

Trial Hearing
Witness: CAR-OTP-PPPP-0009

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 2
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki
6 Trial Hearing
7 Monday, 9 May 2011
8 (The hearing starts in open session at 9.35 a.m.)
9 THE COURT USHER: All rise. The International Criminal Court is now in session.
10 Please be seated.
11 THE COURT OFFICER: Good morning. Your Honours, Madam President, we are
12 in open session.
13 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer, call
14 the case.
15 THE COURT OFFICER: Yes, Madam President. Situation in the Central African
16 Republic, in the case of The Prosecutor v. Jean-Pierre Bemba Gombo, case reference
17 ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you. I would like to welcome Prosecution
19 team, legal representatives of victims, the Defence team, Mr Jean-Pierre Bemba
20 Gombo. We will continue today with the questioning of Witness 09. We have
21 received information that the witness has already recovered from this kind of 'flu and
22 is ready and willing to continue giving his testimony.
23 I was informed that Defence would like to raise an issue before the witness is brought
24 into the courtroom; am I correct?
25 MR LIRISS: (Interpretation) Yes, you're quite right, your Honour. Your Honour,

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1 the Judges, I have taken time to read over the transcripts of the hearing of Witness 06,
2 in particular, as regards the public nature or confidential nature of the documents
3 that came from the Central African judiciary; in particular, the order of partiel
4 non-lieu and referral, a partial dismissal and referral, and the final application of the
5 Prosecutor's office.

6 I saw that in the transcript, the edited version, of 11 April 2001, in English, at page 5,
7 lines 14 to 18, in French also on page 5, lines 5 to 14, Maître Kilolo had said this:

8 "Your Honour, if you so wish we could go into private session, but it seems to me,
9 nonetheless, that the excerpts that I am reading out, in actual fact these documents
10 are public in the Central African proceeding unless the witness were to contradict me
11 on this point."

12 The witness said the following: "Public documents in the Central African Republic?
13 I don't think so, because the investigation came to an end and the Chamber of
14 Accusation was called upon by way of appeal and until then this proceeding hadn't
15 been dealt with in open session in the Central African Republic, so I cannot say -- well,
16 or rather, I can say that it is not yet public as such in CAR."

17 It was on the basis of this statement, coming from a public judiciary organ in the
18 Central African Republic, that the Chamber deemed that the document continued to
19 be confidential. And according to Witness 06 the documents were confidential
20 because there had not yet been a public hearing in the Central African Republic, I
21 grant you that, but we must remember, your Honour, and let me give you the
22 references here, CAR-OTP-0062-02103, the investigating chamber of the Court of
23 Appeals of Bangui, when it was seized both by the final application, the order and the
24 appeal of the Prosecutor's office, in fact issued a ruling that disjoined the cases saying,
25 concerning crimes involving bloodshed and related crimes, the ruling is

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1 CAR-OTP-00190-01611, EVD-P-01321. This ruling said that the Prosecution would
2 be separated, disjoined and concerning crimes involving bloodshed, these came
3 under the jurisdiction of the ICC.

4 But as regards the economic crimes, the ruling referred the case for prosecution
5 before the judge or the court that had jurisdiction and the court with the jurisdiction
6 did hold public hearings as regards those economic crimes until a point that there
7 was a general, I believe a general amnesty.

8 Now, both the economic crimes and the so-called crimes involving bloodshed in fact
9 came under a single document; i.e., the orders and the Prosecutor's final application
10 and these were covered by a single document. There was not an order solely for the
11 economic crimes and another one solely for the crimes involving bloodshed or a final
12 application only for economic charges and the other one for crimes involving
13 bloodshed. All these came under a single unique document.

14 It is quite clear, therefore, that there was a public hearing concerning the crimes
15 involving bloodshed. This document, this very same document, was referred to and
16 a part of that document that related to those crimes had not been redacted. These
17 documents are, therefore, public because they were dealt with during a public
18 hearing that dealt with economic crimes.

19 Consequently, since they have been referred to during a public hearing, they are no
20 longer confidential; and since that is the case, when we asked for the classification, we
21 were right to do so because those documents are no longer public. In addition -- I'm
22 sorry, they are public.

23 On the other hand, the Prosecution has suggested that permission must be asked of
24 the Central African government. The Defence considers that not only that should
25 not be done because those documents are public, because several public hearings

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1 relating from were held but, furthermore, that would be going against the rights of
2 the Defence and particularly the right to a fair and public trial.

3 Why is that? Because the government, the Central African public institutions, have
4 embarked on the trial between Patassé against Prosecution -- versus Prosecution, and
5 the Prosecution's office in the Central African Republic represents society, represents
6 the government, the public institutions. The government through its office of the
7 Prosecution, which is dependent on the Ministry Of Justice has embarked on the trial
8 in the same way as Patassé, et al.

9 Now, to ask one of the parties, the prosecuting party to this trial, permission so that
10 the prosecuted party can be -- use documents for its defence publicly would not only
11 be -- go against the principles of a fair trial I just mentioned, but in addition, it would
12 simply be random for the prosecuting party to make decisions on the basis of its own
13 interests. And for this reason, perhaps the Chamber is right in saying that it is up to
14 it alone to take a final decision on this matter.

15 So perhaps the Chamber deems that it is courteous to ask for the opinion of the
16 Government of the Central African Republic, but I believe that asking them for
17 permission is excessive, for the two reasons I already cited: The documents are
18 already public and the fact that there is a conflict of interest between the -- with the
19 Government of the Central African Republic which is already engaged in a trial.
20 The Chamber was certainly misled about the public or confidential character of the
21 documents we are discussing. I would like to add that those documents contain
22 testimony relating -- well, testimonies of all the people heard in the Central African
23 Republic. Thank you very much for your attention, your Honour.

24 PRESIDING JUDGE STEINER: Thank you very much, Maître Liriss. I would like
25 to give the floor to the Prosecution to see whether the Prosecution would like to

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1 respond.

2 MS KNEUER: Good morning, Madam President, your Honours. Thank you for
3 the opportunity to briefly respond to the submission of my learned colleague,
4 Maître Liriss.

5 Maître Liriss touched a lot of issues and went into very specifics, and I'm planning
6 not to respond to all of these details. However, first of all, I think this Chamber
7 made clear that you, your Honours, will take the final decision about the
8 reclassification of the documents. So there is no doubt about this.

9 The proposal of the Prosecution was simply to inquire from the CAR government
10 their observations on the reclassification because they are the owner and it's their
11 property. The submission of Maître Liriss shows that it's not an easy exercise to
12 determine if a document is public and/or confidential. Even within a document,
13 there may be portions which are public or confidential, and it is exactly for that
14 reason that the Prosecution proposed to ask the originator to give its opinion, to
15 facilitate your Honours' final decision.

16 Also, Maître Liriss proposed, and it is on page 4, lines 13 onwards, "Consequently,
17 since they have been referred to during a public hearing, they are no longer
18 confidential." Well, this is a legal opinion. I cannot comment if it's true or not, and
19 that's the reason why we suggest to wait for the CAR government to provide
20 observations.

21 And this is also, actually, within the line, or the approach, that the Appeals
22 Chamber had taken that the CAR government is consulted before a Chamber is
23 taking a final decision.

24 What I regret is that these submissions were not made at the appropriate time, in a
25 written form, in a comprehensive form, so that the parties and participants would

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1 have a better opportunity to advise your Honours. So, basically, since quite some
2 time we are discussing this thing over and over again, and I cannot see how the
3 Defence can allege that the right to a public trial is infringed when they, themselves,
4 had not made any effort to assert that, write out and did -- and file a proper
5 comprehensive submission to the Chamber in due time. These documents were
6 disclosed a long time ago.
7 Lastly, the Defence submitted a filing, and I'm referring to filing number 1380, and
8 had requested the reclassification of certain documents and transcripts. As the
9 Prosecution had indicated in its email from, I believe, 21 April, we are planning to
10 respond in writing. We will do so within the 21 days' deadline. But also what the
11 Prosecution realised is that in that filing of the Defence, they referred to three
12 documents, procès-verbaux, which they would like to have reclassified.
13 If you look at the list of documents that the Defence submitted, which they are
14 planning to use during the hearing or questioning of Witness 09, we believe there are
15 two additional documents. So it's very difficult also for the Prosecution to always
16 catch up with new requests, but we will do our best, and we are already in the
17 process to apply proper redactions to the procès-verbaux, just as a precaution in case
18 your Honours would grant the Prosecution's request, or proposal, to protect the
19 names of victims.
20 And perhaps the last point I should make is we also have a confidential filing of the
21 VWU with regard to victims and the protection of victims. I cannot make any
22 further comments in a public hearing, but we also should keep that proposal in mind.
23 Thank you very much, your Honours.
24 PRESIDING JUDGE STEINER: Maître Liriss, you are allowed to reply, if you want.
25 MR LIRISS: (Interpretation) Thank you, your Honour. One thing that is very

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1 important, first of all, we do grant that indeed that the Chamber has already taken a
2 decision whereby we must protect the victims in the documents in the meantime,
3 while the decision for reclassification is pending. That was a very wise decision and
4 we're not disputing that.

5 I understand the Prosecutor that this -- that when it says that this question should
6 have been raised far earlier, but it is never too late to bring forward the elements that
7 are in line with a law. The Prosecutor also says that it does not know who and by
8 what means the Defence has been made aware that a document has been made public,
9 but I'm not the one saying that, it's Witness 09 -- 06 who has said this and it was on
10 the basis of that testimony that the decision to make this document public was made.
11 And this is, indeed, what in the transcript of 11 April, page -- lines 14 to 16, page 15,
12 this is what the Prosecutor says on that page: "And secondly, your Honour, this is
13 quite clear, without having been questioned on this point, the witness himself is part
14 of the authorities of the CAR and he gave his opinion without being asked what the
15 status of the document was."

16 And the opinion that he gave and that was followed was not a right opinion. All I
17 want to say to the Chamber is that opinion was not right, was mistaken in this case.
18 I have finished, your Honour.

19 PRESIDING JUDGE STEINER: Thank you very much to the parties for this
20 exchange of ideas. The Chamber is going to take a decision on the proper
21 reclassification of the document in due time, taking into account, of course, the
22 arguments raised by Defence and Prosecution.

23 As a preliminary comment, I would like to point out to the Defence that the fact that
24 the Defence is allowed to use a document even if the document is confidential and for
25 that reason, the document has to be discussed partly in private session, I'm not

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1 convinced of the argument that this would consist on a violation of the fundamental
2 rights of the Defence or a violation of the principle of equity of or principle of
3 publicity.

4 I don't think the Defence can say that at any time the Defence has suffered any
5 prejudice in its preparation for the proper defence of Mr Bemba. So I would like to
6 have more concrete information coming from the Defence in terms of what could
7 have been the prejudice suffered by the Defence if the Defence has been allowed to
8 use all documents. The Defence was -- received all documents in the possession of
9 the Prosecution by way of proper disclosure proceedings. The Defence is aware of
10 the identity and of the content of all documents of the case file, including witnesses'
11 statements.

12 So I think this recurrent allegation of violation of principle of equity or principle of
13 publicity appears to be not well-founded, in my view.

14 In any case, in relation to the document to which we are referring in this session, the
15 Defence alleges that the document, because there was a severance of the case before
16 the Bangui - the Central African Republic Superior Courts - and that one part of the
17 case was made public doesn't mean, necessarily, that the other part of the documents
18 of the case became automatically public.

19 As far as we know Mr Bemba was not, was not covered by any of the supposed,
20 alleged economic crimes, so we cannot decide on anything on the basis of
21 impressions or suppositions made by the Defence.

22 In any case, the Defence is right when the Defence says that the Chamber doesn't
23 need authorisation from whoever in order to decide on reclassification of documents
24 but, as always, all Chambers of this Court, they seek the views of the government, of
25 VWU, of VPRS, of any of the parties involved in order to protect interests of victims

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1 and, as well, the interest of the Defence, victims and witnesses.

2 The Chamber will do its best to come with a decision on reclassification of documents
3 as requested by the Defence as soon as practicable, as soon as the Chamber has
4 enough information to make an informed and proper decision, and we'll take into
5 account the arguments raised by the Defence and by the Prosecution in the present
6 session.

7 For the time being, we will continue. The Chamber is being really open to the
8 Defence in allowing the Defence to quote paragraph-by-paragraph of a confidential
9 document. For the time being, the Chamber will continue allowing this line of
10 questioning, although the Chamber's really concerned about this technique of
11 questioning that goes paragraph-by-paragraph, but the Chamber for the time being is
12 not going to interfere.

13 But just reminding the Defence to, as far as possible, not to mention names of victims,
14 most and foremost, but also on maybe potential witnesses, co-perpetrators, people
15 that could be put at risk in relation to what they have said in another procedure
16 before the Central African Republic authorities.

17 So the Chamber is counting on the good sense of the Defence in order to continue the
18 questioning in open session. I hope Defence is sensitive for the kind of problem that
19 we are trying, we are trying to find a common sense solution for it.

