need to transport 500 soldiers to
12 various combat fronts?

13 A. Counsel, I cannot tell you how many vehicles. But I know that
14 trips were made, shuttles were made; for example, you can have four, five
15 vehicles who carry troops and go and then come back and go back again.
16 So several trips were made.

17 Q. Four or five would be good. Six would be better, wouldn't it?

18 A. Counsel, what I'm saying is based on the resources that were
19 available at that time -- and I repeat again, during that period the
20 Central African Armed Forces was in a total state of collapse and there
21 were shortages everywhere.

22 Q. And a few jeeps for the officers?

23 A. You're using that word "jeeps." We no longer had jeeps in the
24 army. We had not had jeeps for a long time. We had jeeps that were
25 referred to as Soamas (* phon) or Samos (* phon) given by friendly
26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 55

1 countries. That is what we had. But also in this type of situation,
2 there are utilities vehicle such as Toyota pickups and Land Cruisers that
3 were used for specific purposes.

4 Q. Tell me, (Redacted)
5 did you say to him, "Well, you can send a battalion but they will have to
6 walk all the way to the front. (Redacted)?"

7 A. The MLC troops arriving -- having arrived in the field, taking
8 them to the front would have been the least of things. The troops were
9 placed at the disposal of the government and they had to be taken to the
10 front. That is what was done with the limited resources available at
11 that time.

12 Q. Well, let's just have a quick look at Defence document number 8.
13 THE COURT OFFICER (via video-link): (Interpretation) Mr Haynes,
14 the ERN number, please?

15 MR HAYNES: I'm sorry, Ms Bossette. I didn't realise that was
16 better for you. I'll obey that protocol in future. It's
17 CAR-D04-0003-0133.

18 THE COURT OFFICER (via video-link): (Interpretation) Thank you,
19 Mr Haynes. The document is now being shown to the witness.

20 MR HAYNES:

21 Q. Just so we're clear about this, (Redacted)
22 (Redacted)

23 A. (Redacted)
24 (Redacted)

25 Q. (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 56

1 A. (Redacted)

2 Q. (Redacted)

3 (Redacted)

4 A. (Redacted)

5 Q. Well, I'd like you to comment on the observation I have to make
6 which is taken together with the other documents we've seen, it forms a
7 series that shows what steps were taken to have the reinforcements cross
8 the river, billeted, and moved to the various fronts in late
9 January 2003. Do you agree with that?

10 A. Yes, Counsel. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 57

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. (Redacted)

15 (Redacted)

16 A. (Redacted)

17 (Redacted)

18 Q. (Previous translation continues)... (Redacted)

19 (Redacted)

20 (Redacted)

21 A. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 58

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. (Redacted)

10 (Redacted)

11 A. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 THE INTERPRETER: (Redacted)

23 (Redacted)

24 (Redacted)

25 MR HAYNES: (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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1 Q. I just wanted to talk quickly about documents, how they're
2 produced and where they go.

3 PRESIDING JUDGE STEINER: Mr Haynes, before you change the
4 subject, I just wanted to -- is still document 133 on the screen?

5 THE COURT OFFICER: Yes, Madam President, it is on the screen.

6 PRESIDING JUDGE STEINER: (Redacted)

7 (Redacted)

8 THE WITNESS: (Interpretation) (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 PRESIDING JUDGE STEINER: (Redacted)

15 (Redacted)

16 (Redacted)

17 THE WITNESS: (Interpretation) (Redacted)

18 (Redacted)

19 (Redacted)

20 PRESIDING JUDGE STEINER: (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 THE WITNESS: (Interpretation) (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 60

1 PRESIDING JUDGE STEINER: For the time being, thank you very
2 much, Mr Witness.

3 Mr Haynes.

4 MR HAYNES: Thank you.

5 Q. (Redacted)

6 (Redacted)

7 A. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. (Redacted)

15 A. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. (Redacted)

21 A. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 61

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. (Redacted)

7 (Redacted)

8 A. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. (Redacted)

13 A. (Redacted)

14 PRESIDING JUDGE STEINER: Mr Haynes.

15 MR HAYNES: I just want to finish this.

16 Q. Generally speaking, documents went to specific addressees, but
17 there was one place where they always went, wasn't there, and that was
18 the archive?

19 A. Yes. The documents signed by the chief of staff with the stamp
20 and number of the general staff, yes, there were archives at the general
21 staff headquarters.

22 Q. And do you remember a man called Antoine Zopani?

23 A. Antoine Zopani was one of the officers of the Central African
24 Armed Forces, the FACA.

25 Q. Okay. Well, I'll leave it there. Thank you very much.

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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1 PRESIDING JUDGE STEINER: I'm sorry for the interruption, but we
2 have the problem with the tape when we have two hours' session.

3 MR HAYNES: Yes, it was a little over optimistic. I'm sorry.

4 PRESIDING JUDGE STEINER: Mr Witness, it's 1.30, it's time for
5 our lunch break. We hope you can also have some -- take some rest. We
6 will suspend now and resume at 3.00. The hearing is suspended.

7 THE COURT USHER: All rise.

8 (The witness stands down via video-link)

9 (Recess taken at 1.30 p.m.)

10 *(Upon resuming in closed session at 3.04 p.m.) Reclassified as Open session

11 (The witness enters via video-link)

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

13 PRESIDING JUDGE STEINER: Good afternoon, everyone, and welcome
14 back.

15 Mr Witness, how are you?

16 THE WITNESS: (Interpretation) Madam President, I'm fine and I
17 hope this is the last session because I have been speaking endlessly for
18 almost five days, bombarded by all the questions from the members of the
19 Court.

20 PRESIDING JUDGE STEINER: Just one minute, Mr Witness. We are
21 waiting for the English transcript to be fixed.

22 Mr Witness, I am sorry. I have to ask you to repeat what you
23 just said in order for us to have a -- everything on the transcript. So
24 let's start again.

25 Good afternoon, Mr Witness. How are you?

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 63

1 THE WITNESS: (Interpretation) Good afternoon, Madam President. I
2 am doing fine. I do hope that this is the last session because it is
3 already five days that I have been speaking endlessly bombarded by the
4 several questions that have been put to me by the members of your Court.

5 PRESIDING JUDGE STEINER: Mr Witness, we'll have now a session --
6 a two-hour session. And since we had a delay in this morning due to
7 technical problems, it may be - it may be, I hope not - but it may be
8 that we have to replace that delay. At the end, the Chamber is sure that
9 you will have concluded with your testimony. We just need the help of
10 the Defence that is questioning you to be direct and objective in their
11 questioning and for you, your help in order to give straight, direct, and
12 objective answers. That will help a lot.

13 Mr Haynes, you have the floor.

14 MR HAYNES: Thank you, your Honour. And I'm going to do my very
15 best to finish this this afternoon.

16 Q. I just want to conclude what we were talking about before lunch
17 about the reinforcements. (Redacted)

18 (Redacted)

19 A. (Redacted)

20 (Redacted)

21 Q. (Redacted)

22 (Redacted)

23 (Redacted)

24 A. (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 64

1 Q. And these men were going to be needed pretty urgently when they
2 arrived; is that right?

3 A. That is correct. These men had to arrive and be sent to the
4 front.

5 Q. Excellent. Now were you aware of the provision of arms and
6 ammunition by the Libyans to President Patassé?

7 A. The supply of weapons and ammunition was secret, a secret issue,
8 between President Patassé and the Libyan authorities.

9 Q. Okay. Well, thank you for that. I won't take it any further.
10 But I just want to see if I can put into context one other piece of
11 communication we've looked at, and I hope this is not going to cause
12 Ms Bossette any trouble.

