

Trial Hearing
Witness: CAR-D04-PPPP-0045

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and
6 Judge Kuniko Ozaki
7 Trial Hearing
8 Thursday, 21 March 2013
9 (The hearing starts in open session at 9.07 a.m.)
10 THE COURT USHER: All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE STEINER: Good morning.
14 Could, please, court officer call the case.
15 THE COURT OFFICER: Thank you, Madam President. Situation in the Central
16 African Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo,
17 ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you.
19 Good morning. I welcome the Prosecution team, the legal representatives of victims,
20 Defence team, Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters, our
21 court reporters.
22 Good morning, Mr Rojas.
23 THE COURT OFFICER (Redacted): (Interpretation) Good morning, Madam President.
24 WITNESS: CAR-D04-PPPP-0045 (On former oath)
25 (The witness speaks Lingala)

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1 (The witness gives evidence via video link)

2 PRESIDING JUDGE STEINER: Good morning, Mr Witness.

3 THE WITNESS: (Interpretation) Good morning, Madam President.

4 PRESIDING JUDGE STEINER: Mr Witness, are you feeling well and ready to
5 continue with your testimony?

6 THE WITNESS: (Interpretation) Yes, Madam President, I am ready.

7 PRESIDING JUDGE STEINER: Mr Witness, once again I need to remind you that
8 you are still under oath. Do you understand that, sir?

9 THE WITNESS: (Interpretation) Yes, Madam President, I have understood you
10 very well.

11 PRESIDING JUDGE STEINER: I think we still have some questions to be put by the
12 Prosecution and then I'll give back the floor to Mr Iverson.

13 You have the floor, Mr Iverson.

14 MR IVERSON: Thank you, Madam President, and good morning, your Honours.

15 QUESTIONED BY MR IVERSON: (Continuing)

16 Q. Good morning, sir. How are you doing this morning?

17 A. Good morning, Mr Prosecutor. I am fine.

18 Q. Sir, we left off yesterday when I was asking a question about Mr Bemba's role.

19 Sir, is it your testimony that you don't know what Mr Bemba's role was, or that he
20 had no role?

21 A. My answer to that question -- in fact, in relation to the question, I would like the
22 Judges to kindly explain this question to me. Is he referring to Mr Bemba's role in
23 the Central African Republic, or what is he talking about?

24 Q. You're quite right, sir. I should have been more specific. What do you know
25 about Mr Bemba's role with regard to the events in the Central African Republic in

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1 2002 and 2003?

2 A. This is what I can tell you. I am not here to lie about anybody. The battalion
3 commander, that is the commander of the 28th Battalion, never received any
4 instructions from anyone other than the operations commander in Bangui.

5 Q. But certainly we can agree that the battalion commander and the 28th Battalion
6 were sent to the Central African Republic upon an order given by Mr Bemba; right?

7 A. The commander of the 28th Battalion went to Bangui following orders from his
8 brigade commander. It is from the brigade commander that those instructions or
9 orders came. In fact, it is the brigade commander who knows where those orders
10 came from.

11 Q. Right. And a brigade commander cannot normally order a battalion to invade
12 a foreign country, or go to a foreign country, or deploy to a foreign country; right?

13 A. It is true that the brigade commander does not have the power to do that type of
14 thing but, in any event, he is in a better position to answer your question regarding
15 the soldiers crossing over.

16 Q. And we can agree that Mr Bemba visited the ALC troops at PK12; right?

17 A. He did not go to see the troops at PK12. It was during a visit to the Central
18 African Republic that the President of the Republic asked him to go and congratulate
19 the troops and that is how and why he came to the location at which the soldiers
20 were.

21 Q. Sir, how do you know this information that Mr Bemba's purpose in the Central
22 African Republic was not to visit the troops at PK12?

23 A. Mr Prosecutor, that was not a secret. Even before he congratulated the troops
24 on behalf of President Patassé he had said himself the following: He said that he had
25 come on this trip and that the President of the Republic had asked him to come and

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1 congratulate the troops and express his satisfaction to them regarding the work they
2 had done. He himself made that statement in the presence of all the officers of the
3 ALC, as well as officers of the Central African Army, as well as officers of the General
4 Staff.

5 There was a delegation of Central African authorities, a big delegation of Central
6 African authorities, as well as a number of soldiers in attendance.

7 Q. And according to you, sir, Mr Bemba gave the ALC troops an order; right? He
8 told them to follow the instructions of the Central African authorities, according to
9 you; right?

10 A. With your leave, I can revisit what I said previously. You see, when he said
11 that the President of the Central African Republic had asked him that during his visit
12 to their country he should come and congratulate the troops, the second sentence that
13 he uttered was the sentence whereby he asked the troops to uphold discipline and
14 also told us -- or also said, rather, that the troops were under the control of the Central
15 African authorities. He made these remarks in Lingala and then went on to translate
16 or interpret them into French.

17 Q. Sir, what was his third sentence that he spoke?

18 A. This is what I have been saying. He said that while on a visit in that country
19 the President of the Central African Republic asked him: (1) to convey congratulations
20 for the work that had been done to the troops; (2) -- well, you think that he made
21 three statements, but he said he made two sentences, two. First he conveyed the
22 congratulations of the President of the Republic and second he asked the soldiers to
23 observe the rules of discipline and to obey the Central African authorities, and in so
24 speaking he was referring to the military authorities as well as the government
25 officials of that country. And then thereafter he translated his remarks into French.

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1 Q. Well, were you counting the number of sentences he spoke, one, two, three?

2 Why after ten years from this event do you distinctly remember the number of
3 sentences that Mr Bemba spoke?

4 A. Mr Prosecutor, you know, this was not an insignificant event that could be
5 easily forgotten. This issue was not narrated to me second-hand. I was there in
6 person and I experienced it. Why is it that you want to stop me from talking about
7 it?

8 Q. Do you feel that I have in any way stopped you from talking about anything
9 that you want to talk about? When I ask you a question the response I normally get
10 is not responsive to the question, but I've not said anything. I just let you go on. So
11 I don't think I've stopped you from doing anything.

12 PRESIDING JUDGE STEINER: Yes, Mr Haynes?

13 MR HAYNES: Your Honour, I think this has descended into an argument and I can't
14 imagine that these sort of exchanges are going to assist the Chamber in the final event
15 and they are also with respect a tad discourteous on the part of counsel. But I rise at
16 9.30 to simply place this on the record. The estimate for this examination was eight
17 hours, and I know that the Court factors in some loss of time in the calculation of the
18 time used by the examining party, but this witness has now been sat in that room
19 either answering or waiting to answer Mr Iverson's questions for 16-and-a-half hours
20 and I might have missed it, but I don't recall seeing an application for an extension of
21 time, and I think the time has come for your Honour to indicate that this examination
22 must come to a close some time in the near future.

23 PRESIDING JUDGE STEINER: Mr Haynes, in relation to the time allocated to the
24 parties, I don't remember having the Chamber deciding on a strict limit of time, but
25 rather on an estimation and the estimation is always based on the time used by

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1 Defence. As a rule, and of course this -- we can have as many exceptions as
2 necessary, the Prosecution is allowed 150 per cent of the time allocated to Defence and
3 Defence, as far as I was informed took six hours and something. So -- and I will
4 check with the Registry, because the Registry is the only one that is able to provide
5 the Chamber with the number of hours used by the Prosecution in his questioning.

6 MR HAYNES: Well, could we have it on the record fairly shortly, please, because
7 I'm pretty sure it's a lot more than 150 per cent of six hours?

8 PRESIDING JUDGE STEINER: I am informed that Defence had requested eight
9 hours to question the witness and the Prosecution until now has used ten hours.

10 You can proceed, Mr Iverson.

11 MR IVERSON: Thank you, Madam President.

12 Q. Sir --

13 PRESIDING JUDGE STEINER: Mr Iverson, just to be exact, the Prosecution has used
14 10 point -- 10 hours 35 minutes.

15 You can continue, Mr Iverson.

16 MR IVERSON:

17 Q. Sir, did you ever disobey an order given by Mr Bemba?

18 A. With all due respect, would you please kindly repeat your question?

19 Q. Did you ever disobey an order given by Mr Bemba?

20 A. Mr Prosecutor, personally I have not yet had the opportunity to receive orders
21 from Mr Bemba and, if he gave me orders that are not consistent with the rules, then I
22 would not accept them.

23 Q. Sir, that implies that Mr Bemba gave you unlawful orders. Did Mr Bemba ever
24 give you unlawful orders?

25 A. Mr Prosecutor, I have just said that I have never received any order directly

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1 from Mr Bemba. I never received such an order. Ever since the time I started
2 working with him until the time that we crossed over with the commander of the 28th
3 Battalion, that person never received any orders from Mr Bemba.

4 MR IVERSON: Sir, I'd like to turn now to the notes that you brought into the
5 hearing on the first day, and I would like to request that the notes be in some way
6 marked for identification, either an ERN number or a hearing not-evidence number,
7 but in some way marked for the record, Madam President.

8 PRESIDING JUDGE STEINER: The notes are to be uploaded and assigned an ERN
9 number, court officer.

10 THE COURT OFFICER: Thank you, Madam President. The notes will be provided
11 the following ERN number: CAR-ICC-0001-0089.

12 PRESIDING JUDGE STEINER: Yes, Mr Haynes?

13 MR HAYNES: If the witness is going to be asked questions about the notes, I
14 formally place on record our objection to their disclosure to the parties and their use
15 in examination, but anticipating your ruling in that regard, could the witness be
16 provided with the originals to look at while he's being questioned about them?