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

21 (The witness enters the courtroom)

22 WITNESS: CAR-OTP-PPPP-0009 (On former oath)

23 (The witness speaks French)

24 PRESIDING JUDGE STEINER: Mr Witness, good morning.

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

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- 1 PRESIDING JUDGE STEINER: I hope you are feeling better, that you had
2 opportunity to recover during the weekend.
- 3 THE WITNESS: (Interpretation) Yes, your Honour.
- 4 PRESIDING JUDGE STEINER: Are you ready, feeling well, ready to continue
5 giving your testimony?
- 6 THE WITNESS: (Interpretation) Yes, your Honour.
- 7 PRESIDING JUDGE STEINER: Before you start, I'm sorry there is a procedural issue
8 that the Chamber still needs some information and in this time mainly from the
9 Prosecutor in relation to a level of confidentiality. It's just a clarification to the
10 Chamber.
- 11 We can see from document 721, Annex 26 I think -- no, Annex 2C, document 7 -- I will
12 start by document 758, Annex 2C, dated 16 June 2010. This document is the
13 ordinance, the "Non-lieu partiel et de renvoi devant la cour criminelle."
14 According to the information I have, this document was reclassified as public on 15
15 June 2010. The ordinance, the non-lieu partiel et de renvoi devant la cour
16 criminelle."
- 17 We have, I have in front of me decision 721, Annex 26, dated also 15 June 2010 which
18 is the "Réquisitoire de non-lieu partiel et renvoi devant la cour criminelle." This
19 document has been reclassified as public by the Chamber's decision.
- 20 Finally, I would like to mention the same decision 758, Annex 2D, dated 16 June 2010,
21 which was reclassified as public as well, and here we are talking about "L'arrêt
22 d'information partiel de non-lieu de disjonction et de renvoi devant la court criminelle
23 de la chambre d'accusation, numero 021, du 6 décembre 2004." This document has
24 also been reclassified at public.
- 25 My question is: These are the documents, as far as I know, the Defence has been

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1 referring to in its questioning, so which are the remaining documents to which the
2 Prosecution is still waiting the information of the Central African authorities in order
3 for these documents to be reclassified? This is my question to the Prosecution.

4 MS KNEUER: Madam President, it's about the procès-verbaux that the decision that
5 we are -- or the observations that we are waiting for.

6 PRESIDING JUDGE STEINER: Meaning the statements given by the witnesses
7 before the juge d'instruction.

8 MS KNEUER: Correct, Madam President.

9 PRESIDING JUDGE STEINER: Oui, Maître Liriss.

10 MR LIRISS: (Interpretation) Your Honour, I don't want to try your patience, but I
11 have something to say. These statements are included in these documents. These
12 documents basically sum up the different statements which have been made by the
13 involved parties and the names, as well.

14 Moreover, you ordered a certain number of redactions to be made and this was done
15 on the basis of the fact that we thought that these documents had not yet been
16 reclassified. I would like to place my trust in the Chamber to be sure that the
17 appropriate decision will be made concerning the redactions which you mentioned.

18 PRESIDING JUDGE STEINER: The Chamber will do it, together with the decision
19 on the proper reclassification. I just want to remind Defence that the fact that some
20 information is given in public hearing doesn't mean that the document is informally
21 reclassified as public. So I would like Defence to continue using its discretion and to
22 conduct the questioning of the Witness without going too far in the release in public
23 session of information that should be kept confidential before the Chamber issues a
24 decision on the issue.

25 Maître Kilolo, you can start your questioning to Witness 9, please.

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1 MR KILOLO: (Interpretation) Thank you, your Honour.

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

3 Q. Mr Witness, good morning.

4 A. Good morning, Counsel.

5 Q. I'm glad to hear that you're ready to continue the questioning this morning.

6 I am going to ask the court officer to please put document number 7 from the
7 documents list, CAR-OTP-0019-0211, up on the screen for us all to see, please.

8 THE COURT OFFICER: Your Honours, document CAR-OTP-0019-0211 is available
9 on your screens. This document has been attributed previously reference
10 EVD-T-D04-00017 and it's marked as confidential.

11 PRESIDING JUDGE STEINER: Maître Kilolo, could you just please inform me
12 which number is on the list of Defence, please.

13 MR KILOLO: (Interpretation) This is document number 6 on the Defence's list of
14 documents, your Honour.

15 Q. Mr Witness, we are going to continue where we stopped last week. I'm going
16 to ask you a certain number of questions, sir. These questions will deal with the
17 questioning of the Central African general, General Bombayake. This was a
18 question -- which was questioning was carried out by you as the investigating judge.
19 The date was 17 November 2003, sir.

20 Can you confirm to this Chamber that this is, in fact, the document which you have
21 before you?

22 A. Yes, it is that document.

23 Q. Mr Witness, just a reminder for all of us, we must respect the five-second rule.
24 That is very important for the transcripts of the proceedings.

25 I would like to ask the court officer to please go to page CAR-OTP-0019-0213, please.

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1 PRESIDING JUDGE STEINER: I'm sorry to interrupt you, and I really apologise to
2 the Defence, but the Chamber needs to remind the witness that the witness is still
3 under oath. Do you understand that, sir?

4 THE WITNESS: (Interpretation) Yes, your Honour, I understand that.

5 MR KILOLO: (Interpretation)

6 Q. Mr Witness, you have the document before you. We have already read the
7 first two paragraphs. Sir, I would like to ask you now to please read out the first
8 two paragraphs which are now on the document on the screen in front of you out
9 loud for the Court, please. I was beginning with the second paragraph on the
10 document in front of you, the second and third paragraphs, please. It begins with
11 "Au niveau" and it ends with "Chef de d'État." Would you please read out the
12 document slowly in order to make it feasible for the interpreters.

13 A. "For the presence of the Republic -- "

14 Q. Excuse me. "Au niveau du Ministère pour la Defense" is where you should be
15 starting.

16 A. I understand. Excuse me.

17 Q. Please read very slowly so that the stenographers and the interpreters will not
18 have any problems.

19 A. "At the level of the Ministry of National Defence, the make-up was the
20 following: The Minister Of Defence or his delegate, the Minister of the Interior, the
21 Joint Chief of Staff, the Inspector-General of the Armées, the Director-General of the
22 Gendarmerie, the Director-General of the Police, and for some meetings, the
23 Director-General of the Presidential Security Unit. This committee was tasked with,
24 at the level of the Ministry of Defence, to collect and to share information between the
25 different operational bodies in order to have a complete picture for the Ministry of

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1 Defence, which could then be transmitted to the Head of State.

2 Q. Mr Witness, can you confirm to this Chamber that these comments were made
3 to you by the -- by General Ferdinand Bombayake?

4 A. Yes.

5 Q. Mr Witness, can you now please, sir, read the following paragraph which
6 begins with "Au niveau de la présidence"?

7 A. "For the Office of the President of the Republic, the committee was set up to
8 take major decisions in order to organise operations which were being conducted in
9 the field. * The members of this committee were also in charge of passing on --- at
10 the grass-roots level ---- certain decisions which had been made by the Head of State."

11 Q. Mr Witness, could you please once again confirm to the Chamber that these
12 comments were indeed those of General Ferdinand Bombayake?

13 A. I believe so, yes.

14 Q. For the record, sir, do you believe that these are his comments, or are you sure
15 that these were his comments? And I'm referring there to General Bombayake.

16 A. Well, the statement was signed and the questioning was done, I believe, in the
17 presence of a lawyer, so these are indeed then his comments.

18 MR KILOLO: (Interpretation) I would now like to ask the court officer to move on
19 to document number 7 on the list of the Defence list of documents,
20 CAR-OTP-0019-0215. Your Honour, this is document number 7 of the Defence's list
21 of documents.

22 THE COURT OFFICER: Document CAR-OTP-0019-0215 is available on your screens,
23 is marked as confidential and has been attributed reference EVD-T-D04-0018.

24 MR KILOLO: (Interpretation)

25 Q. Mr Witness, can you confirm to the Chamber that you do, indeed, have before

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1 you the statements of the questioning session, the second part, for General

2 Bombayake which was carried out by yourself on 18 November 2003, sir?

3 A. Yes, indeed, Counsel, that is the document.

4 Q. Can you confirm to the Chamber that this questioning was also conducted in
5 the constant presence of the Prosecutor of the Republic at the tribunal de grand
6 instance of Bangui, Mr Ferdinand Findiro?

7 A. I can confirm that.

8 Q. Mr Witness --

9 MR KILOLO: (Interpretation) I would like to ask the court officer to enlarge the
10 second part of the page which you have on the screen in front of you. If he could
11 enlarge that, please. Excellent.

12 Q. Mr Witness, I would like to ask you to please read the document out for the
13 Court. I would like to ask you to -- ask to read out the question which you put to
14 General Bombayake and I would also like to ask you to read the answer that he
15 provided you with, or he provided for you.

16 A. "Question: Please provide us with the names of the people who made up the
17 crisis cell at the Presidency of the Republic as well as for the Ministry of Defence.

18 Answer: For the Presidency of the Republic there were the following: Mr Ange-Félix
19 Patassé, President of the Republic; Mr Martin Ziguéle, Prime Minister; Mr Pierre
20 Angoa, Minister of National Defence; Mr Maurice Regonessa, replacement for
21 Mr Angoa; Mr Joseph Mozoule, Minister of the Interior; Mr Jaacquesson Mazette,
22 replacement for Mr Mozoule; the Executive Board of the MLC Party (see the list
23 containing the members of this office); the deceased General Mbetibangui, head -- or,
24 rather, Chief of Joint -- Joint Chief of Staff for the army, replaced after his death by
25 General Antonio Gambi. But I'd like to state that General Gambi was not able to

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1 participate in the meetings of the crisis cell which were presided by the headed of
2 state."

3 MR KILOLO: (Interpretation) I would like to ask the court officer to please move
4 on to the next page CAR-OTP-0019-0216.

5 Q. Witness, could you please continue reading this -- from this document, in
6 particular the first document that begins "The general" and it ends "DG of the USP."

7 A. General Yangongo replaced by General Gombadi representing the Office of the
8 General Inspector of Armées, Magistrate Paul Anthony Morombaye, DG of the
9 Gendarmerie, Mr Sinfeï Moïdamse, Director-General of the Central African Police
10 replaced a few months earlier before that time, before the government fell, replaced
11 by Mr Sabangle, Colonel Allam, Chief of -- Special Chief of Staff. General Serenam,
12 Military Chief of -- correction, Chief of the Military Officer and myself, General
13 Ferdinand Bombayake.

14 Q. Witness, could you confirm to Chamber that this is the information, the
15 intelligence, having to do with the people who were members of the crisis committee
16 that was set up with regard to these events that concern us from October 2002 to
17 15 March 2003, the information that was provided by General Bombayake?

18 A. Yes, indeed, that was the information provided by that gentleman before the
19 investigating judge at the time.

20 MR KILOLO: (Interpretation) I would like to ask the court officer if he could please
21 display the second paragraph from this same page.

22 Q. Witness, could you please read out the second paragraph that you have before
23 you, the paragraph that begins "Within the Ministry Of National Defence" and ends
24 "including myself."

25 A. Within the Department of National Defence the committee was made up of the

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1 following people: The Minister of National Defence, Mr Angoa, and his delegated
2 Minister General Yangongo. Then replaced by General Regonessa. The delegate
3 Minister Colonel Bouba. Mr Mozoule, Minister of the Interior. The General
4 Mbetibangui, replaced by Colonel Antoine Gambi. General Alphonse Gombadi,
5 Inspector-General of Armées. Judge Paul Tony Morombaye. Mr Sinfeï Moïdamse,
6 the Director-General of the Central African Police, replaced a few months earlier
7 before the government fell by Mr Sabangle, et cetera.

8 Q. Could you confirm for the Chamber that this information was provided to you
9 by General Ferdinand Bombayake; that is to say, the names of the various Central
10 African people who made up the crisis committee within the Department of National
11 Defence, the committee that was set up with respect to the events that concern us
12 from October 2002 to 15 March 2003?

13 A. This is the content of the statement that was given by Mr Bombayake, indeed.

14 MR KILOLO: (Interpretation) I would like to ask the court officer if we could go
15 back to document number 6, document 6 on the Defence list, CAR-OTP-0019-0213,
16 and if the court officer could display the last paragraph on that page.

17 Q. Witness, I would like to read out one passage from the last paragraph taken
18 from this statement made by General Bombayake, and I quote, "Mr Abdoulaye
19 Miskine was appointed by way of an order from the Head of State. He was
20 appointed to lead a brigade fighting against the Zaraguina forces based in Batangafo
21 and Kabo. This brigade reported directly to the Head of State."

22 My question is as follows: Can you confirm to us that these remarks were, indeed,
23 made by General Bombayake?

24 A. Yes, I do confirm that.

25 Q. Could you confirm to the Chamber that when General Bombayake was

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1 speaking about the Head of State, he was actually talking about the former President

2 Ange-Félix Patassé?

3 A. Of course.

4 MR KILOLO: (Interpretation) I would like to ask the court officer if he could move
5 on to the next page CAR-OTP-0019-0214.

6 Q. Witness, I would like to read out one particular passage from this statement
7 made by General Bombayake and then I will ask you my question. I'll quote, "The
8 vehicles used by Miskine were rented by the head of government; they were rented
9 from private individuals. At one particular point he also requisitioned the vehicles
10 that were in the field."