13 MR HAYNES: It's the second book of the cahier de communication,
14 which is CAR-D04-0002-1641, and it's at page 1726. And I hope she was
15 notified that we were going to have a look at this page so she can show
16 it to the witness.

17 THE COURT OFFICER (via video-link): (Interpretation) The document
18 is being shown to the witness now, Mr Haynes.

19 MR HAYNES: Excellent, Ms Bossette. Thank you very much indeed.

20 Q. Sir, you've seen this before, but it's the message at the bottom
21 of the left-hand page going up to the top of the right-hand page. Can
22 you just refresh your memory of what it's about. Don't read it out, not
23 necessary.

24 PRESIDING JUDGE STEINER: Mr Haynes.

25 MR HAYNES: I was just waiting for the witness to confirm he'd
26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 65

1 read it.

2 Q. Have you read it, sir?

3 A. Madam President, I have skimmed through this document which I
4 already saw during the questioning by the OTP.

5 Q. Okay. Now this is dated the 20th of January. Can you see that?

6 A. I can see that, Counsel.

7 Q. That's the same date as the two government authorisations
8 relating to the transportation and billeting of the reinforcements. So
9 taking that onboard, this appears to be a message about the sort of
10 weapons that a battalion might need to start off with; do you agree?

11 A. Counsel, yes. This is a request for equipment for that purpose.

12 Q. And I know this is difficult, but you've got far more expertise
13 in this than we have. But it's not a lot of ammunition for 500 men, is
14 it?

15 A. Counsel, these are boxes of ammunition and in those boxes you
16 have quite a lot of ammunition, whether we are talking of bullets or RPG
17 rockets and so on and so forth. These are boxes and there are large
18 quantities of ammunition in boxes.

19 Q. Well, I suppose it depends what the boxes are of. I mean, a box
20 of an 82-millimetre mortar shell would only contain two shells, wouldn't
21 it?

22 A. Counsel, these are not only boxes of mortar shells, but there is
23 also 12.7-millimetre ammunition, 14.5 as stated here. So this was the
24 ammunition that was requested.

25 Q. (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 66

1 (Redacted)

2 A. Let me repeat once again. Mustapha co-ordinated MLC operations
3 in the field. When any needs arose, that is, concerning the detachment
4 commander that is in the field, he would send a message to his hierarchy
5 to request reinforcements or resupplies. As you can see in this message,
6 these messages were sent directly to the ALC authorities. (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. Okay. And I'm not going to get into an argument with you, but if
10 that were the case we'd expect to see messages like this on a regular
11 basis throughout the message book, wouldn't we?

12 A. Counsel, as I was saying, the messages from Colonel Mustapha,
13 just like the one which has been presented, and many others, were
14 addressed by him directly to the MLC authorities. And just like with any
15 other message, you would have an addressee. (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. (Redacted)

19 (Redacted)

20 MR HAYNES: If Ms Bossette can move quickly enough, it's Defence
21 document number 1 and the last four pages of the ERN are 0251, and it's
22 towards the bottom of the page.

23 Q. And it's -- of course, I don't see the same as you, Mr Witness,
24 but if you can follow me, the question is:

25 "(Interpretation) Can you tell us when those weapons were
26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 67

1 delivered to the MLC troops?"

2 (In English) And you said?

3 A. (Redacted)

4 Q. Well, I just wanted you to read the answer that begins,

5 "Délivrées comment..."?

6 A. Yes, Counsel. As you have said that we had to change horses, we
7 have to change horses in a positive way. Or in the Central African army,
8 in fact, the expression is to change the shoulder on which you place your
9 rifle. So I have read here the person interview:

10 "Delivered how? Who brought them?"

11 And the person interviewed:

12 "Well, Bemba had those weapons brought here, and the weapons were
13 received by the presidential security, the presidential security unit,
14 the USP. These weapons were received by President Patassé's guard which
15 was known as the USP, the presidential security unit."

16 Did I answer your question, Counsel?

17 Q. Well, not really. It was the answer above:

18 "Délivrées comment? Ils sont venus avec leur armement quand --"

19 A. They came with their weaponry, and when the amount or numbers
20 were not sufficient, we would support.

21 Q. And I want you to tell us what "we would support" meant.

22 A. Slightly above that there is the question:

23 "Can you tell us when these weapons were delivered to the MLC?"

24 And this was the answer of the person interviewed:

25 "Delivered how? They arrived with their weapons. When the

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 68

1 numbers were not enough, we would support."

2 This means that the units that were sent to Bangui arrived with
3 their weapons and ammunition, and I have repeated it here, Counsel.
4 These units were sent to the front. And when you are sent to the front,
5 you don't keep the same amount of ammunition because you come in contact
6 with the enemy and there is fighting. The numbers of ammunition reduces
7 and you have to resupply so that the soldiers in the field should not be
8 short of ammunition, because if they are short of ammunition they will
9 not be in a position to continue the operations. They will not be able
10 to continue with the fighting, and the enemy will have the upper hand.
11 Weapons are fired, the AKs are fired, so the ammunition reduces. So in
12 all conflicts, there are resupplies over given periods depending on the
13 intensity of the fighting.

14 Q. Sir, I think we agree with one another, so I'm going to have that
15 document removed from the screen.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 A. (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. And I want to deal firstly with the (Redacted)

23 and I am going to keep the questions very brief and simple. (Redacted)

24 (Redacted)

25 A. Counsel, I did not understand your question, Counsel. Can you

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 69

1 repeat?

2 Q. Yes. You've told us that (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 A. (Redacted)

7 (Redacted)

8 (Redacted) And as I have said, the person who was responsible

9 for co-ordination with the MLC, that is, the director-general of the USP,

10 took part in those meetings. (Redacted)

11 (Redacted)

12 Q. Thank you. And did the director general of presidential security

13 report upon matters concerning the MLC?

14 A. Yes. As I said, he was the one -- those units, well, some of

15 those officers who were with the MLC soldiers, (Redacted) reports

16 on the situation, the positions where the fighting men actually were and

17 so on and so forth.

18 Q. (Redacted)

19 A. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 70

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 A. Yes. Orders were given in particular to logistical support, the
11 soldiers who were actually fighting, the soldiers who were at the front,
12 the various measures that needed to be taken, the need to be particularly
13 vigilant, the other problems - particularly, the provision of foodstuffs
14 and the like. That's what I mean. (Redacted)

15 (Redacted), and orders were issued. If there were problems because soldiers
16 had nothing to eat, nothing to eat, or they needed something, (Redacted)
17 (Redacted) so that the soldiers could be provided

18 with what we -- what they needed; for example, beef, other foodstuffs
19 were provided in the field so that they would have something to eat.

20 Cans of sardines were sent. Because, you see, I repeat: There were no
21 field rations. There were no operational field rations. So the men were
22 fed with perishable foodstuffs, food that would last for a day or two at
23 the most, because a side of beef can only last one or two days. There
24 were no refrigerators or anything like that, no freezers, to keep food
25 like that. So, you see, we were operating on a day-by-day basis.

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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1 Counsel, let me repeat once again so that you can understand
2 properly.

3 Q. But I don't suppose that the director of military intelligence
4 reported about logistical matters or foodstuffs, did he?

5 A. Counsel, in a specific situation such as that one, it was normal
6 for the director of military intelligence to be there. He had his own
7 network of people and was in a position to know how things were
8 proceeding in the field, in the various towns and elsewhere. His
9 attendance was absolutely necessary, Counsel.

10 Q. Thank you. And what sort of orders might emanate from the
11 information he provided (Redacted)?

12 A. As I said, if people don't have anything to eat in the field, if
13 there were problems, they had to be sent fresh supplies. They had to be
14 supplied with something. (Redacted)

15 (Redacted). It's as simple as that. If there were problems somewhere,
16 the command of the various authorities would take that into account. So
17 there you have it. (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. And I suppose that the police were there to report on law and
21 order and crime prevention?