17 PRESIDING JUDGE STEINER: Court officer, Mr Rojas?

18 THE COURT OFFICER (Redacted): Yes, Madam President.

19 PRESIDING JUDGE STEINER: Do you have the originals where you are in the
20 transmission room?

21 THE COURT OFFICER (Redacted): (Interpretation) Yes, Madam President.

22 PRESIDING JUDGE STEINER: So provide the witness with the original and, after
23 we finish with his questioning, the originals must be returned to you.

24 THE COURT OFFICER (Redacted): (Interpretation) Can you kindly repeat the last part
25 of your statement? Do I have to keep the originals, or do I hand them over to the

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1 witness afterwards?

2 PRESIDING JUDGE STEINER: The originals will be kept by you after the witness is
3 questioned on their content.

4 THE COURT OFFICER (Redacted): (Interpretation) Very well, Madam President, I am
5 now handing over the original notes to the witness.

6 PRESIDING JUDGE STEINER: Mr Iverson, should we continue in open session?

7 MR IVERSON: I see no reason to go into private session, Madam President. I don't
8 intend on asking any questions that tend to reveal the identity of the witness.

9 PRESIDING JUDGE STEINER: Yes, Mr Haynes?

10 MR HAYNES: For the record, I agree and in due course we will submit that your
11 decisions in relation to the notes ought to be reclassified as public. There is no
12 reason they should be confidential, in our view.

13 PRESIDING JUDGE STEINER: Mr Iverson?

14 MR IVERSON:

15 Q. Sir, I just want to start by repeating what you said on the first day, and this is
16 from transcript 293, page 36, lines 18 to 23, and I'll just read it out to you. I'm going
17 to read the question from Madam President, from the Presiding Judge, and your
18 answer.

19 The Presiding Judge asks: "Mr Witness, we are in private session. You can feel free
20 to explain to the Chamber about these papers that you have in front of you." And
21 then you say: "These are reference documents which I've prepared because I know
22 why I was called and I also know why other colleagues were called and so I mustn't
23 lose sight of the dates. This will help me remember dates so that I can speak about
24 them to the Judges. So it's in order to be able to refer well to something."

25 You stated this, right, sir?

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1 A. With all due respect, I would like to ask the Presiding Judge a question.

2 PRESIDING JUDGE STEINER: Yes, Mr Witness? I'm hearing.

3 THE WITNESS: (Interpretation) Thank you very much, your Honour. I would
4 like to tell you that I feel great pain in my heart. I do not want to refuse answering
5 the Prosecutor's questions. The distress I am feeling results from the fact that this is
6 the very first time for me to testify in a trial.

7 Secondly, the second thing I would like to tell you, your Honour, is that on the day of
8 the familiarisation exercise, we were in the secure room in the premises of the Court
9 and, as soon as I arrived, I was given a place to sit down. And during the
10 familiarisation exercise this is what I was told: I should not take down notes on any
11 questions put to me, or any other issues of concern to me. They gave me a piece of
12 paper and a pen and I wrote down what I wrote, but later on I tore up the paper on
13 which I had written and I left the scraps of paper there.

14 What I'm saying is that I never received any instruction from the Court indicating that
15 no one should appear with notes. I am a military officer and whenever I am to
16 attend a meeting, or I have to discuss something with my superior, it is necessary for
17 me to have something to take down notes regarding the orders given to me by my
18 superior.

19 When I arrived at the waiting room here on the first day of my testimony, it was on
20 that day that I started taking notes. When I got into the room, the court officer was
21 there. The court staff who were with me were present. I did not hide anything. In
22 all frankness, I was not hiding those notes and no one told me anything about the
23 notes, but today I'm being asked to answer questions concerning those notes. I am
24 prepared to answer any questions that you, Madam President, are going to ask me.

25 PRESIDING JUDGE STEINER: Thank you, Mr Witness, for your explanations. At

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1 no time anyone said that you were hiding the notes. The notes were in front of you
2 and that's why I ordered the court officer that is at your side to take those notes. So
3 you are not hiding anything.
4 The Prosecution and Defence are entitled to ask you to put to you questions about
5 these notes, as well as the Chamber is entitled to do that, so it's just for you to answer
6 to tell the truth and that's it. Don't worry, just answer to the questions that will be
7 put by the Prosecution, by the Defence and perhaps by the Chamber as well.
8 Mr Iverson, you can proceed.

9 MR IVERSON:

10 Q. Sir, I think that you can make this a lot easier on yourself just by answering the
11 questions that I ask you. Now, you brought these notes into the hearing room in
12 order to remind yourself? You brought them in as a reminder; right?

13 A. I did that to serve me as a reminder.

14 Q. And you know why your colleagues were called to testify; right?

15 A. When I was called up at the secret intelligence service of our army I was told
16 that three of us had been summoned, had been called up, but they did not mention
17 the names of those other people. They asked me a certain number of questions, or
18 rather I asked those questions during the familiarisation exercise.

19 Q. And, sir, you want to make your testimony seem similar to the testimony of
20 your colleagues; right?

21 A. No, that is not correct, because I do not know them. I'm not in contact with
22 those colleagues.

23 Q. Sir, did you practise with your colleagues?

24 A. When you talk about colleagues, which colleagues are you referring to? What
25 are their names?

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1 Q. Sir, I want you to read out your notes out loud so it's absolutely clear what you
2 wrote down. So I'd ask you, just from page 1 at the top, please read your notes out
3 loud.

4 A. I can see "Contacts relating to the questions put to me in the security office. If
5 one can see into proposals with other witnesses, contacts of orders ready who accept
6 to testify. Bangui command commissioned by CAR authorities. Liaison officer,
7 Colonel Mondonga. Colonel Diku. Receive orders from CAR authorities.
8 Operations orders. Conveyed to the commander, handed over to the commander.
9 Crimes committed by Bozizé elements, most of them speaking Lingala. Report on
10 conflict between northerners and southerners. General Mazangi, who was handed
11 over the goods pillaged during the battle. All communication means given to us in
12 CAR, except the phonie of the brigade commander. General Mazangi and another
13 officer to recover the goods abandoned by the enemy. That is Lieutenant Damango,
14 chair of the commission."

15 Q. Could I have you read out the second page of notes as well, sir?

16 A. That is what I have just read out, "Crimes committed by Bozizé elements ..." --

17 PRESIDING JUDGE STEINER: Just wait a little bit.

18 Mr Haynes?

19 MR HAYNES: If I can help Mr Iverson, your Honour has doubtless been looking at
20 the witness and what he has in front of him. It doesn't appear to have a second page.

21 My guess is that what we have is a photocopy of two sides, so what Mr Iverson
22 probably wants him to do is to turn the paper over now.

23 PRESIDING JUDGE STEINER: You read my mind, Mr Haynes.

24 Mr Rojas, please turn the page for the witness to continue reading his notes.

25 THE COURT OFFICER (Redacted): (Interpretation) Yes, your Honour, I confirm it is a

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1 single page back and front and I'm turning the page now.

2 THE WITNESS: (Interpretation) "CAR authorities (1) Operations Commander

3 Bangui, General Mazi. Deputy Commander who provided intelligence and

4 transmission of orders from the CAR President, General Bombayake. FACA

5 commander, OPS, Ouragan. Commander navy, CAR, who planned the cross over,

6 Colonel Dandito. Background 26th. Scouting or reconnaissance mission crossed

7 over and returned. 29th crossing over of soldiers and commander of the 28th.

8 30 October crossing over of brigade commander before noon and starting of the

9 fighting in the afternoon around PK4. 31st, after fighting have arrested Lieutenant

10 Bomengo. 2003 submission of report by secretary ..." --

11 THE INTERPRETER: And the last word from the witness was inaudible.

12 Correction from the interpreter: Secretary Paulin.

13 MR IVERSON:

14 Q. Sir, you made it seem in your previous testimony that your notes were about

15 dates but there are many other bullet points here, so that was a bit misleading on your

16 part, wasn't it?

17 A. Thank you, Mr Prosecutor. That is not correct. I am a witness. I did not

18 conduct any investigations to come up with any statement. I am simply a witness

19 who is familiar with the facts surrounding the events that took place; that is the

20 events indicated in this document. I am very familiar with them, because I am the

21 one who put down these notes.

22 Q. Well, that's the interesting thing, right, sir? I mean, you say you are very

23 familiar with them, you know that these events take place, but you said you needed

24 these notes to remind yourself. During your testimony you didn't seem to forget

25 anything that was in these notes, so these notes aren't really a reminder at all. It's a

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1 script. It's your script, isn't it?

2 A. Mr Prosecutor, that is not the case. Regarding these documents, what I can say
3 is that I am the one who took down notes on this information so that I should be able
4 to remember, so that I should be able to answer questions put to me by you. That is
5 why I wrote down these notes and you can see it is very clear on this document. The
6 Prosecutor and myself do not understand each other on this matter, but regarding the
7 events where they happened, and that I personally experienced, that cannot be a
8 problem for me when the Prosecutor is asking me questions, so I would not have any
9 problems answering those questions.

10 Q. Sir, well the very issues that you write down in your script happen to be some
11 of the very same material facts that are in dispute in this case, and you would have no
12 way of knowing that these issues are in dispute unless somebody is briefing you;
13 right?