11 Witness, can you confirm that this is, indeed, the information that was provided
12 during your inquiry in Bangui?

13 A. Yes.

14 Q. Could you specify to the Chamber, tell the Chamber, who gave this
15 information?

16 A. I believe it was General Bombayake who gave that information. That
17 information is found in his statement.

18 Q. Now, in this particular passage, when General Bombayake spoke of the head of
19 the government who was renting vehicles and requisitioning some vehicles and then
20 providing them to Miskine, which head of government was he speaking of exactly?

21 A. I believe he was talking about Martin Ziguèle.

22 MR KILOLO: (Interpretation) I would like to ask the court officer if he could
23 display document 7, once again. This is document 7 on the Defence list,

24 CAR-OTP-0019-0216. And if the court officer could zoom in on the second half of
25 this page, at the bottom, starting with the word "question."

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1 Q. Witness, I would like to read out this particular question to you, and I quote,
2 "The soldiers of Jean-Pierre Bemba were operating under the orders of which military
3 authorities?"

4 Witness, could you tell the Court who asked this question of General Bombayake?

5 A. I was the one who asked that question.

6 Q. I would like to read out the answer that was given, and I quote, "The
7 Banyamulengue were operating under the command of the Assistant Chief of Staff
8 General Mazi and Colonel Lengbe. Only these two gentlemen could provide you
9 with the details about the practical measures that had been implemented."

10 Witness, could you confirm to the Court that it was indeed General Bombayake who
11 informed you that the Banyamulengue were operating under the command of the
12 Central African Republic military authorities; namely, General Mazi and Colonel
13 Lengbe?

14 A. That is, indeed, the content of his statement.

15 Q. I will move on. "During the first offensive of the support regiment towards the
16 Boganda lycée and the 4th arrondissement, and -- there was an incident that occurred
17 between the Banyamulengue who were ahead and the FACA troops. They had
18 accused them of shooting at them and this incident provoked a temporary suspension
19 of the move forward," this is the end of my quote.

20 Now, Mr Witness, could you confirm to the Chamber that it was indeed General
21 Bombayake who told you that there had been an initial offensive in the field
22 organised in conjunction with the FACA troops and the Banyamulengue?

23 A. Yes.

24 Q. Witness, I would like to read out another passage, and I'd like to ask for
25 additional information about this, and I quote --

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1 (Pause in proceedings)

2 Witness, I will read out a different passage, and I quote, "In response to the crimes
3 committed by the Congolese soldiers - theft, looting, rapes, murder - General Mazi
4 designated a number of officers from the gendarmerie and from the land forces.
5 They were supposed to recover the various stolen items from the looters and, as well,
6 they were told to reduce the damage as much as possible."

7 Witness, could you tell the Chamber who gave you that particular item of
8 information?

9 A. Well, we are still reading from the statement taken by General Bombayake,
10 I believe, so it was General Bombayake.

11 Q. Witness, could I ask you to read out the last paragraph that you have in front of
12 you, the question?

13 A. "Question: The requisitioning of the vehicles for the Banyamulengue that you
14 made reference to during the earlier question, was this requisitioning done in writing
15 or verbally? Could you tell us how many vehicles were requisitioned and what kind
16 of vehicles were requisitioned?"

17 Q. Witness, could you tell the Chamber who asked this question and who the
18 question was put to?

19 A. The question was put by the investigating judge and was put to General
20 Bombayake.

21 Q. Now, the investigating judge at that time, whom you've just mentioned?

22 A. That was me.

23 THE INTERPRETER: Five-second rule not being respected.

24 MR KILOLO: (Interpretation)

25 Q. Could we please move on to document 017, first paragraph please. Witness,

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1 could you please read out this first paragraph for the Chamber? Could you read out
2 the answer?

3 A. My role in this particular case was to provide these requisitioned vehicles, that
4 either were requisitioned by the gendarmerie or the IEG, to make them available, and
5 I really couldn't tell you under these circumstances whether these requisitions were
6 done in writing. For the most part, most of the time these vehicles were
7 administrative vehicles or vehicles belonging to companies. Only rarely were
8 vehicles belonging to private individuals requisitioned.

9 Q. Witness, could you specify, could you tell the Chamber, whose remarks these
10 are, these remarks that you've just read out.

11 A. Once again, these are still the remarks that were made by General Bombayake.

12 MR KILOLO: (Interpretation) I would like to ask the court officer if he could move
13 on to page CAR-OTP-0019-0218 and if he could please zoom in to the middle of the
14 page.

15 Q. Witness, I'm going to read out a short passage and then I will be asking you a
16 question. I quote, "The Libyan troops did not report to the USP. They received no
17 orders from me and they did not report to me. The Libyans operated in the field
18 and reported on their activities only to the Head of State, the Supreme Chief of the
19 Armies."

20 Witness, can you confirm and tell the Chamber that this information was provided to
21 you by General Bombayake?

22 A. Yes, I believe it was indeed he who provided me with that information.

23 Q. Could you tell the Chamber, when he makes mention of the Head of State, the
24 Supreme Leader of the Armies, who was he speaking of?

25 A. He was speaking of President Patassé.

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1 MR KILOLO: (Interpretation) If I could ask the courtroom officer to please move on
2 to document number 8, document 8 from the Defence list. This is document
3 CAR-OTP-0019-0230.

4 THE COURT OFFICER: The document as referred to by counsel has already been
5 attributed an EVD-T reference previously, and the reference is EVD-T-D04-0020, and
6 the document is marked as confidential.

7 MR KILOLO: (Interpretation)

8 Q. Witness, we just finished reviewing the intelligence that was provided to you
9 by General Bombayake, as you acknowledged yourself before the Chamber. We will
10 now move on to the intelligence, or the information, that was provided to you by
11 another military authority, namely, General Mazi.

12 Before that, I would like to ask the court officer if we could move to another
13 document, document number 3 on the Defence list of documents,
14 CAR-OTP-0010-0151. 0151 was the reference number.

15 PRESIDING JUDGE STEINER: Are you sure the number is 151?

16 MR KILOLO: (Interpretation) 0151 in the French version. This is the statement
17 taken on 4 April 2008, page 32 out of 49. CAR-OTP-0010-0151.

18 PRESIDING JUDGE STEINER: This is document 2 on the list of evidence, not
19 number 3.

20 MR KILOLO: (Interpretation) Thank you, your Honour. It's been confirmed to me
21 that, yes, indeed, this is document number 2 we are speaking of. If we could zoom
22 in on the second part of this document, towards the bottom of the page. Great.

23 Q. Witness, I would like to ask you to read out for the Chamber the question that
24 was put to you by the investigators from the OTP as well as the answer that you gave
25 them, and I'm specifically referring to the question that begins "AG: When the

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1 troops arrived," and then the answer that follows, and the answer begins with

2 "Interviewee."

3 A. Do you want me to read the question, or the answer?

4 Q. Both, please.

5 A. Thank you. "When the troops arrived, who was their contact person who
6 provided them with accommodations and ensured their transportation"? I'm going
7 to ask you to put that question to Mr Bombayake, he was the general who was
8 responsible, he was the Director of Presidential Security at that time. Ask him the
9 question. Ask General Mazi the question. He was also a high-ranking officer.

10 General Yangongo, who was the Assistant Chief of Staff at the time, I believe; they
11 will tell you."

12 Q. Could you confirm to the Chamber that this was, indeed, your answer to the
13 question asked?

14 A. Yes.

15 Q. Witness, we are not going to review your entire statement, but you must
16 acknowledge that you stressed these three generals quite a bit. You made reference
17 to them several times when the investigators asked you questions; namely, General
18 Bombayake, General André Mazi and General Yangongo. Witness, could you
19 specify, could you tell us, why you did so?

20 A. Thank you. Just because those high-ranking officers were -- at the time of the
21 events had major responsibilities within the army, that is why, just for that reason.
22 General Bombayake was the director responsible for presidential security. General
23 Mazi was at the time of the event the Chief of Staff; he was the head of the military
24 staff. And then the third gentleman was the delegated minister. I thought they
25 were in a better position to answer those questions.

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1 Q. Well, please tell me if I'm repeating myself but, Witness, could you tell the
2 Chamber what did you base yourself on when you say that these three Central
3 African Republic military authorities were in the best position to provide information
4 about the operations being conducted by the MLC soldiers in the Central African
5 Republic?

6 A. Well, the answer that I gave earlier, that answer is valid. At the time of the
7 events, those three generals were holding important positions within the Central
8 African Republic Army. I told you that Bombayake was the director responsible for
9 presidential security. General Mazi was the Chief of Staff, head of the army and
10 General Yangongo was the delegated Minister of Defence. So that was the -- those
11 were the criteria. They held important positions and I thought that they were the
12 ones who could provide proper answers to those questions. So that's why I gave
13 that reply.

14 MR KILOLO: (Interpretation) Thank you. I would like to ask the court officer if
15 he could be so kind as to go back to document number 8. And, indeed, I see that it is
16 11 o'clock.

17 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo. I was about to suggest
18 that we suspend.

19 Mr Witness, we are going to have now a half-an-hour break. You can take some rest,
20 as well as our interpreters and court reporters. It's 11 o'clock. We will resume at
21 11.30. I ask, please, the court usher to accompany the witness.

22 (The witness stands down)

23 The hearing is suspended.

24 (Recess taken at 11.01 a.m.)

25 (Upon resuming in open session at 11.36 a.m.)

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

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

4 (The witness enters the courtroom)

5 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

6 THE WITNESS: (Interpretation) Yes, hello, your Honour.

7 PRESIDING JUDGE STEINER: We will continue with your questioning by Counsel
8 for the Defence. Maître Kilolo, you have the floor.

9 MR KILOLO: (Interpretation) Thank you, your Honour. Thank you, your
10 Honours, for allowing me to continue with my questioning. I would like the court
11 officer to please allow us to continue on CAR-OTP-0019-0230.

12 Q. Witness, you can see a document. Could you tell the Chamber exactly what
13 this document is and who did the questioning?

14 A. This is the procès-verbal of Witness Mazi that I, myself, conducted.

15 Q. Can you confirm the date and tell us whether this was, indeed, before the order
16 of partiel non-lieu and referral?

17 A. This procès-verbal, well, the questioning I think took place on 4 February 2004
18 before the order was issued.

19 Q. Let me draw your attention to the bottom part of this page. Can you confirm
20 to the Court that this questioning session was carried out in the presence of the
21 Prosecutor for the Republic in Bangui Firmin Findiro?

22 A. I cannot see the bottom.

23 Q. *No, it's fine. That is what I am referring to.

24 A. Yes, indeed, that is the case.

25 PRESIDING JUDGE STEINER: Maître Kilolo, the name is not mentioned so maybe

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1 the witness could clarify whether it can only be Mr Findiro or whether there are other
2 Procurer de la République.

3 THE WITNESS: (Interpretation) I believe that in this case he was represented by
4 a deputy, because the signature at the bottom of the page is not his. It could be one
5 of his alternates. It isn't specified.

6 MR KILOLO: (Interpretation)

7 Q. Witness, can you tell the Court how many Prosecutors of the Republic there are
8 in Bangui?

9 A. Only one. Mr Findiro.

10 Q. Is it possible that when there is a procès-verbal of a questioning session for a
11 witness that you would specify that General Mazi was heard in the presence of the
12 Prosecutor for the Republic and that, in actual fact, the Prosecutor of the Republic
13 was not there?

14 A. In principle, we mention the fact of whether the Prosecutor was there or not. If
15 he wasn't there, then we wouldn't have mentioned him. We don't have to mention
16 him, but if we mention in a particular case that the Prosecutor was there then he had
17 to be there.

18 Q. Could you perhaps enlighten the Court about this? Could you tell us whether,
19 yes or no, the questioning of General Mazi on the 4 February 2004, whether this took
20 place in the presence of the Prosecutor for the Republic Firmin Findiro?

21 A. As I said, if there's written mention of this, then he must have been there. And,
22 at the end, usually the procès-verbal is signed by everybody present.

23 MR KILOLO: (Interpretation) Let me ask the court officer to go on to the next
24 page, CAR-OTP-0019-0231. Could the court officer please highlight the last part of
25 the page, the last paragraph.

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1 Q. Witness, I would like to draw your attention to an excerpt and then I shall ask
2 you a question about this, and I quote. "As soon as the troops of Jean-Pierre Bemba
3 arrived, an operational cell was set up, placed under my orders." Witness, can you
4 confirm that the contents of this piece of information was made known to you by the
5 Central African General André Mazi?

6 A. Yes.

7 Q. Let me go on now. The last two sentences: "The attitude of General
8 Bombayake towards us led to there being a loss of trust between ourselves and the
9 Head of State. Indeed, that was the reason for which Lieutenant-Colonel Lengbe
10 decided to withdraw from the Central African territory and join General Bozizé,
11 whereas initially that was not his intention. Starting from that moment onwards, all
12 the operation, both in Bangui and in the provinces, were organised and led by
13 General Bombayake, who acted practically as if he was Chief of Staff."
14 Let me reread this for your Honour, and I quote.