22 A. Counsel, as I told you, the minister of defence was there, the
23 minister of the interior, and they handled the administration of the
24 territory and the police. In our country, the minister of the interior
25 is responsible for administration of the territory and the police. There
26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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1 was the director-general of police, the director-general of the national
2 gendarmerie; they were the ones who had people in the field, even in
3 small localities. And then the chief of general staff of armies, the
4 head of the presidential security unit, and the director of intelligence.

5 Q. (Redacted)

6 (Redacted) the police reported about something that resulted in an
7 order for an investigation?

8 A. Something having to do with rapes and looting? Yes, there were
9 complaints from the population. Remember, you must realise, Counsel, the
10 authorities were still there in those localities. The village leaders
11 who reported to the minister of the interior, the mayors, and so on and
12 so forth. Those officials were providing information to the authorities,
13 as I said before, and that information was then passed on (Redacted)

14 Q. Thank you. And did you ever have a case where a crime was
15 investigated as a result (Redacted)

16 A. I haven't understood your question.

17 Q. Okay. I'll move on because we need to make some progress.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 A. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 73

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. (Redacted)

5 A. (Redacted)

6 (Redacted)

7 Q. (Redacted)

8 A. I --

9 PRESIDING JUDGE STEINER: Mr Haynes.

10 THE WITNESS: (Interpretation) I said --

11 PRESIDING JUDGE STEINER: (Redacted)

12 (Redacted)

13 (Redacted)

14 MR HAYNES: (Redacted)

15 THE INTERPRETER: (Redacted)

16 (Redacted)

17 MR HAYNES: (Redacted)

18 Q. (Redacted)

19 (Redacted)

20 A. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 74

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. (Redacted)

7 (Redacted)

8 A. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 75

1 (Redacted)

2 (Redacted)

3 Q. (Redacted)

4 A. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. (Redacted)

9 (Redacted)

10 A. (Redacted)

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE STEINER: You have the reference, Mr Haynes?

14 MR HAYNES: 0244, top of the page.

15 Q. (Redacted)

16 (Redacted)

17 (Redacted)

18 A. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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1 Of course, and I make this point yet again, this was about logistical
2 support or providing food to the soldiers in the field. It was the
3 presidential security unit attached directly to the Delta chief. And so,
4 you see, when there were problems this General Bombayake who had
5 contact -- who had more contact with the head of state, because he
6 reported to him, and he was the one who co-ordinated in the field. And
7 if there were problems in the field about food, about this, about that,
8 Bombayake would report to the head of state and the head of state would
9 provide instructions about the provision of food or money for the daily
10 allowances, to provide support to the soldiers in the field. So you see,
11 Counsel, that's how things unfolded, Counsel --

12 PRESIDING JUDGE STEINER: I'm sorry to interrupt you, but I want
13 clarity on the transcript. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 77

1 (Redacted)

2 (Previous translation continues)... (In English) (Redacted)

3 (Redacted)

4 MR HAYNES: (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 PRESIDING JUDGE STEINER: (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 MR HAYNES: (Redacted)

14 (Redacted)

15 (Redacted)

16 PRESIDING JUDGE STEINER: (Redacted)

17 (Redacted)

18 MR HAYNES:

19 Q. So to conclude with this topic, sir, have we got the picture

20 right that co-ordination of combat activities with the MLC was conducted

21 by the USP or General Bombayake?

22 A. Counsel, General Bombayake was, up until that time, up until the

23 15th of March, 2003, the director-general of the presidential security

24 unit.

25 Q. But the co-ordination of the wider operation was carried out by

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 78

1 the chief of staff and minister of defence, wasn't it?

2 A. Allow me to repeat, if you'd like me to repeat. The context in
3 which we found ourselves, the backdrop against which the events occurred.
4 Perhaps one more time. Perhaps if I repeat myself. After all,
5 repetition is a powerful teaching tool, even before a powerful Court such
6 as this one, for a better understanding. Let me say it once again.

7 During that time, we found ourselves going through a time of
8 political and military upheaval, attempted coup d'état, rebellions,
9 mutinies, army generals were involved in this upheaval; the former
10 president, Kolingba; and particular General Bozizé, the former chief of
11 general staff. Bozizé was the chief of general staff for a while, and he
12 had officers, army members who were loyal to him. So given all of that,
13 you see, the authorities were suspicious. They did not trust the army.
14 And when the attack occurred in Bangui in October 2002, the authorities
15 thought that the army had been negligent since the rebels got as far as
16 Bangui.

17 So that is how it came to be that, as was the case in 2001, the
18 supreme authority called upon the MLC troops to come and provide
19 assistance, as they had done in 2001. The signal that in 2001 during the
20 attempted coup d'état, Bozizé was the chief of general staff when the
21 attempt occurred, the person who co-ordinated the operations. But in
22 2002, when the attack occurred -- you see, there was this distrust. The
23 authorities did not want to find themselves dealing with the same
24 situation. So, you see, it was the general responsible for the
25 presidential security unit, (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 79

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 When Bangui fell, that occurred on the 15th of March, 2003. It

9 was a Saturday. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 So I'm telling you what happened, Counsel. This is what I

18 experienced, and I am being objective.

19 Q. Thank you. Well, we'll have to review the totality of your

20 evidence. Let's move on to another topic.

21 Can we take it that it's the position that all loyalist troops

22 wore uniforms?

23 A. Counsel, I have also already answered that question, maybe you

24 can refer to that answer, but I will give you a response. In answer to

25 one of the questions that was put to me during my testimony here, I said

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 80

1 that we already had serious problems in the area of logistics, equipment,
2 and uniforms. There were problems. During that period, the FACA units,
3 for example, wore camouflage uniforms, but I believe that the USP troops
4 wore green army uniforms, and they had those uniforms in stock.

5 I have already answered that question ever since I started my
6 testimony on Monday.

7 Q. Did you see Bozizé's rebel force when it entered Bangui either in
8 October or in March 2003?

9 A. In March 2003, most of those forces were wearing the Sahel
10 camouflage uniforms, and these are not the same as the ones we have in
11 the Central African forces. These are the Sahel camouflage uniforms
12 which are more used by soldiers in the Sahel area. They are not the same
13 as the uniforms used in the southern areas.

14 Q. But were the substantial number of them dressed like rebels in
15 civilian clothing?

16 A. Counsel, it was a whole variety, but I can say that most of those
17 soldiers from the north were wearing the Sahel-type uniforms, but they
18 could also have the green army uniforms because some of the loyalist
19 forces had joined the rebellion. I have said that Bozizé was formerly
20 the chief of staff, and when he left some of the soldiers followed him
21 either wearing green army uniforms or camouflage uniforms. So it was in
22 that context that I -- that it happened.

23 Q. Please don't get irritated by me. I'm trying to do this as
24 quickly as I can. But you've been asked a lot of questions about how one
25 could tell the soldiers apart, and what I'm suggesting to you is that
26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 81

1 Bozizé's forces had a less homogenous appearance and were more likely to
2 be dressed in civilian clothing than were the loyalist forces. Do you
3 agree with that?

4 PRESIDING JUDGE STEINER: Mr Haynes, in order to be fair with the
5 witness, could you explain to the witness exactly what you mean by
6 "loyalist forces," because in a previous answer it appeared to the
7 Chamber that he was referring to loyalist as part of the FACA. But I
8 suppose that your meaning to "loyalist" is a little bit broader. Could
9 you explain to the witness, please.

10 MR HAYNES: Yes.

11 Q. Let's take it step by step and let's see if we can do this in
12 short questions and answers. The MLC were wearing the uniforms of the
13 presidential guard, weren't they?