14 A. No, that is not the case, Mr Prosecutor. I am a trained officer. When you
15 notified to me that I was going to come here to testify, the contact with the
16 familiarisation office asked me to testify on this topic; on the topic of the events that I
17 observed so that I could tell the story. No one else needed to inform me.
18 Most of the questions that the Prosecutor has asked me, well, many of them are not in
19 any way mentioned here. I didn't get enough time in the waiting room here, which
20 is five metres away from the courtroom, I didn't have enough time and that is the
21 reason I wrote down a few notes. I couldn't leave them behind in the office, and so
22 when the court officer called me, I took those notes and went into the courtroom with
23 them.
24 Now, if he had told me, I could have not entered with those notes. Those notes don't
25 come from anywhere else. I was the one to write them while I was in the waiting

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1 room.

2 Q. Sir, you've stated that you've never testified before. Contact with Mr Bemba's
3 attorneys doesn't have anything to do with the events and, since you're not familiar
4 with court proceedings at all, there's no way that you could have known that this
5 information contained in your script would come up during these proceedings. So
6 someone had to tell you. Who was it?

7 A. Thank you, Mr Prosecutor. Nobody informed me of anything whatsoever. I
8 was the one to have written those notes. The fear of the oath; nobody gave me any
9 information.

10 Q. "The fear of the oath"? Sir, do you understand that it is a criminal offence to lie
11 under oath?

12 A. Yes, I do know that. Prosecutor -- I don't know exactly what the Prosecutor
13 wants. Does he want me to tell the truth, or does he want me to go along with what
14 he is saying?

15 Q. I want the truth, the whole truth and nothing but the truth, just like you
16 promised to tell in your oath. Sir, it appears to me that when you were reading your
17 notes you didn't include some of the information about -- in the contact paragraph, so
18 I'd like to cover that again. What I can see is you write as a headline "Contact,
19 May 2012." The first point is "With Bemba attorney three times." And then the
20 second point has to do with a meeting, (Interpretation) "Proposal for a meeting to see
21 whether we can see together with Peter."

22 (Speaks English) Is that what it says? Correct me if I'm wrong, please.

23 A. If I wrote down something below "Contact," since I came to Kinshasa, first of all,
24 to visit my family. When the authorities received the message saying that they
25 needed me, I went to the main staff and into the Office of the Secret Service and

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1 Intelligence. Now, that was a source of great worry to me. I was asked --

2 Q. But I'm asking you what you wrote down in your script. Please tell the
3 Chamber, truthfully. You say it's your handwriting, so you're the best placed person
4 in these proceedings to read what you wrote. Please explain what you wrote in that
5 first paragraph regarding contact with Mr Bemba's attorneys.

6 A. Mr Prosecutor, yours is a very good question. Let me tell you why I made
7 those notes on that piece of paper. I think you will then be in a better position to
8 understand.

9 Q. Okay, let's go point by point. The first point says, "With Bemba's attorney
10 three times," and then there's a subpoint (1). Read that subpoint (1), please.

11 A. I wrote down that this was a telephone contact. This happened three times.
12 First of all, there was a suggestion that a meeting or an appointment should be made
13 so as to see whether we could get together. I did not know that the gentleman was
14 one of the members of the Defence bureau. When there was a second attempt to
15 make an appointment, Judge Peter asked me several questions and it was at that point
16 in time that I discovered that these were members of the Defence team.

17 The third telephone contact, well, I was asked whether I could come and testify,
18 whether I was willing to come and testify. We already spoke about all of this in the
19 previous questions that you asked me. That is what I wrote down on these papers.

20 Q. Sir, it appears that you're trying to explain your way out of this. All I'm asking
21 you to do is just read subpoint (1). That's all I'm asking you to do.

22 A. Mr Prosecutor, I don't understand your question. Perhaps you could repeat it?
23 I might be able to give you better explanations.

24 PRESIDING JUDGE STEINER: Mr Witness, the Prosecutor asked you to read again
25 the first lines of your paper. Can you please do it. Read the first part of your paper.

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1 Can you read it again, please.

2 THE WITNESS: (Interpretation) Thank you, Madam President. I am reading now:

3 "Contact, May 2012. First time asked for proposal to make an appointment if we can
4 meet up. (2) second contact proposal about accepting to be witness."

5 Secondly -- well we had already had a contact and finally I accepted to meet with
6 them, and the third, "To answer about testifying. Commander in Bangui under
7 command of Central African authorities".

8 PRESIDING JUDGE STEINER: The Prosecutor has asked you to read the first part.
9 You can -- for the time being you can stop reading.

10 MR IVERSON:

11 Q. Okay. On the third point, does it say (Interpretation) "One month went by,
12 so February. Contact to be ready to start up for testimony"? (Speaks English) Is
13 that what it says, sir?

14 A. For the time being a month has gone by, and the third contact with the Defence
15 office to tell me whether I could accept to come and testify. I was willing. We
16 stopped there and that was it.

17 Q. Okay. Somebody told you that you needed to get your story straight on
18 contact with Defence counsel; is that right, sir?

19 A. Let's tell the truth. Defence counsel didn't say that to me. If I may,
20 Mr Prosecutor? I am a witness that conducted an investigation -- or rather I'm not a
21 witness that conducted an investigation to try and find out what happened. I saw
22 and was familiar with what happened. I am talking about things that I saw and
23 things I know about.

24 PRESIDING JUDGE STEINER: You allow me, Mr Iverson?

25 Mr Witness, how did you know that the Prosecution would ask you about your

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1 meetings with the Defence? How did you know that, or you didn't know? You just
2 guessed?

3 THE WITNESS: (Interpretation) Thank you, Madam President, for that question.
4 This was what I wanted to explain, but the Prosecutor didn't give me enough time to
5 do so.

6 When I was called to the main staff, to the headquarters, to tell me the Bureau of the
7 International Criminal Court had called us and that I was being invited to come and
8 explain, the Court had heard about me in the news. It -- we took a bit of time so that
9 they could ask me questions and they asked me how it was that the Bureau of the
10 International Criminal Court knew my whereabouts so as to ask me to come and
11 explain what had happened. They also asked me how it was that we had exchanges
12 with the Bureau of the International Criminal Court and I had to give them
13 explanations about that.

14 Madam President, so as not to waste your time, I can tell you that this was a source of
15 great concern to me. On the day when we had the session, the familiarisation
16 session, they told me that they would explain to me this matter, so I spent a few
17 minutes taking down notes that I thought would be important. The reason -- so
18 that's the reason that I wrote down those notes.

19 PRESIDING JUDGE STEINER: I don't know whether I understood. You were
20 saying that it was during the familiarisation process that someone informed you that
21 the Prosecution would ask you about your meetings with the Defence? Is that what
22 you said?

23 THE WITNESS: (Interpretation) Madam President, what I said was that when I
24 was called, when I was summoned, to the main headquarters of the army, to the
25 secret services and intelligence department, they asked me questions there to find out

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1 how long it had been that the International Criminal Court had been -- had known me.

2 (Redacted)

3 (Redacted) So on the day of the familiarisation process, (Redacted)

4 (Redacted). So when I entered the

5 courtroom, I had noted -- or rather before coming into the courtroom I noted those -- I

6 noted down those words.

7 MR IVERSON:

8 Q. Sir, it appears to me that when you find a question difficult to answer, you like
9 to change the subject. Am I wrong about that?

10 A. Well, if my explanations are not adequate, ask me the question again and I will
11 try to answer. What I wanted to do is to specify to Madam President that at the
12 secret services office in my country questions were asked. (Redacted),

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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

18 *(Private session at 10.27 a.m.) Reclassified as Open session

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

20 PRESIDING JUDGE STEINER: Mr Witness, I want to ask you when we are in open
21 session to be more careful in order not to give information that could lead to your
22 identification. The Chamber granted you protective measures, but if you start giving
23 details about your personal life, such as you have been (Redacted)
24 and that you are (Redacted), that these are informations that could
25 put you at risk. I ordered already this information to be taken out of the broadcast,

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1 but please avoid giving this kind of information in public session.

2 Do you understand that, sir?

3 THE WITNESS: (Interpretation) Thank you very much, Madam President. I did
4 follow you, but the Prosecutor is asking me questions that lead me to behave in this
5 way, whereas I am telling the truth.

6 PRESIDING JUDGE STEINER: If you answer to the questions put by the
7 Prosecution in a more objective and concise way, there is no need for you to tell the
8 Prosecution things that are not at all related to the question put to you. Try to be
9 more objective and more concise, please.

10 Yes, Mr Haynes?

11 MR HAYNES: Your Honour, I think I ought to note that the last question
12 Mr Iverson asked was hardly an invitation to an objective answer: "It seems to me
13 that every time you find it difficult to answer, you change the subject." It's merely a
14 comment and it invited an uncontrollable answer, so I think both parties to this
15 examination ought to be reminded to remain objective and ask proper, concise
16 questions, and then we'll get proper, concise answers.

17 PRESIDING JUDGE STEINER: Mr Haynes, in part, I agree with you.

18 Mr Iverson, try to avoid comments and just put questions that can be answered by the
19 witness without keeping the witness, the parties and the Chamber in a way just
20 listening to things that are not always relevant.

21 We can go back into open session, please.

22 (Open session at 10.30 a.m.)

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

24 MR IVERSON:

25 Q. So, sir, can we agree that there's no way that you could have imagined on your

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1 own that contact with Defence would be an issue in this case; right?

2 A. I really do not know. You see, one cannot imagine something that has not
3 happened. What I am telling you here is what I did. I have told you that it is not
4 difficult for me to jot down things that I experienced or things that I saw.