15 PRESIDING JUDGE STEINER: You don't need to repeat because I have it in my
16 transcript. The point is that sometimes you are speaking too loud, and because of
17 that the interpretation in our headphones, we cannot listen to it. So that's the point.
18 That's what I was asking court officer, whether it would be possible to lower the
19 sounds of your microphone, but it is not possible, so don't worry. We'll try to
20 manage.

21 MR KILOLO: (Interpretation) I shall try and stand back from the microphone.
22 Hopefully, this will be helpful to you.

23 Q. Witness, let me re-read this so that we be consistent, and I quote, "The attitude
24 of General Bombayake towards us led to trust being lost between ourselves and the
25 Head of State. Indeed, that was the reason that Lieutenant-Colonel Lengbe decided

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1 to withdraw from the Central African territory to join General Bozizé, whereas
2 initially, that was not his intention. As of that moment onwards, all the operation,
3 both in Bangui and the provinces, were organised and led by General Bombayake,
4 who acted in practice as Chief of Staff." Witness, can you confirm to the Court that
5 this information was given to you by the Central African General André Mazi?

6 A. Yes. This was given to me by General Mazi.

7 Q. Witness, to summarise the last two questions, is it right to say that General Mazi
8 gave you information whereby, on the one hand, there was an operations cell that
9 was placed under his orders at the very beginning, when the MLC soldiers arrived,
10 and that later on, the command of the operations of the soldiers of the MLC, both in
11 Bangui and in the provinces, was finally placed in the hands of General Ferdinand
12 Bombayake, according to the information that you got from General Mazi?

13 A. Yes, that is indeed the content of the procès-verbaux of General Mazi's
14 questioning session.

15 MR KILOLO: (Interpretation) Could the court officer please display the next
16 page, document CAR-OTP-0019-0232. Could the court officer please highlight the
17 first two paragraphs.

18 Q. Witness, could you read, for the sake of the Court, the question that you asked
19 General André Mazi as investigating judge and the answer that the latter gave you?

20 A. "Do you know what type of relationship existed between General Bombayake
21 and the head of the militia of Jean-Pierre Bemba's? Answer: General Bombayake
22 was in permanent contact with Commander Mustapha, the head of the
23 Banyamulengue in Bangui. They were together very often and often they went
24 together to meet with the Head of State, every time they deemed that it was necessary
25 to meet with him."

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1 Q. Can you confirm to the Court that that is indeed what General André Mazi
2 said?

3 A. Yes, of course.

4 MR KILOLO: (Interpretation) I would like the court officer to focus on the last
5 two paragraphs on this page, please.

6 Q. Witness, can I ask you to read out the question that you asked the Central
7 African General André Mazi, as well as the answer he provided you with?

8 A. Are you talking about the first, or the two questions?

9 Q. The last two paragraphs, "Question: What do you know?"

10 A. "What do you know about the circumstances of the elements belong to the SCPS
11 and Abdoulaye Miskine's men? Answer: Our relationship with the men of the
12 SCPS were rather tumultuous. Those SPCS men had arms and ammunition from
13 President Patassé and Mr Kianse. They operated under the authority of Mr Kianse
14 and a number of UPC officers whose names I do not know. In the case of Miskine
15 and his men, the latter were also equipped by the USP and were better treated than
16 the FACA. They were paid 5, 000 francs, whereas the FACA only received 1, 000.

17 Q. Can you confirm to the Court that that is indeed information that you obtained
18 from General André Mazi?

19 A. Yes.

20 Q. If you know, can you tell the Court who Mr Kianse is?

21 A. Mr Kianse was a close associate of President Patassé. At one time he was
22 Minister for the Interior and then he was appointed adviser to the presidency until
23 the regime was toppled.

24 Q. Witness, can you confirm to the Court that the SCPS is, in fact, the Central
25 African company for the protection and surveillance which is actually an armed

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1 militia that was set up on behalf of President Patassé, to fight during the period of the
2 events in question, going from October 2002 to March 2003?

3 A. The SCPS was part of a militia, and I think that the very first day of my hearing
4 I talked about this. This was a militia that was established by Mr Patassé, or at least
5 under Mr Patassé, during the period that we are concerned with here.

6 MR KILOLO: (Interpretation) I would like to ask the court officer, please, to show
7 us document 9 on the Defence list. CAR-OTP-0042-0237.

8 THE COURT OFFICER: Document CAR-OTP-0042-0237 is available on your
9 convenience. It's classified as confidential and has previous has been attributed an
10 EVD reference which is EVD-T-D04-00019.

11 MR KILOLO: (Interpretation)

12 Q. Witness, this is a document that was part of your investigation file and was sent
13 to the ICC at the time the case was transferred. This is a matter of setting up an
14 operations centre, the headquarters of the armies.

15 And I would like to ask the court officer to turn to the next page CAR-OTP-0042-0238.

16 PRESIDING JUDGE STEINER: Before we go into the details of this document, I
17 would like to know exactly how this document was -- in which condition this
18 document was given to the witness. This is not a document generated in the Court
19 of Bangui, where the witness was the presiding judge, it's a document for an official
20 authority of the Central African Republic. And before you made the -- you make the
21 content of this document public, I need to know the origin of this document.

22 MR KILOLO: (Interpretation) With regards to the Prosecutor's documents, only
23 those -- only the Prosecutor can tell us about those documents.

24 PRESIDING JUDGE STEINER: First I'm asking the witness whether the witness has
25 any information about the origin of this document. So first the witness, then I will

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1 put the question to the Prosecution.

2 THE WITNESS: (Interpretation) Thank you, your Honour. Perhaps I shouldn't
3 say things that I've forgotten. This document doesn't say much to me, doesn't mean
4 much to me. Maybe this is something from a different -- another part of the
5 document, but it doesn't mean very much to me. And with all the time that's gone
6 by since the document was originally written, it's very difficult for me to remember
7 the exact details which surrounded it's being drafted.

8 PRESIDING JUDGE STEINER: Has the Prosecution any information about the
9 origin of this document, taking into account that the witness is not recognising this
10 document?

11 MS KNEUER: Madam President, we are currently checking our database. If I may
12 have a moment, please.

13 (Pause in proceedings)

14 Madam President, your Honours, the Prosecution received this document based on a
15 request for legal assistance that we had sent to the Central African government - an
16 intention was to access the archives and receive that document from the gendarmerie
17 in Bangui - and we received that document based on the request for legal assistance
18 on 18 June 2009.

19 PRESIDING JUDGE STEINER: Maître Kilolo, it seems apparently the witness is not
20 recognising this document as part of the case file. The Chamber will not allow you
21 to put questions at least in open session in relation to this document.

22 MR KILOLO: (Interpretation) Your Honour, we're trying to find the transcript
23 which would have been in public hearing of Firmin Findiro when he testified. He is
24 the Prosecutor of the Republic for the City of Bangui, and he said that he recognised
25 the document and he even answered a number of questions having to do with the

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1 document. That's my first observation.

2 My second, your Honour, is this: I have just asked the witness a certain number of
3 questions and he recognised that General André Mazi, speaking of the MLC troops,
4 specified that at the -- when they initially arrived, that an operational cell was set up
5 and was put under his command and that this cell was put under the control of
6 General Mazi.

7 And I would just like to ask a certain number of questions to see whether or not that
8 corresponds to the information which he was able to obtain concerning this subject.

9 PRESIDING JUDGE STEINER: Maître Kilolo, if this document was available and
10 discussed in public hearing with witness number 6, I don't have this recollection, but
11 it's possible. The witness has said that he does not recognise this document as part
12 of the case file, so the Chamber will not allow questions on this document in public
13 session. And this is a decision; it's not open to discussion.

14 MR KILOLO: (Interpretation) Your Honour, can we move into closed Chamber,
15 please?

16 *(Private session at 12.06 p.m.) Reclassified as Open session

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

18 MR KILOLO: (Interpretation)

19 Q. Mr Witness, do you remember that when I asked you questions about the
20 General Mazi that I referred to document CAR-OTP-0019-0231. Sir, you admitted
21 before the Chamber that General André Mazi, when he spoke about the MLC troops,
22 said to you that when they initially arrived that an operational cell was set up and it
23 was placed under his command. Do you remember that, sir?

24 A. That was an excerpt from his statement, I believe, which I read.

25 Q. You have a document before you, sir. You have that last page of that

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1 document before you. Is this a document signed by Brigade Commander Mazi on 18
2 December 2002?

3 A. Thank you. I think that I have to make a certain number of things clear here.

4 That is, indeed, Mr Mazi's -- General Mazi's, excuse me, signature on the bottom of
5 the page. This is a document which was signed by him, but I think that that's about
6 all that I can say about that.

7 This could be an authentic document, but I think that somebody else will be in a
8 much better position to verify the authenticity of that document, if you will. I
9 can't -- this might be just a part of the file. The Prosecutor may have some
10 information about this, but I personally don't have any such information. Therefore,
11 I'll -- any comment that I make will be in reserve.

12 MR KILOLO: (Interpretation) I understand. I would like to ask the court officer
13 now, please, to go to CAR-OTP-0042-0237, please.

14 Q. Mr Witness, we're going to proceed a bit differently now. I'm not going to ask
15 you to confirm anything at all, as we did earlier, as we were doing earlier, with the
16 statements. I would like to ask you to recognise - to remember, if you will - a certain
17 number of things:

18 When General André Mazi spoke to you about the cell, the operational cell, that had
19 been set up shortly after the arrival of the MLC soldiers and that that cell was placed
20 under his command, to your knowledge, yes or no, were you ever told that the centre
21 of these operations was tasked essentially with preparing and the planning and
22 conducting of military operations throughout the Central African Republic?

23 A. Sometimes I can't answer your questions, especially when we talk about the
24 statements that you put up on the screen. These are very old files, and I imagine
25 that all of this information is already in the case file questioning statement. These

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1 were dealt with all the way up until November, I believe.

2 MR KILOLO: (Interpretation) I would like to ask the court officer to go on to the
3 next page CAR-OTP-0042-0238.

4 Q. Sir, I would like again to appeal to your memory, to your knowledge, and do
5 you remember any elements and can you tell us whether you can confirm them or
6 deny them or tell us anything, provide us with any more additional information?

7 Here is my question: Did General Mazi inform you that the fourth office of the
8 Chief of Staff of the Army had provided transportation and fuel necessary to conduct
9 operations which had been entrusted to the operations centre in keeping with the
10 needs which were expressed at the time?

11 A. That's very difficult. I think that you should go back and look at the minutes,
12 the records, of those periods in question. I can't tell you exactly what General Mazi
13 meant when he said at the time; I think you should go back to the records or speak to
14 him.

15 Q. Mr Witness, insofar as you can remember what happened back then, did
16 General André Mazi provide you with any information by saying that the
17 headquarters of the National Army paid the personnel from the operations centre
18 money for food and did they pay that on a weekly basis? Does that correspond to
19 the statements that were made by General Mazi in your presence, this information,
20 sir?

21 A. For elements of the Central African Army, do you mean? For the FACA or
22 elements of the MLC?

23 Q. My question is the following, sir: After the information that you received,
24 during your investigation - especially when you received statements from General
25 Mazi - were you told that the commander of the Central African Army paid on a

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1 weekly basis money to the personnel from the operations centre for them to be able to
2 buy food?

3 A. I might have to repeat myself here, but I would rather that you go back and
4 look at the statement, at the minutes, if you will, of that questioning session.

5 Q. As far as your memory will allow, according to your investigation of General
6 Mazi, or any other sources of information to which you may have been party, were
7 you ever told that the Director-General of the Health Services for the National Army
8 provided the members of the operation centre a doctor, a doctor who acted as an
9 adviser in the operation centre for health-related issues?

10 A. Thank you. Your Honour, I would like to excuse me to any questions about
11 this document, stemming from this document, because I can't verify these documents.
12 It may be a perfectly acceptable document, but I am not familiar with it and I am
13 having a difficult time answering counsel's questions concerning this document.

14 PRESIDING JUDGE STEINER: So, Maître Kilolo, you are aware that the witness
15 was not recognising the document. So, if you continue asking questions about the
16 document, we are going nowhere. We have been now already for 15 minutes
17 discussing a document which the witness does not recognise at all.

18 MR KILOLO: (Interpretation) Just a moment, please, your Honour. Mr Witness,
19 we've finished with this document. I would like now to ask the court officer to
20 please put document number 10 up on the screen. This is document
21 CAR-OTP-0019-0207.

22 PRESIDING JUDGE STEINER: Can we go back into open session? Court officer,
23 please.

24 (Open session at 12.18 p.m.)

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

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1 MR KILOLO: (Interpretation)

2 Q. Mr Witness, you have a document on the screen before you. Can you please
3 tell us what document it is, who conducted the questioning and when that
4 questioning was conducted, please.

5 A. This is the record from the questioning for Mr Angoa. The questioning was
6 carried out by myself on 6 January 2004.

7 MR KILOLO: (Interpretation) I would like to ask the court officer to move on to
8 the next page, CAR-OTP-0019-0208.

9 Q. Mr Witness, I would like to read you a short excerpt from the document and I
10 would then like to see what your reaction to that excerpt is, sir. I quote: "These are
11 the statements made by Mr Pierre Angoa, Mr Abdoulaye Miskine, Paul Barril and the
12 SCPS reported directly to the President of the Republic." Mr Witness, can you
13 confirm that these indeed were the -- was the statement made by the former minister,
14 Pierre Angoa?