14 A. That's correct, Counsel.

15 Q. So the soldiers on the front fighting on the loyalist side would
16 all have been wearing green army uniforms (* phon) uniforms?

17 PRESIDING JUDGE STEINER: Mr Haynes, that does not solve my
18 concern. "Fighting on the loyalist side," what exactly you mean by
19 "loyalist side"? Explain to the witness, then he can give a fair answer.

20 MR HAYNES:

21 Q. Did you understand the question, Mr Witness?

22 A. What is your question, Counsel? Please repeat the question and I
23 will give you an answer.

24 Q. Certainly. The MLC and the USP wore the same uniform
25 effectively, didn't they?

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 82

1 A. I said that when the MLC soldiers arrived, the USP gave them
2 green army uniforms.

3 Q. But I think you explained that you thought that the USP had caps
4 and the MLC didn't?

5 A. I said that the MLC soldiers went to the field without wearing
6 anything on their heads.

7 Q. Thank you. And the FACA wore camouflage uniforms?

8 A. That is correct. Camouflage uniforms. But in order for you to
9 understand better, when Bozizé went into rebellion, some USP soldiers
10 joined him. And I repeat, some USP soldiers joined him with their
11 uniforms. That is why, as you said Counsel, those who were on the other
12 side were in different uniforms, not homogenous uniforms. You could have
13 camouflage uniforms, green army uniforms, and the Sahelian uniforms, and
14 as you said some of them without uniforms because they were rebels.

15 Q. Thank you. So if a group of armed men in assorted uniforms and
16 civilian clothes descended on a village, it's more likely they were
17 Bozizé's forces than those fighting on behalf of President Patassé?

18 A. Counsel, there was a front where you had the rebels on one side
19 and then the USP and MLC troops on the other side. So there was fighting
20 and fighting can only take place between two opposing forces: The rebels
21 on the one hand and the USP/MLC on the other. If you call them loyalist,
22 those were the ones defending the regime. That's what happened, Counsel.

23 Q. Okay. And just to summary your evidence about language, there
24 were soldiers in the FACA who had an ability to speak Lingala, weren't
25 there?

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 83

1 A. Not so many. Maybe since we share a border with the friendly
2 country of the DRC and it is the same people who are on both sides of the
3 border. So it is possible, but I do not know whether many spoke Lingala.
4 So it is possible. I am not disputing this. We are brothers and
5 neighbours.

6 Q. (Redacted)

7 A. (Redacted)

8 Q. (Redacted)

9 (Redacted)

10 A. (Redacted)

11 (Redacted)

12 Q. Very well. But there were, nonetheless, many thousands of
13 Congolese refugees who entered the Central African Republic at that time,
14 were there not?

15 A. I already stated here, even today in the CAR one of the largest
16 communities in the CAR is the DRC community, particularly since we share
17 a very long border from Mongoumba in the south-west right up to the
18 Mbomou. There is the Équateur region and the region of the Oriental
19 Province whose headquarters is Kisangani. So when you take that into
20 consideration, we have a big Congolese community in the
21 Central African Republic. Furthermore, Counsel, the people are the same
22 on both sides of the border. That is the explanation I can give you.

23 Q. Thank you very much. (Redacted)

24 (Redacted) reports of crimes

25 being committed against the civilian population by the troops of

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 84

1 General Bozizé?

2 PRESIDING JUDGE STEINER: One minute, Mr Witness.

3 Yes, Maître Badibanga.

4 MR BADIBANGA: (Interpretation) Thank you, Madam President. I --

5 I want to take the floor because I want -- I saw that Mr Haynes was

6 moving on to something else. I didn't want to interrupt him. He has

7 just completed a line of questioning relating to the uniforms. You even

8 asked him to specify what he meant by "loyalists" within that context.

9 And while the witness was giving his answer about FACA uniforms, he

10 started with Bozizé's uniforms.

11 But Mr Haynes said, to summarise your testimony, I would

12 understand that amongst those FACA soldiers, there were those who spoke

13 Lingala. But the witness had been speaking only about uniforms, and this

14 came without a basis. And then later on he asked whether there were in

15 Congolese who had crossed the border. But it seems to me that in no

16 point at no time did the witness mention FACA soldiers speaking Lingala.

17 At one point he said that USP soldiers were fighting on one side with the

18 MLC but at no time did he mention FACAs speaking Lingala. But Mr Haynes

19 said to summarise the testimony there were FACA soldiers speaking

20 Lingala, unless the part of the testimony to which Mr Haynes referred to

21 escaped my attention.

22 Do you want me to give you the references?

23 PRESIDING JUDGE STEINER: No. The English transcript is page 80.

24 We are discussing uniforms, fighting on one side, on the other side. And

25 on page 81, line 3, Mr Haynes said:

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 85

1 "And just to summarise your evidence about languages, there was
2 soldiers in the FACA who had an ability to speak Lingala, weren't there?"

3 So it's another question. It's not a summary of evidence that
4 had been already given by the witness, unless Mr Haynes has a different
5 understanding.

6 MR HAYNES: No, I've got nothing to say. I think the witness
7 understood the question as well.

8 Can I proceed, your Honour?

9 PRESIDING JUDGE STEINER: Please.

10 MR HAYNES:

11 Q. (Redacted)

12 (Redacted) reports of crimes committed against the civilian
13 population by the troops of General Bozizé?

14 A. Counsel, I have already said that during that period there was a
15 situation of confusion, and I repeat it was a situation of confusion.
16 And when there were activities relating to the MLC when they travelled to
17 PK12 and in the northern neighbourhoods where they were before continuing
18 their advance on the roads, it was from that time that there were a lot
19 of testimonies. The public opinion was aware and the victims came out
20 and talked about it. Women who had been raped talked about it over the
21 radio, and their husbands talked about it also. And as I said,
22 Central African newspapers mentioned that also because the press was
23 free.

24 Even today, in my country the media and the press discuss
25 whatever is happening. It was the same thing at that time. The
26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 86

1 newspapers were not banned. They talked about this. So the general
2 public was aware of what was happening. That is the answer to your
3 question, Counsel.

4 Q. Well, I'm sorry if the interruption confused you, but I'm asking
5 about crimes committed by the troops of General Bozizé. What did you
6 hear about that?

7 A. What I heard about that? When there was pillaging, it was on
8 both sides. There had been pillaging also in the northern areas,
9 specifically in Bozoum and other place. There was looting and items were
10 taken to Chad. That is the country from which Bozizé's rebellion came.
11 The authorities were aware of that.

12 Q. Did you hear allegations of acts of violence committed by
13 Bozizé's troops?

14 A. Counsel, in this type of situation, if there are crimes
15 perpetrated in any side, the Central African public opinion would be
16 aware, and I have mentioned the situation in the case of the MLC. I have
17 also said that in the northern areas there was pillaging. Some items
18 were looted and taken to Chad.

19 Q. (Redacted)
20 (Redacted)
21 (Redacted) - did they

22 tell you that they had come to towns and found evidence of murder, rape,
23 and looting by Bozizé's troops? - not the public opinion, not the press.

24 A. Counsel, I know you're speaking English but I was asked whether I
25 heard. That is why I'm telling you, Counsel, what I did hear. It is

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 87

1 what I heard. And indeed, after the fall of Bangui, the situation was
2 assessed, that is, in relation to the looting or pillaging either by the
3 joint MLC-USP coalition or by the rebels during their advance towards
4 Bangui.

5 Q. Thank you. I want you to tell us about the fall of Bangui. Was
6 there looting and violence during the days around March the 15th, 2003?

7 A. Yes. There was looting around the 15th of March. During the few
8 days following the 15th of March there was pillaging.