5 Q. Sir, I'm going to ask you one last time and I'm asking you for a straight answer.
6 Who told you that the issue of contact with Defence counsel would come up during
7 questioning?

8 A. Mr Prosecutor, no one. No one told me that. When the witness was called up
9 to be given notice by the service that the witness referred to previously, the witness
10 was asked a number of questions on this topic. They asked him, "When did you
11 begin your contacts with these people?", and that is how we got to that point.
12 Now we're at a hearing in open session and the questions that were put to the witness
13 by the intelligence service were useful for the purposes of that service and also
14 enabled the witness to recall a number of things, so the witness jotted down the things
15 that he did from his own recollection.

16 Q. Okay, I'll move on. The next bullet point in your script talks about, "The
17 command in Bangui. We were under the authorities of the Central African
18 authorities." "We were under the authority," rather, "of the Central Africans." Sir,
19 this seems to be a corner-stone of your testimony, not something that you would need
20 to be reminded of; right?

21 A. Mr Prosecutor, you see, it is not difficult for someone to write down the things
22 that he or she experienced. For the witness, the work that was done over there was
23 under the control or command of the Central African authorities and the witness
24 could not forget that point and that is why he jotted it down. All the witness did
25 was put together some information that will enable him remember the things that had

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1 happened. This does not mean that he received such information from someone else.

2 That's it.

3 Q. So this is a point that you would never forget, then there's no reason to write it
4 down in notes that are supposed to trigger your memory. The only reason would be
5 for a script; right?

6 A. Mr Prosecutor, even if I did not jot these points down, I would still remember
7 them, and that is exactly the reason for which I jotted them down; namely, not to
8 forget. You see, quite naturally the witness can forget a number of things easily.

9 Q. Okay, but, sir, this is a criminal case. Why would a lay witness come into a
10 criminal case thinking that command and control would be an issue at all?

11 A. Thank you, Mr Prosecutor. The witness is not familiar with the procedure
12 before the Court. The staff working here on the familiarisation day -- and, by the
13 way, let me make the following request. It would be useful to make or provide very
14 clear explanations to future witnesses, because this witness did not know that he was
15 going to have to deal with this kind of question. The truth of the matter, however, is
16 that all the things that the witness jotted down were not done against a hidden
17 agenda, as the Prosecutor would like to have it.

18 Q. Sir, under the heading "Crimes Committed," you write down, "Crimes
19 committed by Bozizé elements, most of whom spoke Lingala." Why would you
20 think that that would be an issue in this case?

21 A. When a student reads over his or her notes, the student does not know ahead of
22 time where the examination questions will be drawn from. So the things that I jotted
23 down did not come from someone else; I did not hear them from someone else. You
24 see, the commander of the 28th Battalion had arrested enemy soldiers who were
25 speaking Lingala.

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1 Q. Okay, and on this script, or I suppose cheat-sheet, based on your last answer, in
2 the second bullet point you say to yourself, "Report on the conflict between the
3 northerners and the southerners," and you did do that; right? You did follow your
4 script and you did report on the score settling that had been going on; right?

5 A. This story was not a secret. When the troops got to PK12, the Central African
6 authorities, the commander and his services, as well as the Central African troops
7 which had merged with the troops that had crossed over, well, the population was
8 happy because the town had been delivered, had been freed, and the rebels had fled.
9 Everyone was talking about this openly, in public. It was no secret. It was common
10 knowledge.

11 Q. And the issue here isn't whether or not there was score settling. The issue is
12 were you ever asked a question about score settling, or did you just on your own
13 decide to mention it, prompted by your own script?

14 A. Mr Prosecutor, I do understand. I do understand that because I am a witness
15 and because I worked out there. When the troops got to PK12, upon assessment of
16 the situation the operations commander on one or two occasions issued or provided
17 details to the officers, provided them with details on what was happening on the
18 ground, and this information was provided to the commander of the 28th Battalion,
19 as well as to Central African officials who were working alongside his troops. So
20 there was evidence. There was information that was gathered and made available to
21 the operations commander. So when all of that information was assembled, or put
22 together, then all the commanders will be called up for a briefing which contained all
23 of that information and which made it possible for the commanders to be familiar
24 with what was going on and then pass on the same to the troops who were present.

25 Q. I know you didn't answer my question, but I'm going to move on anyway. Sir,

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1 on the flipside of the same sheet of paper, you mention a number of names and
2 positions and a lot of the issues I've already covered with you pertain equally to these
3 and dates, but I want to ask you one thing in particular. You wrote down a date
4 here, "4 May 2003 report," and then you mention "Secretary Paulin." Why did you
5 write that down, sir?

6 A. As an experienced person with responsibility, particularly regarding one's job, I
7 knew that at the end of any assignment one prepares a report. So --

8 THE INTERPRETER: From the Lingala booth, the interpreters did not understand
9 what the witness said and would he be kindly requested to repeat his answer?

10 Thank you.

11 MR IVERSON:

12 Q. Sir, I hate to have to ask you to repeat the last sentence, but could I ask you to
13 do that, please?

14 A. Thank you, Mr Prosecutor. At this stage in the witness's work, he thought that
15 this was an important aspect which he needed to remember and that is why he jotted
16 it down. You see, the witness had to prepare for his task because he felt that upon
17 completion of his assignment he would receive an order from his boss to return
18 because the task had been achieved.

19 Q. Sir, are you referring to yourself in the third person in this answer?

20 A. I note that we are in open session and that is why I speak in those terms and I'm
21 referring to "the witness" or to "the commander of the 28th Battalion."

22 Q. So out of all of the events that occurred in the approximately five months of
23 conflict, you decide that a 4 May 2003 report would somehow be important to this
24 case when the period of the events is from October 2002 until March 2003? What
25 prompted you to include this in your script, the 4 May 2003 report?

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1 A. The witness thought that the end of the events across the border was worthy of
2 report to the brigade commander, who would then assess such a report and forward
3 it to his hierarchy accordingly.

4 Q. Sir, somebody had to tell you, "Make sure to mention the report and make sure
5 that you mention Secretary Paulin," so who was it, sir?

6 A. No one told the witness to jot that down. The notes on that document are a
7 reflection of the fact that the witness had the power to write those things down. All
8 the commanders attended the meeting, you see, but the witness may tend to forget
9 that individual's name and that is why the name was jotted down. The witness
10 jotted down the name in order not to forget that specific name.

11 Q. Sir, were you paid to say any of these things; anything you've said in your
12 testimony?

13 A. Mr Prosecutor, I am speaking under oath and I have the fear of my God and
14 I know that I'm speaking under oath. I did not receive a dime from anyone, I did not
15 receive money from anyone and I do not have any contacts in that regard with
16 anyone whosoever.

17 Q. Sir, you have a personal interest in making sure that Mr Bemba is acquitted,
18 don't you?

19 A. Mr Prosecutor, those are the rules, but if anything depended on me, and
20 mindful of the knowledge that I have of the events that took place in that country,
21 well, the witness does not see why the Court is still keeping him over there to this
22 day.

23 Q. Sir, since you seem to be aware of other aspects of this case, are you aware that
24 there are well over 5,000 victims' applications that have been accepted by the
25 Chamber in this case?

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1 A. Mr Prosecutor, I am aware of that and I know where all these things happened.

2 All those things are lies.

3 Q. So you're saying that all of these people who have claimed to be victims,
4 everybody in Central Africa is a liar? Is that your testimony, sir?

5 PRESIDING JUDGE STEINER: Yes, Mr Haynes?

6 MR HAYNES: Everybody in Central Africa is a liar? Is that the question

7 Mr Iverson is really putting? I trust this is a concluding speech.

8 PRESIDING JUDGE STEINER: Rephrasing it at all. Maybe the question is all
9 this -- whether all these victims that applied are lying? Is that the meaning, or I

10 misunderstood, Mr Haynes?

11 MR IVERSON: I suspect that Mr Haynes wants to try to rough up the ending of my
12 examination with that objection, so I think it's time for the break, Madam President.

13 PRESIDING JUDGE STEINER: Yes, it is.

14 Mr Witness, it's 11 o'clock. We have half-an-hour break in order to allow you to take
15 some rest, a cup of tea. We'll be back at 11.30.

16 The hearing is suspended.

17 THE COURT USHER: All rise.

18 (Recess taken at 11.00 a.m.)

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

20 THE COURT USHER: All rise.

21 Please be seated.

22 PRESIDING JUDGE STEINER: Welcome back.

23 Welcome back, Mr Witness.

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

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

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1 THE WITNESS: (Interpretation) Yes, your Honour. I feel fine and I can continue.

2 PRESIDING JUDGE STEINER: Thank you very much.

3 Mr Iverson, you have the floor.

4 MR IVERSON: Thank you, Madam President.

5 To start off with I just want to correct something that I said in yesterday's transcript,

6 and it's transcript 298, page 62, and it was in response to an objection, or a point of

7 order, by Mr Haynes about handwritten notes -- handwritten dates on RFI

8 documents.

9 I stated that the explanation about the dates would be forthcoming in a disclosure,

10 and in actuality that document that explains the dates had already been disclosed on

11 30 November 2009 and the ERN number is CAR-OTP-0031-0011. So I just wanted to

12 make that correction on the record, Madam President.

13 PRESIDING JUDGE STEINER: Yes, Mr Haynes?

14 MR HAYNES: Well, I'm grateful for the acknowledgement of the mistake, but I

15 suppose the real issue will arise as and when the Prosecution seek to admit these

16 documents into evidence and we'll answer any submissions in that regard in writing

17 in the filing we all anticipate.