15 A. That is correct.

16 Q. When he talks to you about the President of the Republic, can you specify to the
17 Chamber, please, sir, exactly what government are we talking about? Under what
18 presidency? What person? Who was the President in Central African Republic at
19 that time?

20 A. The person was President Patassé, the former President Patassé.

21 MR KILOLO: (Interpretation) I would like to ask the court officer now to move on
22 to document 11 on the Defence's list of documents. This is document
23 CAR-OTP-0019-0234.

24 THE COURT OFFICER: The document is available on your screens and it is
25 referenced as EVD-T-D04-00022 and it's marked as confidential. The previous

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1 document for the record of the case, also has n EVD-T reference, which is
2 EVD-T-D04-00021 and it's also marked as confidential. For clarification purposes,
3 it's document CAR-OTP-0019-0207.

4 MR KILOLO: (Interpretation)

5 Q. Mr Witness, can you read the document on the screen in front of you? Can
6 you tell the Chamber what document this is, who conducted the questioning and
7 when the questioning was conducted?

8 A. This is the statement by General Yangongo. It took place in 2004. I think the
9 date was 18 February, and I was the person who took his comments, who took his
10 statement.

11 MR KILOLO: (Interpretation) I would like to ask the court officer to please enlarge
12 the four last paragraphs of the document, please.

13 Q. Mr Witness, can I ask you to read aloud to the Chamber the question which
14 appears on the first line of the document. Please read that question, sir, at the top of
15 the page.

16 A. "At the time of the facts, two crisis cells were set up: The first was under the
17 authority of the Head of State and the second was under the authority of the Minister
18 of Defence. Can we know why they were created and exactly what kind of mission
19 they had?"

20 Q. Mr Witness can you confirm to the Chamber that you indeed were the person
21 who asked that question of General Yangongo?

22 A. I indeed was the person who asked that question.

23 Q. Can you please read to the Chamber aloud the question (sic) which General
24 Yangongo provided to that question?

25 A. "After the events surrounding the attempted coup d'etat from 28 May 2001, a

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1 crisis cell was set up and placed under the authority of the Ministry of Defence. This
2 committee was made up of military personnel, and the job of the committee was to
3 coordinate the different operations. The committee sat, or met, at the request of the
4 Head of State and that could happen at any time. The reason why this committee
5 was set up was to make it possible for the Head of the State to personally follow the
6 operations as they unfolded on the ground."

7 Q. Mr Witness, can you tell the Chamber who provided the answers that you just
8 read?

9 A. These answers were given by General Yangongo.

10 MR KILOLO: (Interpretation) I would now like to move on to the following page,
11 document CAR-OTP-0019-0235. And I would like to ask the court officer to please
12 enlarge the middle of that page.

13 Q. Mr Witness, are you able to read the document which you have on the screen in
14 front of you?

15 A. With some difficulty, but I'm willing to give it a try, if you wish.

16 Q. Mr Witness, can you read the question that is at the top of the page? The
17 question, please.

18 A. "In what way did the Ministry of Defence organise the operations in the field?"
19 Is that what you wanted me to read?

20 Q. Can you confirm to the Chamber that this was a question which you put to
21 General Sylvester Yangongo?

22 A. This is one of the questions which I did indeed ask of General Yangongo.

23 Q. Can you now, sir, please read the two paragraphs which make up the answer to
24 that question, that starts with "Response" and concludes with the word "telephone"?

25 A. "At the time there were several forces on the ground. From the USP,

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1 Mr Jean-Pierre Bemba's men, Mr Abdoulaye Miskine's men, Mr Paul Barril's men, the
2 SCPS militia, Libyan troops, and soldiers from CEN-SAD. "

3 Q. Please continue, Witness.

4 A. "All of these forces reported directly to the Head of State. They reported about
5 their activities directly to the Head of State, who periodically would keep us
6 informed of events via telephone."

7 Q. Can you say for the record and for the Chamber what military organisation
8 provided you with this information?

9 A. This is an excerpt of the statement which was made by General Yangongo.

10 Q. When Central African Republican General Yangongo informed you that the
11 forces which were on the ground, including Mr Jean-Pierre Bemba's men, reported
12 directly to the Head of State and that they provided him with reports concerning their
13 activities. Exactly what Head of State are we referring to?

14 A. He is referring to President Patassé, the former President Patassé, Mr Patassé.

15 MR KILOLO: (Interpretation) I'd like to ask the court officer if we could move on
16 to document 12. This is CAR-OTP-0019-0237, document 12 on the Defence's list of
17 documents.

18 Q. Witness, could you tell the Chamber which document this is? Who carried out
19 the questioning and on what date?

20 A. This is a statement that was taken from Albert Ouadane. He was heard in my
21 office on 10 March 2004 and I was the one who took the statement.

22 Q. Are you speaking of 8 March 2004?

23 A. Of course. That's what's written here, *year 2004 and the 8th of March.

24 Q. Could you confirm and tell the Chamber that the witness did give an oath to tell
25 the truth and only the truth and he gave that oath before you?

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1 A. That's what we usually did when we heard from a witness.

2 Q. Could you confirm and tell the Chamber that this person was heard not as a
3 suspect but, rather, he was heard as a witness?

4 A. Yes, he was only a witness.

5 MR KILOLO: (Interpretation) I would like to ask the court officer if we could
6 zoom in and look more closely at the last two paragraphs on this page.

7 Q. Witness, could you tell the Chamber what were the duties or what function was
8 held by Mr Ouadane at the time in question?

9 A. He gave the answer. He was the Assistant Director-General for Presidential
10 Security. He was the assistant to General Bombayake.

11 MR KILOLO: (Interpretation) If we could now move on to the next page. This is
12 document CAR-OTP-0019-0238. If you could be so kind as to zoom in so that we can
13 see the second part of this page, towards the bottom.

14 Q. Witness, could you read out the first question that we see at the top of the
15 document, as well as the answer that was given to you, of course for the Chamber's
16 benefit?

17 A. "Question: According to information that we have in our possession, the
18 various Chiefs of Staff often would travel to Gbadolite to meet with Mr Bemba during
19 this period of hostilities. What is your reply to this? Reply: Once again, I am
20 unable to confirm that item of information. I did not see a single time or hear any
21 talk of a Central African Republic Chief of Staff travelling to Gbadolite."

22 Q. Could you confirm for the Chamber that it was, indeed, Colonel Ouadane
23 Albert (inaudible) who said to you personally that, to the best of his knowledge, not a
24 single time did a Central African Republic Chief of Staff travel to Gbadolite and that
25 even if he had recourse to hearsay, well, that he had no information of such a thing?

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1 A. Yes, that was indeed Mr Ouadane who said that to me.

2 THE INTERPRETER: Mr Ouadane, correction from the English interpreter.

3 MR KILOLO: (Interpretation)

4 Q. Witness, I would like to ask you to continue and read out the next question as
5 well as the answer that was given to you by Colonel Ouadane Albert?

6 A. "How was the coordination organised between the men of Mr Bemba and the
7 members of the Presidential Security in the field? Answer: When the men of
8 Mr Bemba came to the Central African Republic they were made available to the
9 Director-General of Presidential Security. The coordination of operations between
10 Bemba's men and the Presidential Security troops was ensured by Director-General
11 Bombayake and the representative of Mr Bemba, under the supervision of the
12 Minister of Defence. The Chief of Staff of FACA was set aside or dismissed. The
13 various action plans were devised by these two leaders."

14 Q. Witness, could you read out the answer once again? We see that in English
15 one part of the sentence was omitted. If you could please speak slowly, as if you
16 were doing a dictation exercise.

17 A. Thank you. "When Bemba's men came to the Central African Republic, they
18 were made available to the Director-General responsible for presidential security.
19 The coordination of operations between Jean-Pierre Bemba's men and the members of
20 the Presidential Security Unit was ensured by Director-General Bombayake and the
21 representative of Bemba, and this was done under the supervision of the Minister of
22 Defence. The Chief of Staff of the FACA was set aside, off to the side. The action
23 plans were devised by these two leaders."

24 Q. Witness, my question is as follows: Could you confirm here before the
25 Chamber that it was indeed Colonel Ouadane Albert, assistant to General Bombayake,

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1 who informed you that the coordination of the various operations between
2 Mr Jean-Pierre Bemba's soldiers and the members of the Presidential Security Unit
3 was ensured by two people, the coordination was ensured by two people - first of all,
4 General Bombayake, and, secondly, the representative of Mr Bemba - and all of this
5 was under the supervision of the Minister of Defence?

6 A. That is correct. That was indeed Colonel Ouadane's statement.

7 Q. Witness, when Colonel Ouadane Albert said to you that the action plans were
8 devised by these two leaders - namely, the Director-General Mr Bombayake, a
9 Central African Republic General, and the representative of Mr Bemba - and that
10 everything came under the supervision of the Minister of Defence, are you speaking
11 of the Minister of Defence of the Central African Republic at the time of the events?

12 A. Yes, I believe so. It was the Central African Republic Minister of Defence.

13 Q. Witness, to the best of your recollection, could you confirm or inform the
14 Chamber of the name of the Central African Republic Minister of Defence who was
15 supervising the coordination of operations between Mr Bemba's men and the
16 members of the Presidential Security Unit?

17 A. Well, I'm not in a position to give an answer. Why? Because, during that
18 period of time, one minister would follow after another very quickly, so I really
19 couldn't tell you who was the Minister of Defence at that particular time.

20 Q. At least could you tell the Chamber which authority, or which authority at the
21 top of the pyramid did this Defence Minister report to within the Central African
22 Republic government?

23 A. The minister, as part of government, I suppose that he reported to the Head of
24 State or the Prime Minister. I would imagine that he came under the authority of the
25 President of the Republic.

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1 Q. Now, just for the record, could you give us the name of the Chief of State that
2 you are referring to?

3 A. I'm speaking of Mr Ange-Felix Patassé.

4 MR KILOLO: (Interpretation) If I could ask the court officer to move on to a
5 different Defence document. This is document CAR-OTP-0010-0183. This should
6 be the second document on the Defence list.

7 PRESIDING JUDGE STEINER: Mr Kilolo, the previous document, document 12 on
8 the list of Defence, is not yet a document that was tendered into evidence. My
9 question is: Does the Defence intend to tender the document into evidence?

10 MR KILOLO: (Interpretation) Yes, your Honour, if we could.

11 PRESIDING JUDGE STEINER: Can you attribute an EVD-T number to the
12 document?

13 THE COURT OFFICER: Yes, Madam President. Document CAR-OTP-0019-0237
14 will be attributed reference EVD-T-D04-00029 and will be marked as confidential.

15 PRESIDING JUDGE STEINER: I think that document 0183, it's part of -- it's
16 document 3 on the Defence list of evidence, unless I'm wrong.

17 MR KILOLO: (Interpretation) Thank you, your Honour. I've received
18 confirmation that this document is indeed document number 3.

19 THE COURT OFFICER: This document which first page is CAR-OTP-0010-0170,
20 redacted version number 3, has already been attributed the following EVD reference:
21 EVD-T-OTP-00047, and is marked as confidential.

22 MR KILOLO: (Interpretation) Could the courtroom officer, please, zoom in on the
23 first part of this particular page?

24 Q. Witness, could I ask you to read out to the Chamber that was put to you by the
25 OTP investigators in Bangui, as well as the answer that you provided to them? I'm

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1 referring specifically to the fourth paragraph that begins "Est-ce que vous savez," "Do
2 you know," as well as the answer that you gave.

3 A. "Do you know who," is that what you want me -- between, "Do you know," is
4 that the part you want me to read out? The answer, "I can't answer that question. I
5 didn't know. Ask Mr Moholo. Mr Moholo will be able to give you a reply."

6 Q. Could you confirm before the Chamber that that was the answer that you
7 indeed gave to the investigators?

8 A. Yes, that was my answer.

9 Q. Now, why did you mention Mr Moholo?

10 A. Mr Moholo was the protocol officer at the time, I believe, the Director of
11 Protocol working for General Patassé. He was very close to him and he would have
12 been able to remember which people took part in the meetings between Bemba and
13 Patassé.

14 MR KILOLO: (Interpretation) I would like to ask the court officer if we could
15 move on to document 13 on the Defence's list. This is document
16 CAR-OTP-0019-0245.

17 Q. Witness, now, you have this document before you. Could you tell the
18 Chamber which document this is, who carried out the questioning of the person and
19 on what date?

20 A. This is the statement taken from Mr Moholo when he was heard. He was
21 heard in 2003, on 10 November, and I was the one who took the statement from
22 Mr Moholo.

23 Q. Could you tell us what Mr Moholo was doing at the time of the events? And I
24 draw your attention to the middle of this page.

25 A. He told me that he had a special mandate from the former Head of State,

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1 Mr Patassé, at the time head of the Republic.