9 Q. By whom?

10 A. By the elements that were known at the time as the liberators.
11 Those who accompanied President Bozizé.

12 Q. Thank you. In particular, the palace and offices of
13 President Patassé, were they looted and destroyed?

14 A. To my knowledge, it was President Patassé's residence that was
15 looted and certain businesses and others, but the residence of
16 President Patassé was pillaged.

17 Q. (Redacted)
18 (Redacted)

19 A. (Redacted)

20 Q. (Redacted)
21 (Redacted)

22 A. (Redacted)
23 (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 88

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. (Redacted)

5 (Redacted)

6 (Redacted)

7 A. (Redacted)

8 (Redacted)

9 Q. (Redacted)

10 (Redacted)

11 A. (Redacted)

12 (Redacted)

13 Q. (Redacted)

14 (Redacted)

15 A. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 THE INTERPRETER: (Redacted)

21 (Redacted)

22 THE WITNESS: (Interpretation) (Redacted)

23 (Redacted)

24 MR HAYNES:

25 Q. Well, I'm very sorry, but we're going outside those parameters

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 89

1 now. (Redacted)
2 (Redacted)
3 A. (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
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23 (Redacted)
24 (Redacted)
25 (Redacted)
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Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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Page 90 redacted

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 91

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. (Redacted)

11 (Redacted)

12 (Redacted)

13 A. (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. Do you know the approximate number of refugees that the

17 United Nations registered in Chad in that period as having been forcibly

18 transferred out of their homes in the Central African Republic?

19 A. I haven't understood. What is your question, Counsel?

20 Q. Did you never become aware that 45.000 people had left their

21 homes in the Central African Republic to become refugees in Chad between

22 2003 and 2006?

23 A. During that period? I know that all conflicts lead to people

24 becoming refugees. All conflicts lead to refugees being displaced. I

25 know that many refugees from the CAR went to Chad, and also to Cameroon.

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 92

1 Once again, let me reiterate, Counsel, (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. What happened in power in January of 2006 (Redacted)

9 (Redacted)

10 A. In January 2006? I don't understand.

11 Q. Shall I spell the name of the town for you? It might make it

12 easier for you to remember, it's P-a-o-u-a.

13 A. Yes, the town of Paoua.

14 Q. What happened there in January of 2006?

15 A. Counsel, you must realise all incidents that occurred in the

16 Central African Republic -- I don't have an exact recollection of

17 everything that happened. And Paoua, like most of the towns in the

18 northern part of the country, if you would like me to mention them,

19 Makunda (* phon), Makunda, Paoua, Kabo, Bozoum, and so on and so forth,

20 those towns that were along the border with Chad have always been subject

21 to political and military upheaval and that has been the case for a very

22 long time.

23 Q. So you're not going to tell us what you recall about a particular

24 incident (Redacted) I'll jog your memory. A

25 lot of civilians were shot dead by FACA soldiers. Do you remember that

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 93

1 now?

2 A. Well, if during some skirmishes that occurred at that place that
3 you've mentioned to me, if there were -- I mentioned Makunda, which is
4 another town in the north where attacks occurred, (Redacted)
5 (Redacted). Let me reiterate. The towns in the north, the
6 centre-north, as I said earlier, Makunda, Paoua, Bozoum, and so on and so
7 forth. After the events of 2003, there still were incidents in those
8 places. I know that, I'm aware of that. There were incidents in those
9 locations. But as I've already said -- are you asking me questions about
10 that period of time or about the period of time (Redacted)
11 (Redacted)? You mustn't lump two different things
12 together, Counsel. Ask me questions about the period of time that we're
13 dealing with here. (Redacted)
14 (Redacted)? If that were you to be the case, I would be
15 for -- I would be before this Court for years.

16 PRESIDING JUDGE STEINER: Mr Haynes, I've been trying not to
17 intervene because I hope you are about to conclude, but we've been
18 discussing from the past pages events totally outside the scope of the
19 charges. And if Defence intention is to challenge the credibility of the
20 witness, I'm not sure that it's achieving its goal referring to events of
21 2006 of no knowledge at all of the Chamber, with no better information
22 that could lead to any specific role played by the witness at that time,
23 and what would be the relevance for the facts that are at stake.

24 So unless you have a very, very good explanation to give to the
25 Chamber, I would ask you please to move on.

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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1 MR HAYNES: I can. But I'm going to give you an explanation.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 PRESIDING JUDGE STEINER: I'm sorry, (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 MR HAYNES: Your Honour, we did - and I know you have - our list
18 of documents printed out. I don't want to go through all of them to see
19 what the witness knows about these events, but there are several reports
20 from human rights organisation in that list of documents, and if I have
21 to read them all out to him to establish that, I will. I'm trying to
22 take a shortcut at the moment.

23 PRESIDING JUDGE STEINER: Mr Haynes, if you at least refer to
24 what document, because it has been a very unfortunate practice of all
25 parties and participants to this trial to inform a list of documents
26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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1 containing 60, 70, 80 items of evidence that are never used during the
2 hearings. So you don't expect the Chamber to try to guess to what
3 document or what event you are referring to.

4 MR HAYNES: Well, they are documents, I think 38 and 39 in the
5 Defence list, they are both Amnesty International reports. There are
6 also some press reports that precede them. I'll move on to another
7 specific topic before coming to what I hope is the last.

8 Q. Sir, did President Bozizé's government receive information coming
9 from this trial, the trial of Jean-Pierre Bemba?

10 A. Counsel, before speaking -- well, right from the very beginning
11 yesterday, you began to intimidate me. You started to intimidate me.
12 Counsel, you have no right to intimidate me. You said that there was an
13 international warrant of arrest that had been issued for Mr Bozizé.

14 (Redacted)

15 And even if there is an international warrant of arrest, there must be
16 people who are guilty of violence and abuse and who are mentioned
17 specifically, economic crimes, crimes of bloodshed, their names are no
18 doubt to be found on that international arrest warrant, and they are
19 among the people. They are part of that arrest warrant that was issued.

20 Counsel, find out for yourself, check it out yourself. (Redacted)

21 (Redacted) You

22 are not the government of the Central African Republic. You came here to
23 defend a client, a case. You should do your work. Do your work -- do
24 your job right. I am not afraid, Counsel. I am not afraid to appear. I
25 can come back before the ICC, the International Criminal Court. Even if

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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1 I were to be put on trial and found guilty regarding the situation of my
2 country, (Redacted)
3 (Redacted)
4 (Redacted) And if I
5 am to be put on trial and found guilty, it is my country that will make
6 such a request. You, some lawyer, even a brilliant international lawyer,
7 you're not the one to make such a decision. It is authorities of the
8 Central African Republic who would make such a decision, unless the
9 Central African Republic has given you a mandate to already begin what
10 you're doing.

11 Please, Counsel, I beg of you, respect witnesses. I had said
12 here that mutual reciprocal respect is needed here. You must respect the
13 dignity of the individual. I have come to testify in the case of
14 Jean-Pierre Bemba. You should not allow this case to spill over and
15 touch upon --

16 PRESIDING JUDGE STEINER: Please, don't be so upset. I repeated
17 many times there are some kind of questions to check the credibility of a
18 witness that are allowed. The parties can always try to check the
19 credibility of a witness, and the Chamber is here to make sure that no
20 lines are crossed.