18 PRESIDING JUDGE STEINER: Mr Iverson, proceed.

19 MR IVERSON: Thank you, Madam President.

20 Q. Sir, when we left off before the break, you were telling the Chamber how more

21 than 5,000 victims' applications that have been accepted into this case are nothing but

22 lies. Is that what you believe; that there's some kind of mass conspiracy to lie about

23 crimes in this case, sir?

24 A. Mr Prosecutor, at the time when those events occurred there was a

25 legally-established authority, someone who had been elected, and that person had the

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1 power. All the institutions were there. It was only after that person was
2 overthrown, that was when all those events came out. The witness has no idea, and
3 even after they weren't made aware of all that.

4 THE INTERPRETER: Interpreter correction: "And even after he was not made
5 aware of all that."

6 MR IVERSON:

7 Q. And, sir, you would have a personal interest in denying that these crimes ever
8 occurred; correct?

9 A. No, that's not the case, Mr Prosecutor.

10 Q. So if the crimes were proven beyond a reasonable doubt in this Court, couldn't
11 that necessarily implicate you?

12 A. No, that's not the way it goes. No. The people that I know who did those
13 crimes they were arrested, they were put on trial and everyone knows that.

14 Q. Does the fact that more than 5,000 victims' applications were accepted to this
15 Chamber, does that fact bother you at all, sir?

16 A. That's not right, because the witness has no idea about any of this.

17 MR IVERSON: I see.

18 Madam President, I have no further questions. Thank you.

19 PRESIDING JUDGE STEINER: Thank you, Mr Iverson.

20 Before I give the floor to the legal representatives of victims that were authorised to
21 put some questions to you, Mr Witness, I would like to take the opportunity that we
22 were discussing a few minutes ago, the famous notes that were taken from you, and
23 ask some clarification.

24 On transcript 296, page 20, line 25, page 21, line 1, you said that "The day of our
25 crossing over, that's a day I can't make a mistake about." Why were you so

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1 concerned about not making a mistake about the date of your crossing over? Why
2 this date was so important for you?

3 THE WITNESS: (Interpretation) Thank you, your Honour. You must realise,
4 when a person has just had a problem, that person must know when the problem
5 began, and that is why I couldn't forget that date.

6 PRESIDING JUDGE STEINER: I'm not sure I understood your answer. Anyway,
7 in the notes, Mr Witness, in the second part of the notes - and I would ask, please,
8 Mr Rojas to put the paper in front of the witness - your last note which appears to
9 have been done quickly or faster than the other ones because it's difficult to read, you
10 set a date "4 May 2003 report. Secretary Paulin." You said that you wrote this note
11 in the waiting room before giving your testimony; is that correct?

12 THE WITNESS: (Interpretation) Yes, your Honour.

13 PRESIDING JUDGE STEINER: And was it easy for you to remember exactly the
14 date of the report, a report that was written -- had been written ten years ago?

15 THE WITNESS: (Interpretation) Your Honour, the witness had the idea to jot
16 down that date quickly and that name because the name of the secretary had escaped
17 his mind. So when I remembered that in the waiting room, I jotted down the name
18 on a scrap of paper because if I try to remember the name, I might not remember it, so
19 if I wrote down the name on a scrap of paper, that would remain in my memory
20 forever.

21 PRESIDING JUDGE STEINER: Mr Witness, I'm not asking you about the name.
22 What I'm asking, how could you remember exactly the date of that report? Was that
23 another date that you could not make a mistake about?

24 THE WITNESS: (Interpretation) No, that's not right, your Honour. You see, I
25 have a system. When I think of something, in order to remember it, I have to jot it

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1 down and that way, after I've written something down, I no longer forget. So that is
2 why I had the idea. It was a reference for myself so I wouldn't forget.

3 PRESIDING JUDGE STEINER: But how could you remember the exact day the
4 report was written? This is my question.

5 THE WITNESS: (Interpretation) Your Honour, it's because (Redacted) and
6 that date remained in my memory. I didn't forget it. And it's the same thing for the
7 other dates, as you just asked me, your Honour. To not forget something, I jot these
8 things down.

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

10 *(Private session at 11.53 a.m.) Reclassified as Open session

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

12 PRESIDING JUDGE STEINER: Mr Witness, since you say that (Redacted), tell
13 me very briefly where this report was written, in which place?

14 THE WITNESS: (Interpretation) I haven't understood, your Honour. The report
15 of 4 May, or are you talking -- you're talking about the -- you're talking about the
16 report of May 4th?

17 THE INTERPRETER: Correction from the Lingala interpreter.

18 PRESIDING JUDGE STEINER: It's the only one that is wrote down and in your
19 notes. I'm not aware if there is any other report, Mr Witness. Please answer my
20 question: Where this report was written?

21 THE WITNESS: (Interpretation) Thank you, your Honour. This report was
22 drafted in Zongo. The brigade commander and those who were working with him,
23 namely, the battalion commanders, they were the ones who wrote it. There was also
24 his operator and his secretary who were there. (Redacted)
25 (Redacted)

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1 (Redacted)

2 PRESIDING JUDGE STEINER: (Redacted)

3 THE WITNESS: (Interpretation) (Redacted)

4 (Redacted)

5 PRESIDING JUDGE STEINER: Who were the other battalion commanders that were
6 there at the moment?

7 THE WITNESS: (Interpretation) Your Honour, the battalion commander of

8 Poudrier A, the commander of the 28th Battalion, and the commander of the 7th

9 battalion.

10 PRESIDING JUDGE STEINER: (Redacted)

11 (Redacted)

12 THE WITNESS: (Interpretation) (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 PRESIDING JUDGE STEINER: In which place in Zongo this document was drafted?

18 THE WITNESS: (Interpretation) At the residence of Colonel Moustapha, the place

19 where he was staying. It was underneath a straw hut in the commune called Azugu

20 (phon), or something like that, in Zongo.

21 PRESIDING JUDGE STEINER: Do you know the reason why this report was

22 drafted on 4 May 2003, if the troops were back in March 2003?

23 THE WITNESS: (Interpretation) In my view, the reason was to enable the

24 commander to control the soldiers so that they were aware of exactly the number of

25 people. That would enable the brigade commander to draft the report and send it.

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- 1 PRESIDING JUDGE STEINER: Do you know when this report was sent to
- 2 Mr Bemba?
- 3 THE WITNESS: (Interpretation) Thank you, your Honour.
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 PRESIDING JUDGE STEINER: (Redacted)
- 14 (Redacted)
- 15 THE WITNESS: (Interpretation) (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 PRESIDING JUDGE STEINER: Okay.
- 20 Court officer, please turn into open session.
- 21 (Open session at 12.04 p.m.)
- 22 THE COURT OFFICER: We are in open session, Madam President.
- 23 PRESIDING JUDGE STEINER: Judge Aluoch has also a clarification to seek.
- 24 JUDGE ALUOCH: Mr Witness, I will seek a clarification on the same notes, but
- 25 regarding the testimony you gave this morning and even yesterday. I'm looking at

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1 the transcript, page 11, I think it's from line 23, when you said, and I quote, "What I'm
2 saying is that I never received any instruction from the Court indicating that no one
3 should appear with notes." And then page 12, from line 3, "When I arrived at the
4 waiting room here on the first day of my testimony, it was on that day that I started
5 taking notes. When I got into the room, a court officer was there. The court staff
6 who were with me were present. I did not hide anything."

7 What I want you to clarify, Mr Witness, is as you entered the room where you are
8 seated right now, where were these notes? Were they in your hands? Were these
9 two pieces of paper, or one piece of paper? Was it in your hands, or could it have
10 been in any other part of your body? Well, did you keep these openly in your hands?
11 That's what I want to know, because you say you were not stopped. You were not
12 told not to take notes. Where were these notes as you entered the room?

13 THE WITNESS: (Interpretation) Thank you, your Honour. When I reached the
14 courtroom I very quickly jotted down those notes, and when the court officer asked
15 me to enter into the courtroom I was holding this in my hand. I don't know whether
16 they noticed these notes or not, and when I was asked questions when I began to
17 answer those questions I took the folder and that is when you saw it, but in any case I
18 entered the courtroom with the document here into the courtroom.

19 PRESIDING JUDGE STEINER: Mr Witness, a number of victims were authorised to
20 participate in the proceedings and they are represented by two counsel and these
21 counsel were authorised by the Chamber to put some questions to you.

22 Now, I ask -- the first of these counsel is Maître Zarambaud and, therefore, I give the
23 floor to Maître Zarambaud.

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

25 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

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1 Q. Mr Witness, good morning.

2 PRESIDING JUDGE STEINER: Mr Witness, have you heard?

3 THE WITNESS: (Interpretation) I apologise, your Honour. I hadn't heard.

4 Good morning, Maître.

5 MR ZARAMBAUD: (Interpretation)

6 Q. I am Maître Zarambaud and I am an attorney with the courts of the Central

7 African Republic, I am a Central African Republic national and, as the President just

8 said to you, I am one of the two legal representatives for the victims.

9 Mr Witness, we as representatives - legal representatives - of the victims, we submit
10 our questions that we are going to ask you beforehand and these questions have been
11 accepted by the Chamber. In addition to that, we may also ask you questions that
12 are referred to as follow-up questions; in other words questions that relate to the
13 answers that you gave during the questions that were raised to you both by
14 Defence and the Prosecution.

15 Now, as you no doubt realise, some of these questions will have already have been
16 asked by either Defence or Prosecution and so I won't repeat those that have already
17 been dealt with, but I would like to begin with a follow-up question.