2 MR KILOLO: (Interpretation)

3 Q. If we could move on to the next page, and could we zoom in and look more
4 closely at the middle of the page.

5 PRESIDING JUDGE STEINER: Maître Kilolo, if you allow me just a follow-up here.

6 I see that this person was -- testified as a witness, but he states that he was under
7 arrest. My question is: Was he under arrest due to this procedure, or for any other
8 reason, as far as you know?

9 THE WITNESS: (Interpretation) I believe he had been arrested for something else.
10 It was another matter. It did not have anything to do with this.

11 PRESIDING JUDGE STEINER: Mr Kilolo.

12 MR KILOLO: (Interpretation)

13 Q. Witness, could you please read out to the Chamber the first question, which is
14 the second paragraph that you have before you, as well as the answer that was
15 provided? First paragraph.

16 A. "Who were the people?

17 THE INTERPRETER: Overlapping speakers.

18 THE WITNESS: (Interpretation) "Who was --

19 MR KILOLO: (Interpretation)

20 Q. Could you please slow down. There are two paragraphs to be read out.

21 A. "Who were the people who were responsible for greeting these soldiers and
22 what was the source of the funding, the funding for their upkeep?" Should I go on?

23 Q. Yes, please, the first paragraph, to begin with. The first paragraph.

24 A. "I should specify that those combatants arrived in Bangui by way of the Zongo
25 river. At that time a committee was struck to greet them and to provide them with

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1 what they needed. This committee was made up of the following people: The
2 former Minister of National Defence, Mr Jean-Jacques Demafouth, General
3 Bombayake, as well as Colonel Ouadane, who is currently in charge of a special
4 mission within the Office of the President of the Republic. These people will be in a
5 position to give the names of the other members of this committee because they were
6 verbally designated by the Head of State."

7 Q. And the rest?

8 A. "The Central African Republic covered the expenses for those soldiers. I'm not
9 in a position to tell you whether that money came out of the pocket of the Head of
10 State or from the public purse.

11 Q. Witness, could you confirm that this does correspond to the information that
12 was provided to you by Mr Moholo Semplice, the former head of a special mission,
13 working for the former President?

14 A. Indeed, that was the case.

15 Q. Could you confirm before the Chamber that when Mr Moholo Semplice told
16 you that the combatants, the soldiers of the MLC, well, that their expenses were
17 covered, or rather -- yes, the expenses of these soldiers were covered by the RCA, that
18 is to say the Central African -- is he speaking about the Central African Republic; is
19 that what that means?

20 A. Of course.

21 MR KILOLO: (Interpretation) I can see that it is nearly 1 o'clock, Witness. I think
22 we've made considerable progress in our questioning. We've just finished the first
23 part of our cross-examination and then after our lunch break we will begin the second
24 part and I think we will make good progress.

25 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo. This last document,

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1 document 13, has it already been tendered into evidence?

2 THE COURT OFFICER: No, Madam President. The current document does not
3 have an EVD-T number so far.

4 PRESIDING JUDGE STEINER: Does the Defence intend to tender this document as
5 well into evidence?

6 MR KILOLO: (Interpretation) Please, your Honour.

7 PRESIDING JUDGE STEINER: Could, please, court officer assign an EVD-T number
8 to the document, document 13 of the Defence list of documents.

9 THE COURT OFFICER: Yes, Madam President. Document CAR-OTP-0019-0245,
10 will be attributed reference EVD-T-D04-00030. It will be marked as confidential.

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

12 Mr Witness, we are having now our lunch break. You deserve some time to have
13 lunch and to take some rest before we continue with your questioning by the
14 Defence.

15 It's 1 o'clock. We will resume at 2.30. Please, could please the court usher
16 accompany the witness.

17 (The witness stands down)

18 PRESIDING JUDGE STEINER: The hearing is suspended.

19 THE COURT OFFICER: All rise.

20 (Recess taken at 1.02 p.m.)

21 (Upon resuming in open session at 2.39 p.m.)

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

23 PRESIDING JUDGE STEINER: Good afternoon. Welcome back. We will
24 continue with the questioning of Witness 09. I ask, please, the court usher to bring
25 the witness in.

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1 (The witness enters the courtroom)

2 PRESIDING JUDGE STEINER: Good afternoon, Mr Witness. Welcome back.

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

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

5 THE WITNESS: (Interpretation) Yes, we can go on.

6 PRESIDING JUDGE STEINER: Maître Kilolo, you have the floor. Maître Kilolo,
7 before you restart your questioning, I'm asked to remind you both, Defence counsel
8 and Witness, of the five-second rule. Thank you very much.

9 MR KILOLO: (Interpretation) Thank you, your Honour, for reminding us of that.

10 Q. Witness, you remember that we talked about the Prosecution's final application
11 and the partial non-lieu that was handed over to you by the -- an act of the Prosecutor
12 of the Republic at Bangui. Do you remember that?

13 A. Yes.

14 Q. This document, this is indeed the document that was signed by Mr Firmin
15 Findiro?

16 A. Yes, of course.

17 Q. And he signed this document acting as the Prosecutor for the Republic in
18 Bangui at the time.

19 A. Yes.

20 Q. Can you tell the Court what the functions he occupies now in the Central
21 African Republic are?

22 A. Mr Findiro is presently Minister for Justice and Guardian of the Seals.

23 Q. We are talking about the witness who was heard during a public session just
24 before you; is that right?

25 A. Yes, indeed, that's right.

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1 Q. Can you confirm to the Court that this very same person is now going to be the
2 opposite person, as it were, for the ICC speaking on behalf of the Central African
3 government?

4 A. Yes, of course, that's the case.

5 Q. Witness, I'm now going to go on to a different series of questions. This time
6 they relate to statements that you made to the Prosecutor of the ICC in Bangui to the
7 ICC's investigators in Bangui. Let me ask the court officer to please display for us on
8 the monitors document number 1 in the Defence list of documents
9 CAR-OTP-0010-0107. This is a confidential document.

10 THE COURT OFFICER: Document CAR-OTP-0010-0107, it's available on your
11 screens, it's a confidential document and it has been attributed reference
12 EVD-T-OTP-00045.

13 MR KILOLO: (Interpretation)

14 Q. Witness, you can see a document. It is the procès-verbal, the record of -- that
15 was made when you were heard by the ICC's Prosecutors in Bangui. Can you
16 confirm to the Court that you were indeed heard and that you made those statements
17 to the investigators of the Prosecutor for the ICC in Bangui?

18 A. Yes, indeed, I was heard on several occasions. I was heard and naturally, I did
19 make statements to the investigators of the ICC.

20 Q. As you have already confirmed to the Court, you remember having said to the
21 Court that you did have the opportunity to re-read the statements that you made to
22 the investigators of the ICC and that these did indeed reflect the truth as far as you
23 know and as far as you understand?

24 A. Yes.

25 Q. Let me ask the court officer to make available CAR-OTP-0010-0139. This is the

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1 third document in the Defence list.

2 PRESIDING JUDGE STEINER: Maître Kilolo, I think it's the second document, not
3 the third one. Could you please check.

4 MR KILOLO: (Interpretation) Thank you, your Honour. Yes, you're quite right.
5 I have been told that it is the second document.

6 THE COURT OFFICER: Document CAR-OTP-0010-0120 is available on your screens.
7 It has been attributed reference EVD-T-OTP-00046 and it's classified as confidential.

8 MR KILOLO: (Interpretation) Court officer, could I ask you to go to
9 CAR-OTP-0010-0139? And please enlarge the top half of the page, if you will.

10 Q. Mr Witness, you now can see the document. Can I ask you to read for the
11 benefit of the Court the four first paragraphs on this page. Each time this comprises
12 a question and an answer as regards the first two paragraphs, and the same applies to
13 the second two paragraphs, and it begins with "Est-ce que" and it end with
14 "information."

15 A. Thank you. "Are you aware that there was a payment made by Patassé to
16 Bemba?" Answer: "What I know is that the treasury gave them food." "Who
17 gave out the money, paid out the money?" "The treasury paid out the money once a
18 week for the food for Jean-Pierre Bemba's men. For those who were on the ground,
19 the money was paid out every Friday, I believe, to cover their expenses. As regards
20 the transactions between then Patassé and Bemba, I don't have any information."

21 Q. Witness, can you confirm that?

22 A. Yes, I can confirm that.

23 Q. Are those the very words you used?

24 A. Yes, of course.

25 Q. Is this the outcome of your investigation?

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1 A. Yes, indeed. Throughout the investigation, I didn't get any information that
2 ran counter to that.

3 Q. Witness, when you talk about the treasury that paid out money for the food for
4 Jean-Pierre Bemba's men once a week, which treasury are you talking about?

5 A. I'm talking about the CAR treasury, the Central African Republic's treasury.
6 This information was provided to me, I believe, by witnesses.

7 Q. I'm now going to read to you, Witness, the next part and then ask you questions
8 about it. This is the question that you were asked: "Who was in charge of taking
9 the money?" Your answer was, "Who was in charge of taking the money?" The
10 question: "Of taking the money every Friday to give it to Jean-Pierre Bemba's
11 troops?" Your answer was: "Their man. There was a chief, a Congolese chief, who
12 was -- " Question: "Do you know his name?" Your answer: "A certain
13 Mustapha. Mustapha. I believe that was the name. He was one of the leaders of
14 the Banyamulengue. I didn't know what his rank was. He was the highest-ranking
15 member and it was to him that the money was given."

16 Witness, can you confirm this?

17 A. This was information that's provided to me by a witness. I think you can find
18 the references in the file. When you look at the procès-verbaux in the file. I can
19 confirm, however, that I said this.

20 Q. I would like to ask the court officer to please display for us the second half of
21 this same page. Witness, I'm going to read out an extract of what you said to the
22 ICC's Prosecutors. You said, "I think that you need to check this with the treasury.
23 Generally, a record is made when money is taken out." Can you confirm that you
24 said this to the investigators?

25 A. Yes, of course.

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1 Q. Did they try to get the address or the details so as to identify the authorities at
2 the treasury so as to check this and find out the truth?

3 A. No. As far as I know, no, they didn't ask me questions about that, but they
4 could have gone elsewhere to look for those particulars.

5 Q. Could we go on to the next page, CAR-OTP-0010-0140. Please enlarge the top
6 half of the page. Witness, I would like you to read out for the benefit of the Chamber
7 the question that was asked by the Prosecutor's investigators, as well as the answer
8 you gave them. And I'm talking here about the sixth paragraph from the top which
9 begins, "Is that -- is the person known?" And, of course, your answer is provided in
10 the next paragraph.

11 A. "Is it known who was the person who was the contact with Mustapha to hand
12 over the money on behalf of the Central African Republic authorities? Answer:
13 The money, it was taken together with the special funds, the money that is given
14 every Friday, for the presidency. The Prime Minister's office, the presidency and the
15 Primature's needs were covered. This money for the military were under that item.
16 They were taken on behalf of the presidency, at the level of the presidency, and the
17 share for the people from Zaire was handed over, so it's very difficult."

18 Q. And can you confirm this?

19 A. Yes, that is indeed what I said.

20 Q. Is this the result of your investigation?

21 A. Yes, yes.

22 Q. Mr Witness, I would like to read the question that was put to you and then I
23 would like to ask you to read the answer you give to that question. I quote -- if we
24 could please look at the middle of the page. If we could just scroll down, please.
25 I'd like to have the middle of the page, please, enlarged.

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1 Mr Witness, here's the question that was put to you, sir: "Do you have any evidence
2 of these payments which we are talking about right now?"

3 Mr Witness, would you please read the answer which you gave to that question?

4 A. "The evidence, if you will, is that I interviewed some people who worked for the
5 presidency at the time and who confirmed. Can we call that evidence, can we call
6 that proof? I was able to speak to certain people who confirmed that money was
7 given to buy food, because Mr Jean-Pierre Bemba was not to be responsible for
8 feeding his men because they had been provided to the service of the Central African
9 State."

10 Q. Mr Witness, can you confirm that?

11 A. Yes, indeed, I can. That's what I said.

12 Q. Are these your words, sir, your own words?

13 A. Yes, of course.

14 Q. Mr Witness, we have just finished the parts concerning the provision of food
15 and money to the MLC troops who were in the Central African Republic at that time.

16 We are now going to move on to another section.

17 I would like to ask the court officer, please, to go to page CAR-OTP-0010-0148.

18 Mr Witness, I would like to read the first paragraph, the question which was put to
19 you by the investigators. "With regards to the transportation of Mr Jean-Pierre
20 Bemba's troops in the field, do you know how they moved about? Do you know
21 what means of transportation they used?" That is the question, sir, that was put to
22 you. Can you confirm that that, indeed, was the question that was asked?

23 A. That was indeed the question.

24 Q. Can you read to the Court the answer which you gave to that question, sir?

25 A. "The State's provided them with the vehicles during that period."

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1 Q. Can you confirm that, sir?

2 A. Yes, of course, I can.

3 Q. Is that the result of your investigation?

4 A. Yes, of course.

5 Q. I would like to remind you, once again, to respect that five-second rule, and this
6 is which was something which was for everybody who must talk, do our best, to
7 respect that five-second rule.

8 A. Yes, of course.

9 Q. When you talk about the State, which State are you referring to?

10 A. I'm referring to the Central African Republic.

11 Q. I'm sure that you agree with me that there are two additional sentences here in
12 the same paragraph which have been crossed out, and I would like to read those
13 paragraphs to you and then I would like to put a question to you.