21 Before I give back the floor to Mr Haynes and just for my
22 information, (Redacted)

23 THE WITNESS: (Interpretation) Your Honour, I apologise. You see,
24 that question did not respect my credibility. (Redacted)
25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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1 (Redacted)

2 PRESIDING JUDGE STEINER: (Redacted)

3 (Redacted)

4 THE WITNESS: (Interpretation) That is correct, your Honour.

5 PRESIDING JUDGE STEINER: What exactly was the Republican Guard
6 at that time?

7 THE WITNESS: (Interpretation) As I explained, all the various
8 governments that came one after another had that unit, the
9 Republican Guard. It was called the presidential security unit; that was
10 the case in the days of President Patassé. And President Bozizé,
11 General Bozizé, when he came to power in 2003, the name of the unit was
12 the GP, the presidential guard. As was the case in 1981 under
13 President Dacko or in 1985 in the days of President Kolingba. And that
14 was pursuant to -- well, you see, that was in accordance with the
15 document that was shown yesterday by the Legal Representatives of
16 Victims.

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

18 I give back the floor -- no, I don't. We had a delay this
19 morning due to the technical problems and our interpreters and court
20 reporters, the court officer, very kindly agreed to replace those 40
21 minutes that were taken from Defence at the beginning of today's hearing.
22 Therefore, we are going to suspend just for 10 minutes or 15 minutes in
23 order to change the tape. We will resume in 15 minutes and we will have
24 40 minutes to conclude with today's hearing, and I hope Mr Haynes is able
25 and I'm sure Mr Haynes will be able to do that in that time-frame.

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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1 MR HAYNES: I'll certainly try my very best.

2 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

3 So the hearing is suspended for 15 minutes.

4 THE COURT USHER: All rise.

5 (The witness stands down via video-link)

6 (Recess taken at 5.01 p.m.)

7 *(Upon resuming in closed session at 5.17 p.m.) Reclassified as Open session

8 (The witness enters via video-link)

9 THE COURT OFFICER: All rise. Please be seated.

10 PRESIDING JUDGE STEINER: Welcome back, everyone. Once again,

11 thank you very much to all our support staff, interpreters, court

12 reporters, court officers, security, the technicians.

13 Mr Witness, welcome back. I will give back the floor to

14 Mr Haynes to continue with -- to continue and conclude with your

15 question, I hope.

16 MR HAYNES: Thank you.

17 Q. Let's see if we can deal with this as quickly as possible, sir.

18 So did President Bozizé receive reports of the evidence that was

19 being heard in this trial?

20 A. I do not know.

21 Q. Well, what about you? Did you know, for example, that former

22 soldiers from his army had given evidence for the Defence?

23 A. (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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1 with regard to the events. So during that time, I was given a written
2 authorisation, a note authorising me to testify or make a statement.

3 That is why members of the OTP came to interview me (Redacted)
4 (Redacted)

5 Q. Okay. Let's try something else. Does the name Aristide Oula
6 mean anything to you?

7 A. I did not quite understand the name you mentioned or who you are
8 talking about? Counsel, will you please repeat that name.

9 Q. Certainly. The family name is Oula, O-u-l-a, and the first name
10 is Aristied, A-r-i-s-t-i-d-e.

11 A. Oula? Who is Oula? I don't know. Who is Oula? I don't know
12 who Oula is.

13 Q. Well, I'll suggest to you he was a chief of police in
14 President Bozizé's government. Does that help you remember who he was?

15 A. Oula? That doesn't ring a bell.

16 Q. Very well.

17 PRESIDING JUDGE STEINER: (Microphone not activated)

18 MR HAYNES: No, this can't go on the record.

19 PRESIDING JUDGE STEINER: (Redacted)

20 (Redacted)

21 (Redacted)

22 MR HAYNES: (Redacted)

23 PRESIDING JUDGE STEINER: (Redacted) your Honour.

24 MR HAYNES: No, I'm sorry. I'm sorry. I'm just trying to save a
25 couple of words at this stage in the game.

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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1 Q. What was Francis Bozizé's role in his father's government?

2 A. Francis Bozizé was, first of all, director of cabinet; then he
3 became a minister delegate for defence.

4 Q. Do you know where he is now?

5 A. Counsel, you can't put questions to me about all those who left
6 and where they are now. It would be as if I am in a position to know
7 where everybody else, Counsel. Please, show me some respect, because I
8 don't know where everybody is located. Please just ask me questions that
9 concern me before this Court.

10 Q. Okay. Just one more in this regard. Do you know Mr Zarambaud or
11 Ms Douzima Lawson?

12 A. Counsel, why do you want to go into all those details? These are
13 Central African nationals. They are lawyers of the
14 Central African Republic.

15 Q. Do you have their telephone numbers?

16 A. I don't know whether you are the one who gave me those telephone
17 numbers. What I know in any event, Counsel, is that Maître Douzima and
18 Maître Zarambaud are eminent lawyers of the Central African bar, and I do
19 not have their telephone numbers. Why are you putting these questions to
20 me, Counsel?

21 Q. Have you been in any sort of the contact with either of them in
22 the last, say, 18 months?

23 A. Counsel, I don't know whether it is for you to put these
24 questions to me. It is as if I were appearing before this Court as an
25 accused person. Let me repeat: I am a witness. I am a witness. It is

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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1 in that capacity that I made a solemn declaration, and I am testifying
2 here voluntarily without any pressure whatsoever. Counsel, your
3 questions seem to be like the questions of a prosecutor, so I call you to
4 focus on the Bemba trial in relation to the intervention of the MLC units
5 in the Central African Republic during the time (Redacted)
6 (Redacted). Please do not put any questions to me on such-and-such a
7 person. I have provided you answers regarding Francis Bozizé because he
8 was the minister delegate for defence.

9 Now you asked me whether I know Maître Douzima or
10 Maître Zarambaud, and I would be lying if I said no. These are
11 Central African lawyers who are members, registered members, of the
12 Central African Bar Association, and for some time, as far as I know, as
13 I have learned, they are in The Hague appearing in relation to the
14 ongoing trial. Those lawyers who are in The Hague, I do not have their
15 telephone numbers by which I could call them on a daily basis or whenever
16 I wished to.

17 So, Counsel, as you can see, let me repeat that these are Central
18 African nationals, Central African nationals, they are Central African
19 lawyers, they are members of the Central African Bar Association. I do
20 not have the telephone numbers of all the lawyers. I don't have contact
21 with all the lawyers. And now, since Maître Douzima and Maître Zarambaud
22 have been at the Hague, I have not had any contact with them. So,
23 Counsel, please do not take me down this path of questions as I have
24 already mentioned to you.

25 PRESIDING JUDGE STEINER: Once again, and you are making me
26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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1 repeat myself as well, I told you that Defence is entitled to put
2 questions that deal with your credibility. You cannot choose which
3 questions you are going to answer. You have to answer to the questions
4 to the best of your knowledge. If any question is considered
5 inappropriate, the Chamber will intervene. So let's try to go faster.
6 In order to conclude with your testimony, just answer to the questions
7 put by Defence counsel at this point.

8 Fine, Mr Witness? Don't argue, please.

9 THE WITNESS: (Interpretation) Please, can --

10 PRESIDING JUDGE STEINER: (Previous translation continues)...

11 over to Mr Haynes for him to continue with your questioning. The Chamber
12 is vigilant and will not allow questions that the Chamber considers
13 inappropriate.

14 Mr Haynes.

15 MR HAYNES: Thank you. And can we please put on screen Defence
16 document number 9, and that is, for the remote facility's convenience,
17 CAR-D04-0003-01 -- I'm sorry. Defence document number 12,
18 CAR-D04-0003-0137.

19 THE COURT OFFICER (via video-link): (Interpretation) The document
20 is being shown to the witness.

21 MR HAYNES: And can we go to the bottom of the page and really
22 make the stamp as big as possible.

23 Q. (Redacted)

24 A. (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 103

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 And what is worse is that a copy is forwarded to the general of
11 the army, minister of defence, veterans, war victims, disarmament, and
12 restructuring of the army as a report. Let me point out that this
13 address is a recent nomenclature. We did not have a lieutenant-general
14 who was minister of defence in 2002, so that in itself is an
15 inconsistency. It is an error or a mistake which points to the fact that
16 it is a forgery.