18 To one of the questions that was raised this morning by Mr Iverson concerning the
19 fact that Mr Bemba had spoken to the troops at PK12, you answered that the
20 President of the Central African Republic had asked him when he was going through
21 the country to come and congratulate the troops. This was on today's transcript,
22 page 5, line 4. You say that he was going through the country. He was going
23 through the country to go where?

24 A. Thank you, Judge for the defence of the victims. He was a leading personality,
25 a major authority. The way he had arrived was expressed and I repeated it as he had.

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1 Where he came from and where he was going I know nothing about that, but in his
2 speech he said that he was coming through. The President of the Central African
3 Republic had invited him to come and congratulate the soldiers following to the task
4 that had been engaged in. He had come and he was going to be giving the orders
5 and the Central African Republic was leading. He ended in Lingala and then he
6 returned to French, but I don't know where he was going.

7 Q. Thank you. Let me now come to the questions that were authorised by the
8 Chamber.

9 Mr Witness, were you privy to a document whereby the former president, Ange-Félix
10 Patassé, requested the MLC to send him troops to the Central African Republic?

11 A. Maître, I don't -- I have never seen this document and I really don't even know
12 which route they took so as to enable the soldiers to go to the Central African
13 Republic. I was there to execute orders.

14 Q. On the Congolese side, were you ever aware of a document whereby the MLC
15 took a decision to send troops to the Central African Republic?

16 A. Maître, (Redacted), well, a battalion
17 commander cannot be privy to the way in which -- the way in which the soldiers of
18 the MLC were allowed, authorised, to go to Bangui. (Redacted)
19 (Redacted)

20 MR ZARAMBAUD: (Interpretation) Perhaps, Madam President, we could go into
21 private session.

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

23 *(Private session at 12.17 p.m.) Reclassified as Open session

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

25 MR ZARAMBAUD: (Interpretation) (Redacted)

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1 (Redacted)

2 That's all I wanted to say, and we can now come into open session, Madam President.

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

4 (Open session at 12.18 p.m.)

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

6 MR ZARAMBAUD: (Interpretation)

7 Q. Mr Witness, I am going to ask you a similar question, which does not
8 necessarily relate to your actual position. I simply wanted to know whether you had
9 any information on a given point contained in my question.

10 Were you aware of the existence of the document whereby it was spelled out who
11 would be the commander of the ALC troops once they were on Central African soil?
12 Has there ever -- was there any document of this type before the MLC troops
13 arrived in Central African Republic, and if there was, were you familiar with that
14 document?

15 A. Maître, the witness simply followed orders. He was not aware of such a
16 document. Only his brigade commander could give orders to cross over. At the
17 time that the brigade commander reached Bangui, he decided, together with all the
18 units in the country, to establish a command team with the leaders, with this team
19 that he led, in actual fact.

20 Q. Thank you. I didn't say that such a document existed. I was simply asking
21 whether you were aware or had been informed of the existence of such a document.
22 What did you know about the preparation for sending the ALC troops over to the
23 Central African Republic?

24 A. Maître, the witness is only aware of the operations of the 28th Battalion.

25 Q. Before the troops crossed over, Mr Witness, it was said - and this appears in

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1 transcript 294 of 14 March 2013, lines 22 and 23 - that there was a small team of scouts
2 that went to the Central African Republic and they were shown the front line where
3 the enemy was located and the way in which the enemy was operating. They were
4 shown this front line on the ground, is that the case, or else were they shown it on a
5 military map?

6 A. Thank you, Maître. When the observers went over, most of those soldiers
7 stayed in Camp Béal for the purpose of protecting the team, but the chiefs who were
8 in contact with Colonel Thierry, the operational Chief of Staff gave them the
9 information and the drawing of the location of the enemy where it had all -- the point
10 it had already reached; in other words, the avant-garde position.

11 The commander of the 28th Battalion was not familiar with the terrain and he had
12 some difficulty in exactly locating the whereabouts, but the report of the observers
13 was very important so that the military authorities -- well, because a lot of details had
14 already been provided about the routes taken by the enemy so as to reach the
15 residence of the head. The way in which the Special Presidential Unit and the FACA
16 and another unit that was on the ground, the way in which they should go about
17 forcing the enemy, that was the report that the observers set out.

18 Q. Thank you, Mr Witness. In actual fact, I had understood that if you send out a
19 group of observers, it is to find out what's going on, but my question was very
20 specific: You said that they were shown the front line where the enemy was located,
21 and I asked you whether they were shown this front line physically or whether it was
22 shown to them on an ordinance survey map. So it was a very straightforward
23 question.

24 A. Yes, it is true. Perhaps I went a bit too far with my answer. Some of the
25 information was given to them on a map in the office, and for other information, they

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1 went out into the field to look at where the enemy had placed its avant-garde position,
2 post. That's what they did.

3 Q. Thank you, Witness. There are two questions that you already answered when
4 you were being examined by Mr Iverson, i.e., whether you were present when the
5 troops began to cross over and also whether Mr Bemba had made a speech to the
6 troops at Zongo before the troops went across. So let me ask you another question:
7 Among the military that belong to the MLC, were there any women or children?
8 And if yes, did any of these women carry babies?

9 A. Maître, allow me to ask you to repeat your question. Could you please repeat
10 your question?

11 Q. Thank you. Yes, I asked it in two parts, but I'll subdivide it into two parts
12 instead. I wanted to know whether, among the members of the MLC, for instance
13 those that belonged to the 28th Battalion that went over to the Central African
14 Republic, among those soldiers, were there any women or minors?

15 A. Thank you, Maître. There was only one woman soldier in the 28th Battalion.
16 She was in charge of transmissions, radio communications. There was no other
17 woman in the 28th Battalion, and this woman didn't have any children.

18 Q. In the 28th Battalion, like elsewhere, in other words, among the other soldiers
19 that belonged to the ALC and crossed over, were there any children? You've already
20 said that for the 28th Battalion there were not, but were there any in any of the other
21 battalions?

22 A. Maître, personally, I do not know if there were any, but personally, I never saw
23 any.

24 Q. Now, regarding the uniforms of the ALC soldiers who crossed over, at
25 transcript 284 on 14 May 2013 (sic), page 20, line 18, you testified that "Most of us had

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1 uniforms, the Central African uniform." You subsequently or elsewhere you stated
2 that those uniforms were provided to you in the Central African Republic. My
3 question is as follows: At the time of the crossing over, how were the soldiers
4 dressed? What was the state of their hair-do and what shoes were they wearing?

5 A. Yes, regarding the 28th Battalion, I can say that the 28th Battalion crossed over
6 from its country and at that time all the soldiers were wearing -- or had the uniforms
7 of our country. Now, when they got to the Central African Republic, they were
8 provided with Central African uniforms, but not boots. And if I do understand from
9 your question, you were answering -- you were asking how the soldiers were dressed.
10 Most of them were wearing berets or caps, and this was a matter for the soldiers to
11 decide whether to wear berets or to wear ordinary caps.

12 Q. Which language did those ALC soldiers who crossed over to the Central African
13 Republic speak? What language were they speaking?

14 A. Generally speaking, before crossing over, the soldiers communicated in Lingala,
15 but there were some who were able to speak Swahili as well, but when they linked up
16 with their counterparts from the FACA, they tried to speak French, and every now
17 and then they also spoke using sign language. And there was a good understanding
18 among the troops that way.

19 Q. Regarding the manner in which the FACA and the ALC troops worked,
20 transcript 295 of 15 March, page 10, lines 11, you mentioned that you were merged
21 with the FACA troops. At page 9, lines 6 to 9 of the same transcript, you again use
22 the word, "merged with the FACA" or "joined with the FACA." I would like to find
23 out from you whether you were merged, whether you were joined together or
24 whether you were working side-by-side?

25 A. I must tell you that when we talk about the troops being joined together or

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1 merged, what I'm saying is that the troops were all together. So if you were of the
2 ALC, you became ALC-FACA. There was also a unit available to the operations
3 commander, but that unit was not at the battle-front. It was a separate battalion
4 which had been composed of Central African citizens and the operations commander
5 knew what activities were assigned to that unit. That unit did not include any ALC
6 soldiers.

7 Q. How many troops were there approximately in the 28th Battalion?

8 A. Is your question in relation to the General Staff or to the Central African
9 Republic?

10 Q. In relation to the Central African Republic.

11 A. The 28th Battalion was made up of 525 troops.

12 Q. According to transcript 295, page 15, lines 7 to 9, you stated that, "Some FACA
13 soldiers were added to this unit, bringing up the number to 600 troops." That would
14 mean that there were only 75 FACA troops in that combatting unit; is that the case?

15 A. Yes. However, some of the troops of the 28th Battalion had been taken out and
16 assigned to the headquarters, to work under the orders of the operations commander.

17 Q. How many troops would you say had been taken out for that purpose?

18 A. There were some troops in charge of the administration and others in charge of
19 logistics, so I would say that about a hundred troops were subtracted for that
20 purpose.

21 Q. So you are now saying that the remaining number, plus the 75 FACA troops,
22 were placed under the command of the commander of the 28th Battalion; is that the
23 case?

24 A. Yes. And that was at the very beginning of the operations, and as the 28th
25 Battalion advanced other specialists, as well as additional troops from the USP, joined

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1 the battalion.