14 PRESIDING JUDGE STEINER: Maître Kilolo, these sentences are not part of the
15 statement of the witness. You are not allowed to read it.

16 MR KILOLO: (Interpretation) Thank you very much, your Honour.

17 Q. Mr Witness, I would now like to read to you the following question which was
18 put to you, this is the third paragraph, I quote: "Can you provide us with any
19 additional details concerning how these vehicles were requisitioned?" Sir, can you
20 confirm that this question was put to you?

21 A. Yes, I can.

22 Q. Would you please now read slowly to the Court the answer that you gave to
23 that question?

24 A. Thank you. "Requisition means that it's a certain number of vehicles that have
25 been identified, vehicles belonging to national organisations, some from State

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1 companies. We identified certain vehicles which were in good shape, which were
2 taken and which were put at their disposal. We also provided them with certain
3 vehicles from the army of the Central African Republic."

4 Q. Mr Witness, can you confirm that?

5 A. Yes, indeed.

6 Q. Are these your words, sir?

7 A. Yes.

8 Q. I would now like to read the following question out loud to you and I would
9 like to ask you to do the same for the answer. Here's the question: "Who provided
10 these vehicles?" Would you please read the answer you gave to that question?

11 A. "The government."

12 Q. What government are we talking about here?

13 A. The last government under President Patassé.

14 Q. Two lines down another question was asked and I'm going to read that one, as
15 well, and I'd like to ask you to read out the answer.

16 I would like to ask the court officer to enlarge the middle of the page, please. Thank
17 you.

18 The question, Mr Witness, is the following: "Who was in charge of providing the
19 vehicles?" Would you please read your answer out loud to the Court?

20 A. "The government." That is the answer that I gave to that question.

21 Q. Two lines further down on the page, the question is: "Do you know the person
22 who was in charge of providing the vehicles?" Can you please specify your answer?

23 A. "At the time, the head of the government was Mr Ziguele." Mr Ziguele.

24 Q. Can you confirm that?

25 A. Yes, I can.

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1 Q. Is this still the result of your investigation?

2 A. Yes, it is.

3 MR KILOLO: (Interpretation) I would like to ask the court officer to please show
4 the last two paragraphs of the page.

5 Q. Mr Witness, a question was put to you and it was the following, and I will quote:

6 "Do you know who gave the order to provide these vehicles?" Would you now,
7 please, sir, read out loud the answer to the Court that you gave to that question?

8 A. Of course. "I thought that it was the person who brought them there, because
9 they were there; and since they're there, they of course need to be able to travel
10 around in the field. And I think this is an assumption that it must have been
11 Mr Patassé who had them come. And since he made them come, since he invited
12 them, in order for them to be operational, they needed to have some way to get
13 around in the field."

14 Q. Mr Witness, can you confirm that?

15 A. That's my personal opinion, which I can confirm.

16 Q. Mr Witness, can you please specify what you're basing your personal opinion
17 on?

18 A. Thank you. I said that it was my personal opinion, and I think that
19 that -- I mean, it's common sense. People are brought to a certain place and, if you
20 bring them there, then of course you have to provide them with vehicles. Otherwise,
21 they will not be operational. So does that mean basically that I am, you
22 know -- that's what I'm basing my supposition upon. And Mr Ziguele was the Prime
23 Minister, the head of the government at the time, so --

24 Q. Sir, you stated earlier, three questions earlier to be exact, that the State provided
25 the MLC troops with vehicles and you also said that that was the result of your

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1 investigation. Can you confirm that?

2 A. Yes, that is indeed the case.

3 Q. I would like to ask the court officer to move on to the following page,
4 CAR-OTP-0010-0149.

5 Mr Witness, would you please read out loud to the Court an excerpt of your own
6 statement which you made to the investigators from the ICC? The first paragraph in
7 particular.

8 A. "The requisition -- requisition is an administrative act which stems from the
9 administrative authority when it states that it has such a need. These are orders to a
10 certain degree. They are written in appropriate terms to say you have to give us
11 your vehicle to -- you have to make your vehicle available to a certain person because
12 it's necessary, but I don't believe that they took vehicles belonging to private citizens.
13 They were state-owned vehicles from Enerca, for example, public companies, in other
14 words. Of course, there was not a single individual citizen who came to me to say
15 that, "My vehicles have been taken." I know -- I know that they took vehicles which
16 were in good condition from administrations, from the administration, and also from
17 companies, and they were also provided with vehicles from the army of the Central
18 African Republic."

19 Q. Mr Witness, can you confirm that?

20 A. I can confirm that, yes.

21 Q. Are these your words? Is this what you said to the investigators from the ICC?

22 A. Yes.

23 Q. Is this something which came out of your investigation?

24 A. Yes.

25 Q. A little further along in the document. I'm going to read a question that was

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1 put to you by investigators from the ICC. I quote: "You talked about State-owned
2 companies. Can you provide us with any others?" That is the question that was
3 put to you, sir. Would you now be so kind as to read the answer that you gave out
4 loud to the Court? Can you read it slowly, please, for the stenographers and please,
5 once again, sir, respect the five-second rule.

6 A. Thank you. "I can perhaps provide you with the name of a state inspector who
7 was working at that time. His name was Mr Ngaindiro. He is a general. He is
8 currently the Director-General of Customs. He was a State inspector at the time.
9 The State inspection was in charge of those vehicles, and you can speak to them."

10 Q. Mr Witness, can you confirm that here today before the Chamber?

11 A. Yes, indeed, I do here and now confirm that.

12 Q. To your knowledge, at the summit of the pyramid, at the tip of the pyramid,
13 who did Mr Ngaindiro report to? Who was his supervisor?

14 A. The Chef -- excuse me, the Head of State, Mr Patassé, was his supervisor. I
15 don't know if he reported directly to Mr Patassé or to the Prime Minister. I imagine
16 he reported more directly to the President of the Republic.

17 Q. Mr Witness, two paragraphs further down on the page there's a question which
18 was put to you by the investigators from the ICC and which I would like to read to
19 you. It has to -- the question has to do with Mr Ngaindiro.

20 A. If we could move the page, if we could scroll down so we can see.

21 Q. Would you please show the appropriate part of the page. At the top,
22 Mr Witness, you see the question that was asked to you by the investigators from the
23 ICC and once again this has to do with Mr Ngaindiro; his role with regards to the
24 requisition of these vehicles. Would you please now read out loud to the Chamber
25 the answer you gave to that question?

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1 A. "You know, the Department of Inspection of the State is in charge of running the
2 State services. It keeps an eye and everything which has to do with the State's
3 property and I think that as such, and I don't think that they did it only for this
4 particular -- in this particular instance, it is up to them to identify the vehicles, and
5 I don't know that that was the individual who made the decision to undertake the
6 requisition but I'm sure that he played a role in the distribution of these vehicles, I
7 suppose."

8 Q. Can you confirm that today before the Chamber?

9 A. Yes, I do confirm that I said that.

10 Q. The next paragraph, I would like to read the question that was put to you. I
11 quote: "You said that requisition is an administrative act. Do you know who
12 signed the requisition orders?" Sir, would you please now read out loud to the
13 Chamber the answer that you gave to that question?

14 A. Thank you. "It's difficult to know who signed those documents, but I think
15 that we can find a copy of those documents in the Prime Minister's office and in the
16 Inspector General of the State. I think we can find them at the Prime Minister's
17 office."

18 PRESIDING JUDGE STEINER: Maître Kilolo, sorry to interrupt you again. The
19 Chamber has asked the last week the Defence the reason for the Defence reading of
20 paragraph-by-paragraph of the pieces of the procès-verbal that took place in Central
21 African Republic. The reason given by Maître Liriss was the need for having a
22 translation, a proper translation, because the statements were in French.
23 In relation to the statements made by the present witness to the Prosecution, all of
24 them have been already translated into English, and the witness has already
25 confirmed that the content of the statements are, to the best of his knowledge, true.

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1 Could the Chamber now ask again the reason for the Defence to continue with this
2 line of questioning, asking paragraph-by-paragraph to be read and confirmed again
3 by the witness?

4 MR KILOLO: (Interpretation) Thank you, your Honour. I would just like to draw
5 to your very kind attention that you already asked us this question in an open hearing
6 when the -- when Mr Firmin Findiro gave testimony, and there we also answered the
7 question, saying that it was in the best interest of the Defence that all of these things
8 come to light.

9 Mr Jean-Pierre Bemba is being prosecuted under Article 28 of the Rome Statute
10 because he is alleged to have assumed the command of operations in the Central
11 African Republic. We are now reviewing with the witness a certain number of
12 statements which were made, and some of these statements already answer the
13 questions which were put to him by the investigators of the ICC. When we talk
14 about providing logistical means to someone, that is one of the branches or parts of
15 the Chief of Staff. This is something which, in other words, is very closely linked to
16 the command of operations. So it's important for us that the public be aware of this.
17 It's also important for us that the States Parties hear this, that everybody hear this,
18 that all of the NGOs which are called friends of the Court, whether it be Amnesty
19 International, whether it be a question of the FIDH, Human Rights Watch, or what
20 have you, that all of them know what is going here. And we think it is important for
21 all of them to know what is going on with the Defence, and the Defence people to say
22 what it has to say to everybody.

23 This is one the basic guarantees which has directly to do with the fairness of the
24 proceedings. If we simply say -- if we simply have the witness admit that this is in
25 his statements and that is in the statements, then that is indeed the truth, nobody is

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1 contesting that. But if we do that, then nobody would know the truth.

2 Mr Bemba is being accused of very abominable crimes, and today what we are doing
3 is we are struggling in this arena to bring the truth to light. We want him to be
4 entirely acquitted of these charges. We want this to come about through the analysis
5 of the charges that we are facing today and we think that it is very important for us to
6 be able to do this, to show that these charges are not founded.

7 Therefore, your Honour, we would like to insist on our right to do this, to proceed as
8 we are, in public hearing. And if I may, I would like to say that since we were able
9 to do this for Mr Findiro, according to the calculations which we did, we have even
10 used less time than the Office of the Prosecutor, with regards to our questioning.
11 Now, perhaps tomorrow we will able to finish with the current witness, but if we
12 have to take a little more time, I think that that would be fair, but please rest assured
13 that we are not simply reading out all of the statements made by the witness. We are
14 going through very relevant passages of the documents which have to do with
15 providing vehicles, providing uniforms, and all of this has to do with the operations,
16 such as they occurred on the ground. It has to do with the command structure. I
17 think that if we're not allowed to proceed with the current line of questioning, then
18 our questioning will be deprived of any sense.

19 PRESIDING JUDGE STEINER: Maître Kilolo, I think the Chamber would like to
20 remind you that this is a criminal trial. Maybe this is not the proper forum for a
21 manifesto, and the Chamber will not allow a criminal trial, a hearing before the
22 International Criminal Court, to become a forum for speeches to be given to the
23 public, to the media, to the NGOs. This is a criminal court and a criminal trial in
24 which all evidence, everything that is discussed in this courtroom, has a single
25 purpose: To help the Judges to find the truth, not the NGOs, not the media, not

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1 anyone else. The States, the States Parties, whoever. So I ask you, please, to pay
2 attention to what you said because it appears to the Chamber - and we hope we are
3 wrong - but it appears that the only reason behind this very, very tiring exercise,
4 tiring to everyone, starting by the witness, of reading paragraph-by-paragraph of a
5 statement given and signed by the witness, and asking the witness again and again to
6 confirm if this is what the witness said, has only one purpose, and the purpose is not
7 to help the Chamber in its mission, in its obligation to find the truth.
8 You can continue, Mr Kilolo, but the Chamber's tolerance has a limit, and I would like
9 very much the Defence team to consider that before the Chamber is forced to issue a
10 decision in order to give proper directions to the proceedings. And this is my
11 function as Presiding Judge, to ensure that the proceedings are conducted in an
12 expeditious way and with a purpose, and the only purpose of a criminal trial is to
13 bring evidence to the Judges. You can proceed, Maître Kilolo. Ms Kneuer, please.
14 MS KNEUER: Thank you, Madam President. The Prosecution has been silent so
15 far, as well, but we are also concerned about the procedure. And I think the
16 allegation that Maître Kilolo made, that this needs -- this technique needs to be
17 applied to bring out the truth, I disagree with that.
18 I think, as your Honours already stated, the entire trial is meant to bring out the truth,
19 but why is the only -- only appropriate technique the one of reading? It's a reading
20 exercise, and we have here a professional judge from the Central African Republic,
21 and there may be a different way to elicit the information.
22 In addition, the Prosecution had already stated several times that if a document is
23 tendered into evidence and your Honours had approved that, then this is exactly the
24 method to take advantage of the content of that document and to expedite the
25 proceedings as it is enshrined in Article 64(3)(a).

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1 The other concern I have is I'm not sure if the drafters of the Rome Statute had in
2 mind when they meant that a witness should testify in a public hearing that it's a
3 reading exercise. It is my understanding that the witness should be asked questions
4 and that the witness is responding freely.