17 Now if you look at the letterhead of the document, you see the
18 name of the ministry. In its entirety, that is Ministry of National
19 Defence for Restructuring Veterans, War Victims, and Disarmament, that
20 must appear as the letterhead of the document. And then to the right,
21 you would find republic -- or Central African Republic, Unity, Dignity,
22 Work. Counsel, those are some of the well -- some of the items which
23 stand out to me as inconsistencies within your documents, the documents
24 that you have produced before the Court. These are fake, falsified
25 documents.

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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1 Q. (Redacted)

2 (Redacted)

3 (Redacted)

4 A. (Redacted)

5 (Redacted). Counsel, you must bear in mind what I have just

6 stated; namely, that this document does not reflect reality, particularly

7 mindful of the clarifications that I have just provided. Recently, I

8 believe that the minister of defence was General Bozizé,

9 lieutenant-general, and he became lieutenant-general I don't know at what

10 date but not in November 2002. In November 2002 the minister of defence

11 was a civilian. It was not a lieutenant-general who served as minister

12 of defence at that time.

13 Q. Sir, I'm just trying to ask you a point of protocol. It's

14 protocol, isn't it, always either to stamp over a signature or to sign

15 over a stamp to reduce the possibility of forgery. Do you agree with

16 that?

17 A. If we look at the documents, I think that what happens is that

18 the forgery is intended to -- to mix up issues because here the signature

19 is embedded or hidden under the stamp. The signature is not very

20 visible. So that is the forgery. That is the attempt at deceiving or

21 hiding, dissembling the authenticity of the signature. And that is why

22 I say this is a forgery.

23 Q. Okay. Let's have a look at another document. It's one document

24 back in the sequence, it's document 11.

25 MR HAYNES: CAR-D04-0003-0136.

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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1 THE COURT OFFICER (via video-link): (Interpretation) The document
2 is being shown to the witness.

3 MR HAYNES:

4 Q. I'm sorry, sir. I'm just waiting for it to appear on our
5 screens.

6 MR HAYNES: Again, can we go to the stamp and enlarge it as much
7 as possible.

8 Q. (Redacted)

9 A. (Redacted)

10 (Redacted). Secondly, the stamp, you can

11 compare it to the other stamp, these are two different stamps. It's not
12 the same stamp. This means, then, that the two documents were forged,
13 fabricated. You see, the signature once again is dissimulated and
14 from -- you see, Counsel, that is proof of the fake nature of this
15 document.

16 Q. (Redacted)

17 A. It is an imitation. (Redacted). It is a poorly done
18 imitation. That's one. And then secondly, the stamp here is different
19 from the other stamp. And once again, let me repeat myself, these are
20 false documents. And I'm repeating what I have already stated to this
21 Court previously. I even had to say the same thing when these questions
22 were being put to me and when I was shown these documents. In short,
23 these are false documents.

24 Q. Okay. Well, we know you say that.

25 MR HAYNES: Can we now have a look at another document, and this

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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1 is document 48, I think. Let me just check that. No. I think it's
2 document number 4. It's CAR-D04-0003-0129.

3 THE COURT OFFICER (via video-link): (Interpretation) The document
4 is being shown to the witness.

5 MR HAYNES: Thank you. Can we concentrate around the stamp. Can
6 we go up a little bit. Okay.

7 Q. Sir, do you know what a watermark is?

8 A. Please, can you explain what you mean, Counsel?

9 Q. Yes. Can you see how this message from Ange-Félix Patassé has
10 the crest of the Central African Republic actually made into the paper
11 itself? Can you see that?

12 A. That is not the seal. That is a watermark. It is the coat of
13 arms of the Central African Republic which is the watermark that you can
14 see on the paper.

15 Q. Yes. But you know how such a thing has to be produced as part of
16 the paper, do you?

17 A. Well, you know, all types of means can be used to produce all
18 types of papers. You also know that documents such as passports and
19 identity cards and what have you, in spite of all the security measures
20 that can be taken, can also be falsified. You can have fake documents of
21 that nature, how much more when it comes to ordinary printouts like this
22 paper.

23 Q. Okay. And you can see there how President Patassé has caused his
24 signature to cross over the stamp or the stamp to cross over the
25 signature, in other words, so that the two things bleed into one another.

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

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1 Do you see that?

2 I think we can all see that. Can we now --

3 A. (Overlapping speakers) ...

4 Q. -- go please to document 25.

5 A. The seal, the stamp.

6 MR HAYNES: Let's have a look, please, at document 25. That's

7 CAR-V28-0001-0039.

8 THE COURT OFFICER (via video-link): (Interpretation) The document
9 is being shown to the witness.

10 MR HAYNES: Thank you.

11 Q. Can you see at the bottom of the first page there a paragraph or
12 initial? Sir? Well, let's go to the second page.

13 A. I can see the initials of President Bozizé.

14 Q. And again there on the second page. Can you look at the third
15 page, please? And the paragraph is there as well. And now let's go to the
16 last page, 0044. And there we can see President Bozizé's signature,
17 can't we?

18 A. That's right, Counsel.

19 Q. And what we can also see on this document is that it is stamped
20 twice. There is a rectangular stamp and the circular stamp of the
21 president which, in accordance with good and proper practice,
22 President Bozizé has signed across or has been stamped across his
23 signature. Do you see that?

24 A. Yes, I do see that, Counsel.

25 MR HAYNES: Can we now go to Defence (Redacted), please,

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 108

1 (Redacted)

2 THE COURT OFFICER (via video-link): (Interpretation) The document
3 is being shown to the witness.

4 MR HAYNES:

5 Q. (Redacted)

6 (Redacted)

7 A. (Redacted)

8 Q. (Redacted)

9 (Redacted)

10 A. (Redacted)

11 Q. (Redacted)

12 A. (Redacted)

13 MR HAYNES: (Redacted)

14 THE COURT OFFICER (via video-link): (Interpretation) The document
15 is being shown to the witness.

16 MR HAYNES:

17 Q. (Redacted)

18 A. (Redacted)

19 (Redacted)

20 Q. (Redacted)

21 (Redacted)

22 A. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 109

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. (Redacted)

6 (Redacted)

7 A. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 110

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 So, Counsel, that is what I am telling you about this particular
11 document.

12 Q. (Redacted)

13 (Redacted)

14 (Redacted) Now, I don't know if you have a

15 hard copy of document (Redacted) in front of you, the one that we were just
16 looking at, that's (Redacted), do you?

17 THE COURT OFFICER (via video-link): (Interpretation) We have no
18 hard copy.

19 MR HAYNES: Then we'll just have to go back to it, please.

20 Q. But let me just ask this question before we do.

21 MR HAYNES: Oh, we've gone back to it already.

22 Q. By all means, look through this document. But tell me if you can
23 find in this document the names of (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 111

1 A. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. Very well.

23 MR HAYNES: Briefly, can we just go back to document (Redacted).

24 THE COURT OFFICER (via video-link): (Interpretation) The document

25 is being shown to the witness.

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 112

1 MR HAYNES:

2 Q. (Redacted)

3 A. (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 MR HAYNES: Can we go to the second page.

9 Q. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 A. (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. Well, let's conclude this exercise by going to (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 113

1 please.

2 MR HAYNES: (Redacted)

3 THE COURT OFFICER (via video-link): (Interpretation) Mr Haynes,
4 (Redacted) on my list finishes with the (Redacted). Could you confirm
5 the number, Mr Haynes?