2 THE INTERPRETER: "Joined us," says the witness.

3 MR ZARAMBAUD: (Interpretation)

4 Q. And were they all still under the orders of the commander of the 28th Battalion?

5 A. Yes. It was the commander of the sector; that is the commander of the 28th
6 Battalion.

7 Q. Thank you. Now, when it comes to where the ALC troops were billeted upon
8 their arrival in the CAR, a lot has been said about Camp Béal. Were the ALC troops
9 also billeted at the -- upon their arrival at the --

10 THE INTERPRETER: And the interpreter missed the location mentioned by counsel
11 in his question, Madam President.

12 THE WITNESS: (Interpretation) What mattered for the commander of the 28th
13 Battalion was the decision by the operations commander to take us to join forces with
14 the FACA elements and work with them. I am not aware of any support unit or any
15 other unit.

16 PRESIDING JUDGE STEINER: It appears that the interpreter has lost a translation
17 of one word, and I suppose it is battalion de soutien. Am I correct, Maître?

18 MR ZARAMBAUD: (Interpretation) Madam President, your Honour, we made
19 mention of Camp Béal and we also talked about another location which we have been
20 dealing with throughout these proceedings, and that is the support regiment, which is
21 not very far from Camp Béal. So my question was whether soldiers of the ALC had
22 already -- had also been billeted at the support regiment, be it soldiers of the ALC or
23 any other soldiers of the particular 28th Battalion, so I was not talking about any other
24 unit but I was simply referring to the location known as the support regiment.

25 THE WITNESS: (Interpretation) Counsel, it is true that I heard mention of that name,

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1 but I don't know where the support regiment was located. The only location we
2 were familiar with is Camp Béal.

3 MR ZARAMBAUD: (Interpretation)

4 Q. Thank you, Witness. I will therefore refrain from putting to you the questions
5 that had been approved by the Court in relation to incidents that allegedly took place
6 at the support regiment. I will also abstain from putting to you questions relating to
7 the arrests that took place at the support regiment and at PK12, because in all your
8 answers to the OTP you did state that such things never happened.

9 Allow me, Madam President, therefore to move straight to question number 14.

10 Mr Witness, do you know that, when they got to PK12 Begoua, the ALC soldiers
11 occupied private individuals' homes without their authorisation and got involved in
12 pillaging, murders and theft?

13 Now, it is true that according to your testimony, transcript 245, page 15, line 20,
14 "There was a formal order to the effect that at PK12 no soldier was allowed to occupy
15 a house, or a home, so our entire headquarters was set up in a tent." In any event,
16 my question is couched in general terms; namely did you learn that at PK12 ALC
17 soldiers had occupied forcibly some homes belonging to private individuals?

18 A. Thank you, Counsel, for that question. I did not hear any such thing being
19 mentioned. The command post of the 28th Battalion was in a tent. From the
20 company commander down to the platoon level we were all in that tent, excluding
21 the deputy commander in charge of operations, who had been placed under the
22 orders of the operations commander, and he was in a house along with his S2 and
23 they knew the owner of that house. So the commander of the operations had some
24 guards around that residence. It is the owners of the house who had left the guard
25 at that residence. However the commander of the 28th Battalion was at his

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1 command post, which was in a tent.

2 The question that counsel has just put to me is one that elicits the following answer:

3 When we arrived there we knew, or we know, that when the enemy was there and
4 occupied PK12 it is the enemy that was involved in those types of abuses.

5 MR ZARAMBAUD: (No interpretation)

6 PRESIDING JUDGE STEINER: If you allow me, I want a follow-up question.

7 Mr Witness, you just said that the commander -- the deputy commander in charge of
8 operations, "... he was in a house along with his S2 and they knew the owner of that
9 house. It is the owners of the house who had left the guard at that residence." How
10 do you know all of that? Who told you that?

11 THE WITNESS: (Interpretation) Thank you, Madam President, for that question.
12 I said that the commander in charge of the operations had an S2, but he was not
13 together with the S2. What I said was in relation to the operations commander; that
14 is the titular operations commander. He is the one who had provided
15 accommodation for his deputy in a house, and the guard of that house remained at
16 that premises. At times we went to that location for meetings and for discussions.
17 Sometimes we went there to receive orders and, if we saw somebody whom we did
18 not know and we found somebody there who told us that the owner of the house is
19 watching the house, then at that point the guard could let them in.

20 PRESIDING JUDGE STEINER: So you heard it somewhere; is that correct?

21 THE WITNESS: (Interpretation) Madam President, I saw the guard with my own
22 eyes. It is not -- I don't know whether this house belonged to a relative of the
23 operations commander.

24 PRESIDING JUDGE STEINER: Mr Witness, be more objective please. You said
25 before this Chamber right now that it was the owner of the house that left the guard

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1 in the residence and that the deputy commander knew the owner of the house. My
2 question is how do you know that? Who told you that? If you don't know, just say,
3 "I don't know." Don't repeat again and again and again the whole story.

4 THE WITNESS: (Interpretation) With all due respect, Madam President, I do not
5 know whether there was an interpretation issue. I did not say that the operations
6 commander, or the deputy operations commander in charge of the operations, knew
7 anybody whosoever. What I said was that his superior, General Mazi, is the one
8 who gave Colonel Moustapha that house. He's the one who assigned the house to
9 Colonel Moustapha. Then I stated that there was a civilian guard at that house, who
10 was there when Colonel Moustapha occupied that house, and that they stayed in that
11 house without any problem. That was my testimony, Madam President.

12 PRESIDING JUDGE STEINER: Thank you, Mr Witness.

13 Maître Zarambaud?

14 MR ZARAMBAUD: (Interpretation)

15 Q. Thank you, Mr Witness. Did Mr Moustapha pay rent to the owner of the
16 house? Did he pay the guard some kind of salary, or were these services offered
17 gratuitously and out of shared generosity?

18 A. Thank you, Counsel. I really do not know how to answer your question. It is
19 only the person who had given that house, that is General Mazi, who can answer this
20 question. The witness is not in a position to answer that question.

21 Q. Thank you, Witness. I asked the question because it appeared that the witness
22 was aware of who owned the house and who provided the house to Mr Moustapha,
23 but since you do not know I am not going to belabour the question.

24 Now, Witness, I have already told you that I am the legal representative of some
25 victims, and among these victims there are persons from Boy-Rabé neighbourhood in

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1 Bangui. Now, regarding Boy-Rabé neighbourhood, at transcript 245 you testified at
2 lines 14 to 16 that, "No one up until the end of the operations went to the location, or
3 arrived at that location, known as Boy-Rabé." On the 19th -- or at line 19 you said
4 that, "The enemy had deployed its units up to Boy-Rabé, but we did not go as far as
5 Boy-Rabé. We stopped at the main road; that is at the road that goes by the General
6 Assembly." I believe you are referring there to the National Assembly, which is
7 mistakenly entered as "General Assembly." "And they would go -- they went -- or
8 the road that goes up to PK12."

9 Now, Witness, the question: Is Boy-Rabé neighbourhood not located on a hill
10 behind the National Assembly?

11 A. Counsel, that is a good question, but once again I wish to crave your indulgence
12 regarding the answer I will provide which might not be satisfactory to you. At the
13 time of the events in Bangui, I believe that you were there. There was no soldier
14 located behind the National Assembly building.

15 Now, second, Boy-Rabé, according to what we learned in that short time we spent
16 there with the FACA troops, we were told that Boy-Rabé was a neighbourhood where
17 most inhabitants were of Chadian nationality and so there were very many Chadians,
18 and all I can say quite respectfully is that no ALC soldiers knows where Boy-Rabé
19 neighbourhood was exactly located and none of them went to that neighbourhood.

20 Q. I am only referring to your testimony here on 15 March 2013, because you
21 yourself said that, "The enemy had deployed its troops right up to Boy-Rabé," and it is
22 for that reason that I put that question to you.

23 Now, let me move on to another question, Mr Witness. Did the ALC soldiers who
24 were deployed to the Central African Republic receive any payment?

25 A. Thank you, Counsel. You see, we talk about payment or wages or salaries

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1 when money is paid out on a regular basis. That was not the case. However, for
2 daily needs such as soap, we did receive some money.

3 Q. So during the entire period of time, from October 2002 to 15 March 2003, the
4 ALC soldiers deployed in the CAR did not receive any wages; is that what you are
5 saying?

6 A. The CAR soldiers got their wages, but the soldiers who had crossed over only
7 received very minor amounts to take care of petty items, for example buying soap or
8 other minor expenses.

9 Q. Thank you. Now, what about food? You said, transcript 294, 14 March 2013,
10 page 15, lines 1 and 2, that when you arrived, "He asked me (Redacted)
11 so that he would know the exact number and could provide them with food."
12 What figure did you actually provide to him?

13 A. I'd like to ask you to put the question to me again, please, Counsel.

14 PRESIDING JUDGE STEINER: Maître Zarambaud? Could we please turn briefly
15 into private session.

16 *(Private session at 1.02 p.m.) Reclassified as Open session

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

18 PRESIDING JUDGE STEINER: Maître Zarambaud, please rephrase the question in
19 order not to specify that (Redacted).

20 We can, please, turn back into open session.

21 (Open session at 1.03 p.m.)

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

23 MR ZARAMBAUD: (Interpretation) Thank you very much, your Honour, I shall
24 rephrase my question.

25 Q. "When the troops of the 28th Battalion arrived in the CAR, the commander of

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1 that battalion was received by the CAR military authorities and they asked him to tell
2 them how many soldiers there were so that these authorities could feed them." This
3 is to be found at transcript 294, page 15, lines 1 and 2.