5 We are all aware that there may be situations where a witness should be confronted
6 with a statement - for example, to refresh the memory, if the witness has difficulty to
7 recall all details of something that happened years ago - but I really would like to
8 have on the record that I do believe that there are better and different techniques to
9 help and assist this Court, the entire Court, to determine the truth. It's not a reading
10 exercise.

11 PRESIDING JUDGE STEINER: Maître Kilolo, you can proceed.

12 (Pause in proceedings)

13 Maître Liriss.

14 MR LIRISS: (Interpretation) Thank you, your Honour. I'm not responding but,
15 rather -- responding to your remarks, but I would like to make a few remarks in light
16 of my learned colleague's remarks.

17 The statements of a witness may run to hundreds of pages. The Prosecution may
18 find elements that they think are relevant, just as the Defence may also find elements
19 that they believe are relevant and should be brought to the Chamber's attention.
20 Now, the fact for the Defence, the fact that we draw your attention to certain
21 paragraphs that we believe are relevant, well, the aim is not to have the trial drag on
22 but, rather, our aim is to draw the Chamber's attention most specifically to the
23 relevant aspects that are of the greatest importance to the Defence.

24 I understand the Chamber's concern, your Honour. You wish justice to be done and
25 in a diligent fashion, and I believe -- I know that the Chamber understands, as well,

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1 that we must do our duty beginning with the presumption (inaudible) but also we
2 have a witness who has been heard for -- who is speaking of events that occurred
3 seven years ago, as long as ten years ago, and may have a few lapses in his memory.
4 We are not trying to drag things out or to tire the witness. We wish merely to draw
5 the Chamber's attention to a number of matters, matters that we think are relevant.
6 Up until now, we have heard approximately 20 victims. We could just sit quietly
7 and allow witnesses give testimony and quietly wait until we get to matters, such as
8 command responsibility. If we take this particular approach we're taking, it's
9 because we must do our duty.

10 Of course we trust the Chamber. The Chamber has these various aspects in both
11 languages, but wouldn't it be a lack of professionalism on the Defence's part to draw
12 the Chamber's attention to the way that the Defence sees these statements? We may
13 not necessarily understand these statements or have the same understanding as the
14 Prosecution does. Of course, the Chamber is sovereign.
15 With regard to the last two witnesses, we have adopted our particular strategy. It is
16 tiring for the witness, I acknowledge that, but we believe that it is of the utmost
17 necessity. If you allow me, in the case of this particular witness and just this witness,
18 we have adopted this particular strategy. With your leave, we ask -- we crave your
19 indulgence. Tomorrow we shall conclude unless you were to rule to the contrary, in
20 which case we would humbly accept your decision.

21 JUDGE ALUOCH: Mr Liriss, I notice that you very carefully did not refer to what
22 your colleague, Mr Kilolo, said on page 73, from line 12, when he said: "It's also
23 important that the State parties hear this, that everybody hears this, that all the NGOs
24 which are called Friends of the Court hear this."

25 I notice that you very carefully avoided to repeat that. I hope that's what the

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1 position is. You didn't repeat those -- what your friend said as the reason why, one
2 of the reasons why, he has to conduct his examination the way he is doing. I believe
3 this is one of the reasons Mr Kilolo gave, which you have not repeated.

4 PRESIDING JUDGE STEINER: Maître, do you want to make any comment, Maître
5 Liriss?

6 JUDGE ALUOCH: I just made a passing comment. Unless you feel strongly that
7 you want to respond, I just wanted you to note that.

8 PRESIDING JUDGE STEINER: Maître Liriss, Maître Kilolo, as I said since the
9 beginning of this trial the Chamber is giving all possible -- I'm not saying "privileges,"
10 but leaving the Defence at ease to proceed to the line of questioning the Defence
11 deems more appropriate.

12 The Chamber established since the beginning that the Chamber would not like
13 unnecessary interventions, objections, et cetera, exactly in order to allow the parties to
14 conduct their questioning of witnesses in accordance with their wishes. The
15 Chamber is, therefore, asking the Defence to make good use of the Chamber's
16 tolerance in this respect.

17 I'm just informed that this witness was questioned by the Prosecution during 4 hours
18 and 41 minutes and, until now, by the Defence 6 hours and 30 minutes of reading.
19 Of reading. So I will allow the Defence to continue. I'm not -- the Chamber is not
20 going to decide otherwise at this point, but the Chamber is asking the Defence to use
21 common sense in order to continue and to finish with the questioning of the present
22 witness.

23 You can continue, Maître Kilolo.

24 MR KILOLO: (Interpretation) Thank you, your Honours. I assure you that we
25 are very much mindful of what has just been said, particularly the fatigue that this

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1 causes the witness. With your leave, we will attempt to implement another system,
2 which will make use of the information found in the previous statements; and we will
3 ask for a reaction from the witness, without tiring him by having him read out or
4 having us read out the entire text.

5 Q. Witness, I will read out a passage from the statement that you gave to the OTP
6 investigators regarding the role that Mr Ngaindiro played in the management of the
7 vehicles that the Central African Republic had provided to the MLC soldiers, and I
8 quote, I'll quote from your statement: "You know the inspection (inaudible) this is
9 the mechanism that manages everything within the government and deals with all
10 the matters relating to the various possessions of the State and, as such, I believe - and
11 I'm not saying that he did it just for this particular case - one of their
12 tasks -- correction, one of his tasks was to identify the vehicles, and I'm not saying
13 that he was the one who took the requisition but certainly he played a role in the
14 distribution of these vehicles, I suppose."

15 Witness, can you confirm that?

16 PRESIDING JUDGE STEINER: Are you going to ask for the reference, Miss Kneuer?
17 Please, Mr Kilolo, just give the reference for the transcript.

18 MR KILOLO: (Interpretation) We're on the same page CAR-OTP-0010-0149. And
19 if the court officer could focus on the second part of this particular page.

20 Q. Witness, can you confirm this passage that I have just read out?

21 A. Yes, I confirm it. I confirm this passage.

22 Q. The following question that was put to you by the investigators of the OTP, and
23 I quote, you said that, "Requisitioning something is an administrative action. Do
24 you know who signed these requisitions?" And your answer was, "I don't have that
25 knowledge. It is difficult for me to know who signed those documents, but I believe

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1 that copies of these documents can be found at the office of the Inspector-General of
2 the State, at the Prime Minister's office. They can be found at the Primature, that is
3 to say the Prime Minister's office." Witness, do you confirm that?

4 A. Yes, I do confirm that.

5 Q. Now, did the ICC investigators ask you to give them addresses or names of
6 contacts within the office of the General Inspector or within the office of the Prime
7 Minister, with a view to finding copies of these documents, these documents for the
8 requisitioning of vehicles?

9 A. No. No, they passed over that step.

10 MR KILOLO: (Interpretation) I'd like to ask the court officer if he could display
11 document number 4 from the Defence list, CAR-OTP-0019-0040.

12 THE COURT OFFICER: Counsel, could you please confirm the page, because I don't
13 see a page ending in 0040, as you just mentioned, in document number 4 of the
14 Defence list of documents.

15 MR KILOLO: (Interpretation) 0019-0140; that is the reference. And if you could
16 please zoom in so that we can view the middle of the page.

17 Q. Witness, this is an extract from your order of partial dismissal and referral to the
18 criminal court. I will read out a passage and then ask you my question, and I'm
19 focussing on the first paragraph, the second part of the first paragraph, and I quote,
20 "The rebel troops from the Democratic Congo, these troops were deployed in the
21 various neighbourhoods and districts of Bangui. Then, in various other towns
22 within the country, these troops were on vehicles, in vehicles, some of which had
23 been requisitioned by the office of the General Inspector of the State, and by the office
24 of the Director-General of the Gendarmerie. They were taken from the fleet of
25 vehicles belonging to the administration and the various government corporations, on

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1 the instructions of the former Prime Minister, Martin Ziguele. These vehicles had
2 been entrusted by the former Prime Minister, Mr Martin Ziguele, to General
3 Bombayake Ferdinand, and in turn the General provided them or handed them over
4 to the Minister of Defence so that they could be allocated to the various groups of
5 Banyamulengue." Witness, do you confirm that?

6 A. I confirm that statement.

7 Q. If we could move on to CAR-OTP-0019-0149. Could you be so kind as to scroll
8 down so that we can view the second part of this particular page.

9 Witness, I'm going to read out another passage from your order and then I will ask
10 my question. Allow me to quote: "Every time that the President of the Republic so
11 desired he would organise as -- " Allow me to resume. "Every time that the
12 President of the Republic so desired he would organise, as the Director-General
13 responsible for the Presidential Security Unit, a meeting between him and
14 Commander Mustapha. The vehicles that people say were made available to the
15 Banyamulengue had been, upon the instructions of the Prime Minister, had been
16 requisitioned from the parking area of the general administration and from the State
17 corporations. This had been done by the office of the Inspector-General of the State
18 as well as by the office of the Director-General of the Gendarmerie. Upon
19 instructions from the head of government, it was ordered that these vehicles be
20 turned over to the Banyamulengue so that they would be able to move about within
21 the field. Those are the roles that he played when the Banyamulengue intervened in
22 the hostilities of 2002 and 2003 in the Central African Republic."

23 Witness, do you confirm this?

24 A. I do confirm this.

25 Q. Witness, can you confirm and tell the Chamber that when you speak of these

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1 vehicles, and you said that he had been criticised for providing these vehicles to the
2 Banyamulengue upon the instructions of the Prime Minister, that you were speaking
3 of General Bombayake and of the Prime Minister, Martin Ziguele?

4 A. Of course, that's right.

5 Q. Witness, we have just completed the part of the cross-examination that has to do
6 with the providing of vehicles to the MLC contingent in the Central African Republic,
7 so as to make it easier for the MLC troops to move about within the field. We will
8 now move on to a final question; we still have four minutes.

9 I'd like to ask the court officer if he could please display document number 3 on the
10 Defence list of documents, page CAR-OTP-0010-0151.

11 PRESIDING JUDGE STEINER: Maître Kilolo, are you sure that it's document 3? I
12 think it's document 2.

13 MR KILOLO: (Interpretation) Yes, indeed, your Honour, that is the document in
14 question. If we could zoom in and look at the first part of this particular page.

15 Q. Witness, I would like to read out a question that was put to you by the ICC
16 investigators. This is the second paragraph, and I quote, "In relation to Jean-Pierre
17 Bemba's troops, what can you tell us in this regard?" And your answer was, "I
18 believe they were based at a military camp. They were based at Camp Béal. It is a
19 military camp. There you have it. Some of them were assigned, in a way, to
20 Damara. Some were in Damara, some were in Bossangoa. Some of them were in
21 Sibut as well. I believe that most of the troops were based at Camp Béal and at
22 PK12." And then the following question that was put to you by the ICC
23 investigators, "Do you know who provided the accommodations?" And your
24 answer was, "The State."

25 Witness, do you confirm this?

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1 A. Counsel, I do confirm this.

2 Q. When you speak of "the State" when you say that the State provided the
3 accommodations to the MLC soldiers, are you talking about the Central African
4 Republic?

5 A. Of course. I am indeed talking about the Central African Republic.

6 Q. Could you confirm and tell the Chamber that you are indeed talking about the
7 accommodations, or the housing, provided to the MLC soldiers by the Central
8 African Republic in Damara, in Bossangoa, in Camp Béal and at PK12?

9 A. Of course. They were based in the military barracks. So, in a way, they
10 were -- it was accommodation provided by the State.

11 MR KILOLO: (Interpretation) I thank you, Witness. I see that it is 4.00 in the
12 afternoon and we have now just completed the part of the cross-examination having
13 to do with the deployment and the housing of the MLC contingent in the Central
14 African Republic. I thank you.

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

16 Mr Witness, thank you very much. We are going to adjourn our session now. It's
17 4 o'clock. We will resume tomorrow morning at 9.30 in this very same courtroom,
18 and we hope that you can take a restful night and be here tomorrow, ready to
19 continue giving your testimony.

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

21 (The witness stands down)

22 PRESIDING JUDGE STEINER: I would like to thank very much the Prosecution
23 team, the legal representatives of victims, the Defence team, Mr Jean-Pierre Bemba
24 Gombo, our interpreters and court reporters. And for today, the hearing is
25 adjourned.

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1 (The hearing ends at 4.03 p.m.)

2 CORRECTION REPORT:

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

5 *Page 14 lines 9-10:

6 « The members of this committee were also in charge of reacting to certain decisions
7 which had been made by the Head of State. » is corrected by
8 « The members of this committee were also in charge of passing on --- at the
9 grass-roots level ---- certain decisions which had been made by the Head of State. »

10 SECOND CORRECTION REPORT

11 The Court Interpretation and Translation Section has made the following correction in
12 the transcript:

13 *Page 25 line 23:

14 "It's where it says "mansion," mansion"
15 is corrected by

16 "No, it's fine. That is what I am referring to"

17 *Page 39 line 23:

18 "2004, March"
19 is corrected by

20 "year 2004 and the 8th of March".

21 RECLASSIFICATION REPORT

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

23 ICC-01/05-01/08-3038 and the instructions in the email dated 9 January 2015, the
24 version of the transcript becomes entirely Public.