6 MR HAYNES: I think I can, yes, it's (Redacted) and there is a (Redacted)
7 (Redacted).

8 THE COURT OFFICER (via video-link): (Interpretation) The document
9 is being shown to the witness.

10 MR HAYNES: (Redacted)

11 (Redacted)

12 Q. (Redacted)

13 (Redacted)

14 (Redacted)

15 A. (Redacted)

16 Q. (Redacted)

17 (Redacted)

18 A. I can see that.

19 Q. And can we now go down to the bottom of the page.

20 A. Yes, I can see the bottom of the page.

21 Q. (Redacted)

22 (Redacted)

23 A. (Redacted)

24 Q. (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 114

1 A. Yes, I do see that, Counsel.

2 Q. (Redacted)

3 (Redacted)

4 A. (Redacted)

5 MR HAYNES: Can we go to the second page.

6 Q. Of course, on this page (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 A. I'd like to ask the counsel what he's talking about. Could he be
14 more clear?

15 Q. Yes. (Redacted)

16 (Redacted)

17 A. (Redacted)

18 Q. (Redacted)

19 (Redacted)

20 A. (Redacted)

21 Q. (Redacted)

22 MR HAYNES: (Redacted)

23 Q. (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 115

1 A. (Redacted)

2 (Redacted) And what

3 you've seen so far -- it's because, you see, what you saw earlier were

4 forgeries and that the signatures were hidden or -- by the stamps.

5 Q. You were telling us earlier about copy-pasting. You know a bit
6 about that, do you?

7 A. Counsel, these are details. Once again, let me say that the
8 documents that you have are fabrications. Don't come in with terms such
9 as "copy-paste," that's computer language. That's what you've been
10 doing. That's what you've done in your evidence. They are forgeries.
11 This is what I'm saying, Counsel. Your documents are false, they have
12 been doctored. Doctored. Doctored.

13 Q. No, sir, this document has been doctored, hasn't it?

14 A. (Redacted)

15 (Redacted)? But I -- I swear

16 before you, and I'm speaking objectively, just find out for yourself for
17 the entire army, (Redacted)

18 (Redacted) So these -- you are dealing in doctored documents, forgeries.

19 Q. (Redacted)

20 (Redacted)

21 A. (Redacted)

22 (Redacted) Counsel, don't try to put words in

23 my mouth or get me to say falsehoods. (Redacted)

24 (Redacted)

25 (Redacted)

26

Witness: CAR-CHM-PPPP-0001 (On former oath) (Closed Session)
Questioned by Mr Haynes (Continued)

Page 116

1 (Redacted)

2 Q. (Redacted)

3 (Redacted)

4 (Redacted)

5 A. Counsel, I came here to give testimony to shed light on the
6 events of October 2002 to March 2003, particularly during the time from
7 January 2003 to March 2003.

8 Q. (Redacted)

9 (Redacted)

10 (Redacted)

11 A. (Redacted)

12 Q. (Redacted)

13 (Redacted)

14 PRESIDING JUDGE STEINER: You do it only if you --

15 THE WITNESS: (Overlapping speakers) ...

16 PRESIDING JUDGE STEINER: Mr Witness, you do only if you want.

17 THE WITNESS: (Interpretation) I am not so inclined because the
18 Defence counsel is not there to put me on trial and ask me questions.
19 When he talks about downplaying, he is not the one who is serving as the
20 Prosecution. The Prosecution is the Office of the Prosecution, not
21 Defence, and he should let the Office of the Prosecution of the ICC to
22 file charges against me, not him. Once again, I am saying he should not
23 intimidate me. If I am put on trial, there will be proceedings and I
24 will give testimony and I will respond to any charges against me.

25 Your Honour, that is what I have to say to the Defence counsel.

1 He is not there to accuse me of anything. He is there to put questions
2 and I am entitled to say what I know, even relating to the evidence that
3 he has brought before the Court, evidence that is inconsistent, that does
4 not reflect the reality (Redacted)
5 (Redacted) and so on and so forth.

6 Your Honour, I am speaking in objective terms from my very heart
7 and with my mind. I cannot lie before the Court. I have said right from
8 the very beginning, and I reiterate, once again: I will say to the
9 Defence counsel, (Redacted), I have served my
10 country for many years. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 The Defence counsel should leave that particular task to the OTP.
18 And if the OTP believes that I am at fault, they can have me come here
19 and I can be put on trial and found guilty and convicted. That is what I
20 wanted to say, and I say once again I have tried to do all I can and to
21 answer questions before your Court, to answer questions from everyone
22 here who have put questions to me. First of all, your Honour, and then
23 Office of the Prosecution, and then the Legal Representatives of civil
24 parties, and then today the Defence. It's as if the Defence is coming
25 here and charging me, accusing me of things, and I believe that is the
26

1 task of the Office of the Prosecutor.

2 I thank you, your Honour.

3 MR HAYNES: Thank you very much for your patience, Mr Witness. I
4 am only doing my job. Thank you for your time this week.

5 PRESIDING JUDGE STEINER: Thank you very much, Mr Haynes.

6 Mr Witness, this now concludes your evidence. And before you
7 leave the court, I want, as with all other witnesses in this case, to
8 express the thanks of the Judges for the time you have taken to give
9 evidence in this trial. It has been five long days, many, many hours of
10 testimony. In order for the Judges to find the truth in this case,
11 Mr Witness, it's critical that witnesses such as yourself are prepared
12 and willing to give evidence to assist us in the relevant issues. We are
13 aware that this may have been inconvenient for you, and you leave us now
14 with our thanks, the thanks of the Chamber, the thanks of the Court.

15 We have just one minute left, Mr Witness. Is there anything that
16 you would like to address to the Chamber before you leave?

17 THE WITNESS: (Interpretation) Yes, Madam President. First of
18 all, Madam President, I would like to congratulate you, repeat,
19 congratulate you, for the manner in which you have conducted the
20 proceedings during this testimony, as you have said, before the Court.

21 Madam President, I tried. I tried my level best to shed light
22 and provide clarification to your Court and to the parties, whether it be
23 the Chamber, the OTP, the Legal Representatives, or the Defence. Apart
24 from a few issues here and there and bumps and misunderstandings, which
25 unfortunately did happen, I think that in the end quite fortunately, your
26

1 Honour, Madam President, you were there -- you were there to put things
2 in order and to set things straight.

3 I also want to thank all those who took part in these
4 proceedings. And I would like, Madam President, since I'm still here, to
5 express my respect and gratitude to President Jean-Pierre Bemba who,
6 throughout the proceedings, was present in the courtroom. I wish to have
7 opportunity to see him again under circumstances such as these here in
8 The Hague.

9 Madam President, once again thank you. I want to once more
10 congratulate you for having so wonderfully conducted the proceedings that
11 have lasted five days. I want to thank you once more, Madam President.
12 I thank you.

13 PRESIDING JUDGE STEINER: We thank you very much, Mr Witness,
14 then, and we wish you a very safe trip back to your home.

15 I thank very much for the Prosecution team, Legal Representatives
16 of Victims, the Defence team, Mr Jean-Pierre Bemba Gombo.

17 Again and again and again, I thank very much to our support
18 staff: Our interpreters; court reporters; court officers, here and at
19 the transmission location, Ms Bossette; the technicians that were always
20 around in order to ensure that everything works smoothly.

21 And with the thanks of the Chamber, I declare this hearing
22 adjourned.

23 THE COURT OFFICER: All rise.

24 *(The hearing ends in closed session at 6.23 p.m.) Reclassified as Open session

25 RECLASSIFICATION REPORT

- 1 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 2 ICC-01/05-01/08-3038, the version of the transcript with its redactions
- 3 becomes Public.