4 Now, Witness, do you know what number the commander of the 28th Battalion
5 provided to the CAR military authorities so that they could be fed, so that these
6 troops could be fed?

7 A. Yes, Counsel, the witness knows what number he gave.

8 Q. Does the witness know the number? What is the number that the commander
9 of the 28th Battalion gave to the CAR authorities? If you know that number, could
10 the witness please give it to us.

11 A. The 28th was made up of 525 soldiers.

12 Q. So the food was provided to 525 soldiers. Was that food already prepared, or
13 were they given -- or were resources given to the commander of the 28th Battalion for
14 him to feed his troops?

15 A. Well, the first day they received bread and fish.

16 THE INTERPRETER: Correction from the Lingala interpreter: "Bread and cans of
17 sardines."

18 MR ZARAMBAUD: (Interpretation)

19 Q. Thank you, Witness. Transcript 295, page 29, line 15 and 16, I quote, "The
20 commander of the 28th Battalion was often in contact with the commander -- with the
21 operational commander and so the commander of the battalion could not call
22 someone else."

23 So my question is this: Could the commander of the 28th Battalion not even call the
24 brigadier commander, Mr Moustapha?

25 A. Well, if it was something having to do with the operational unit and using the

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1 cell phone, that could be done. He could do that, but they had Thuraya equipment
2 to call the commander of the 28th Battalion. The commander of the 28th Battalion
3 did not have a satellite phone; he didn't even have their number. So it was the Ops
4 unit that had that particular task, namely calling the commanders of the 28th
5 Battalion to pass on orders to them.

6 PRESIDING JUDGE STEINER: Maître Zarambaud, do you mind if I interrupt you
7 again? I did not understand the answer given by the witness on page 58, line 18,
8 when Maître Zarambaud asked, "What kind of food the 525 soldiers received,
9 whether it was food already prepared or resources for the soldiers to be fed?" And
10 the answer of the witness, at least in the English transcript, is, "Well, the first day they
11 received bread and fish."

12 Mr Witness, the troops stayed in Central African Republic for five months. How
13 was food provided to the troops during these five months?

14 THE WITNESS: (Interpretation) Thank you, your Honour. With all due respect,
15 the second-in-command, the operational commander -- the deputy rather, who was in
16 charged of administration and logistics, would by us meat, beef specifically, and rice,
17 and he would come and give these things to us. Sometimes we would eat
18 Thompson fish. Sometimes we might buy beans because some pots had been
19 provided to the units who were in charge of providing rations to the soldiers. I
20 would say that opposite, we did feed the soldiers well.

21 PRESIDING JUDGE STEINER: Thank you for the clarification.

22 Maître Zarambaud.

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

24 Q. I'd like to hark back to my earlier question regarding the person who often
25 called the commander of the 28th Battalion, this person who couldn't call another

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1 person. Now, the commander of the 28th Battalion, could he not even call the
2 brigade commander to receive calls -- rather, to receive calls from the brigade
3 commander?

4 A. The person who was working a lot would receive orders from his boss, and
5 those orders were then passed on. He could even come and check the orders that he
6 had sent to the commander of the 28th Battalion. He too had the authorisation to call
7 us upon the orders of his boss, who was the commander of operations.

8 Q. So each time the brigade commander would call the commander of the 28th
9 Battalion, he would specify that the call was being made upon the orders of the
10 operations commander. Did he do that systematically?

11 A. He would call he had -- when something happened, if there was an event. He
12 would call and say, "Upon the order of the operations commander, I am telling you
13 this or that," or each time when he would speak to the operations commander, the
14 operations commander would ask him to send on the orders to the commander of the
15 28th, and then he would call to pass on the order in question.

16 The commander of operations responsible for logistics would also call to check
17 whether the rations sent were enough or whether they did indeed get to their
18 destination, so that the operations commander, the person in charge of logistics, could
19 provide his report to his chiefs.

20 Q. So, in other words, neither the Supreme Commander of the ALC, nor the Chief
21 of General Staff of the ALC, nor the brigade commander, handled these questions
22 relating to these soldiers who had been sent off, and these soldiers were entirely made
23 available to the CAR authorities; is that what you're saying?

24 A. Could you repeat your question, because I haven't really understood?

25 Q. Yes. I asked this question in light of your reply, Mr Witness. In a way, you

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1 said that the brigade commander would call the operations commander only upon
2 the order --

3 THE INTERPRETER: Inaudible.

4 MR ZARAMBAUD: (Interpretation)

5 Q. -- only upon the orders of the operations commander or when there were
6 problems with food, to inquire whether food supplies had arrived or not. So I was
7 asking you this: In the final analysis, to the best of your knowledge, neither the
8 Supreme Commander of the ALC, the accused person, Mr Bemba, nor the Chief of
9 General Staff of the ALC, Mr Amuli, nor the brigade commander, had any military
10 authority over the soldiers who had been sent to the CAR? Those soldiers were
11 entirely at the disposal of the CAR authorities; is that what you're saying? That's my
12 question.

13 A. The soldiers that crossed over were entirely under the command of the CAR
14 military authorities.

15 Q. Witness, do you know whether the accused person, Mr Bemba, had a satellite
16 radio at his home in Gbadolite?

17 A. I don't know.

18 Q. So you don't know whether the accused person, Mr Bemba, gave orders directly
19 to his soldiers in the field in the CAR and that the soldiers reported directly to him by
20 way of radio messages?

21 A. With all due respect, Counsel, the commander of the 28th Battalion never
22 received any order whatsoever from Mr Bemba when he was in the Central African
23 Republic.

24 Q. Witness, I still had two questions about looted goods, whether they had been
25 returned to their owners or not, and a question about the vehicles that had been

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1 looted. But since you answered, saying that to your knowledge there had never
2 been any murder or theft or anything like that, with the exception of Mr Bomengo's
3 case, I won't ask you these last two questions. I'll leave it at that, and I'd like to
4 thank you for answering our questions.

5 Your Honour, I have concluded, and I thank you as well, and indeed the other two
6 Judges of the Bench.

7 PRESIDING JUDGE STEINER: Thank you very much, Maître Zarambaud. Now
8 we could start with Maître Douzima, although we have only five minutes, but every
9 minute is precious. So Maître Douzima, you can start your questioning.

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

11 QUESTIONED BY MS DOUZIMA-LAWSON: (Interpretation)

12 Q. Witness, good afternoon.

13 A. Good afternoon, Counsel.

14 Q. Witness, my name is -- correction. I am a legal representative of victims, just
15 like Mr Zarambaud, and my name is Marie-Edith Douzima Lawson. Without any
16 further delay, since we are short on time, I'll begin with my questions.

17 First of all, I'd like to make reference to a transcript of 14 March 2003, page 10.

18 Mr Witness, you said this: You said that you and some of your troops had crossed
19 over on 29 October 2002 and you arrived in Bangui thereafter. I would like to ask
20 you, how long did you stay in Bangui when you crossed over that first time?

21 THE INTERPRETER: Interpreter correction, this is a quote from transcript 294 of
22 19 March 2003.

23 THE WITNESS: (Interpretation) With all due respect, Counsel, I believe that I
24 haven't understood your question.

25 MS DOUZIMA LAWSON: (Interpretation)

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1 Q. Witness, I'll repeat my question for you. You stated on 14 March that you and
2 some of your troops had crossed over to Bangui on 29 October 2002. So my question
3 was this: After crossing over to Bangui, how long did you stay there?

4 A. Could you clearly explain what you mean by "How long did you stay there"? I
5 just -- I can't understand -- I just can't understand what you're trying to ask me.

6 Q. All right. I'll ask you another question. When you got to Bangui, what was
7 the state of the Central African Republic army when you got there?

8 A. Thank you, Counsel. With all due respect, when the commander of the 28th
9 Battalion arrived there, the CAR army was deployed as we had been told. They
10 were in the process of making the airport secure and they were at the crossroads,
11 those two roads, one heading to the airport and the other one towards PK12. They
12 also held another -- a number of small positions. Miskine's army also was holding
13 other positions. Furthermore, there were Libyan troops who were holding a number
14 of other positions.

15 MS DOUZIMA LAWSON: (Interpretation) Your Honour, for my next question, I
16 think by the time we get to the witness's reply, we may go over time.

17 PRESIDING JUDGE STEINER: Thank you, Maître Douzima. I think it's better if
18 you resume your questioning tomorrow morning. Mr Witness, we will adjourn for
19 today. It's almost 1.30. We don't have hearings this afternoon, so we hope you take
20 some time for resting and being ready to continue and conclude with your testimony
21 tomorrow.

22 I think the parties and participants probably were already informed: Tomorrow we
23 are resuming at 10 in the morning instead of 9 in the morning.

24 I thank very much the Prosecution team, the legal representatives of victims,
25 Defence team, Mr Jean-Pierre Bemba Gombo. I thank very much our interpreters,

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- 1 court reporters, all staff members involved in this constant extended hours or
- 2 changing our sitting hours. I thank you all very much.
- 3 Mr Rojas, thank you very much.
- 4 THE COURT OFFICER (Redacted): (Interpretation) Yes, your Honour, I've
- 5 understood.
- 6 THE INTERPRETER: Correction: I thank you.
- 7 PRESIDING JUDGE STEINER: Mr Witness, thank you very much.
- 8 This hearing is adjourned.
- 9 THE COURT USHER: All rise.
- 10 (The hearing ends in open session at 1.28 p.m.)
- 11 RECLASSIFICATION REPORT
- 12 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 13 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public.