

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0036

- 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 Tuesday, 20 March 2012
- 9 (The hearing starts in closed session at 9.37 a.m.) Reclassified as open session
- 10 THE COURT USHER: All rise. The International Criminal Court is now in session.
- 11 Please be seated.
- 12 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the
- 13 case.
- 14 THE COURT OFFICER: Thank you, Madam President. Situation in the Central
- 15 African Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo,
- 16 ICC-01/05-01/08.
- 17 PRESIDING JUDGE STEINER: Thank you very much. Good morning the
- 18 Prosecution team, legal representatives of victims. Good morning to the
- 19 Defence team, Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters,
- 20 court reporters.
- 21 WITNESS: CAR-OTP-PPPP-0036 (On former oath)
- 22 (The witness gives evidence via video link)
- 23 (The witness speaks French)
- 24 PRESIDING JUDGE STEINER: Good morning, Mr Witness.
- 25 THE WITNESS: (Interpretation) Good morning, your Honour.

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- 1 PRESIDING JUDGE STEINER: Good morning, Mr Rojas.
- 2 THE COURT OFFICER (DRC): (Interpretation) Good morning, your Honour.
- 3 PRESIDING JUDGE STEINER: Mr Witness, are you ready to continue with your
- 4 testimony?
- 5 THE WITNESS: (Interpretation) Yes, thank you, your Honour. I'm ready.
- 6 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that you are still
- 7 under oath. Do you understand that, sir?
- 8 THE WITNESS: (Interpretation) Yes, I do, your Honour.
- 9 PRESIDING JUDGE STEINER: I'll give back the floor to the Defence. Mr Haynes,
- 10 you have the floor to continue with your questioning.
- 11 MR HAYNES: Thank you, your Honour, and good morning.
- 12 QUESTIONED BY MR HAYNES: (Continuing)
- 13 Q. And good morning to you, sir.
- 14 A. Good morning, Counsel.
- 15 Q. (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 A. (Redacted)
- 19 (Redacted).
- 20 Q. (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 A. (Redacted)
- 25 (Redacted) I believe he had already taken his decision after his conversation with Patassé.

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1 He simply (Redacted).

2 Q. (Redacted)

3 (Redacted)

4 A. (Redacted)

5 (Redacted)

6 (Redacted).

7 Q. (Redacted)

8 A. (Redacted)

9 (Redacted). The Kinshasa troops had surprised

10 us with their allies. At that time, that is the Chadians. They had come in through

11 Bangui, and we had barely entered Gemena, that is in that area, and we were

12 surprised and routed and we retreated for over a distance of more than 100

13 kilometres to the other side, and so when it came to defending our rearguard

14 (Redacted)

15 Q. (Redacted), did Mr Bemba discuss the mission to Bangui with

16 political members of the MLC?

17 A. I think so, but it is not possible for me to confirm that here.

18 Q. Well --

19 PRESIDING JUDGE STEINER: Mr Haynes, sorry, Judge Aluoch wants a

20 clarification.

21 JUDGE ALUOCH: Probably I could hold on a little bit before I seek this clarification.

22 I want to wait for the line of answers, then I'll put that clarification -- I'll seek that

23 clarification, yes.

24 MR HAYNES: Thank you very much.

25 Q. Well, let's see if we can refresh your memory a little bit. I wonder if Mr Rojas

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1 could put on the screen for the witness, please, Defence document number 1, and the
2 ERN number he will need to have is CAR-OTP-0009-0396. And for those of us
3 following in English, it's document number 4, page 50 going over to 51, and the last
4 four digits of the ERN number are 1234.

5 THE COURT OFFICER (DRC): (Interpretation) Document number 1 of the
6 Defence documents, reference CAR-OTP-0009-0345, second redacted version, page
7 0396, is now being shown to the witness.

8 MR HAYNES: And, Mr Rojas, can you make sure he looks at the bottom half of that
9 page.

10 Q. Thank you for reading that for me, sir. (Redacted)

11 (Redacted)

12 (Redacted)

13 A. If it is in relation to the document that has been shown to me here, that question
14 was put to me during the investigations. (Redacted)

15 (Redacted)

16 (Redacted)." These were questions that were being put to me and I was
17 answering them so normally, under the normal circumstances, he should inform
18 them. He must have informed them.

19 Q. Well, in your interview you said he did. Who did he talk to from the political
20 wing of the MLC about the mission to the Central African Republic?

21 A. Counsel, I do not think that is a question that you should be putting to me.
22 I believe this would be the usual practice. He was not the only one in the movement.
23 Just like in the army, (Redacted). At the political level,
24 he also had collaborators with whom he could discuss. This is a question you
25 should put to Mr Bemba, "Who did you talk with? With whom did you discuss the

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1 decision to go and intervene in Bangui?"

2 Q. (Redacted)

3 (Redacted)

4 A. (Redacted)

5 Q. Well, I'm going to leave this topic but I just want you to help us with this, please:

6 Why was it in April 2008 you told the investigators that Mr Bemba discussed the

7 mission with certain political people in the MLC and you are now reluctant to

8 confirm that?

9 A. I am not reluctant to confirm; I'm simply saying that under normal

10 circumstances that is what should happen because he was not alone. In principle,

11 we were partners in this political/military movement. Every person was making his

12 or her own contribution. (Redacted)

13 (Redacted)

14 (Redacted). So it would have been very normal for him to take the precaution to

15 inform the others. So I'm saying that he certainly informed certain politicians

16 because it is just normal for him to do so.

17 Q. Thank you. Which politicians would he have informed?

18 A. Which politicians did he inform? There were two wings, the political wing

19 and the armed wing.

20 Q. Could you help us with the names or the offices that those people held that he

21 would have informed?

22 A. I said that I no longer remember. (Redacted)

23 (Redacted)

24 Q. Sir, would you agree that before any force left for Bangui there was consultation

25 with the political and military hierarchy of the MLC?

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1 A. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted) That is what I have said.

6 He is the one who took the decision. I have said that and I'm not mincing my words.

7 Q. Sir, the collective political and military hierarchy of the MLC are what

8 (Redacted) called in his memo the High Command, aren't they?

9 A. Well, if we are coming back to the (Redacted) file, I had demonstrated to you
10 here that this is a document that has been created out of nothing and I'm not even
11 sure whether that file, whether that dossier is official, but I had accepted that that
12 organ existed; that is the High Command. I also confused it with the
13 political/military council. It existed. I have said it and I continue to say it. It did
14 exist, but I did not see precisely what type of work that organ did that we refer to
15 today as the "High Command." I did not see what its work really was, how effective
16 it was. The commander-in-chief, or the President Jean-Pierre Bemba, was the chair
17 of that organ and he could convene the members of the organ simply to inform them
18 of the decision he had taken, and maybe later I will tell you what -- who is Jean-Pierre
19 Bemba in regard to that organ. Thank you.

20 Q. Just a couple more questions before we move on. Did at no time, between 25
21 and 30 October 2002, (Redacted)
22 (Redacted)?

23 A. That is basically the same question, Counsel. I no longer remember.

24 Q. And the second question is, relates to the other military action that the MLC
25 were engaged in, and that is the attack by the RCD-K/ML at Isiro. Did you regard

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1 the fact that these two attacks, that is the attack in Isiro and the attack in Bangui, were
2 happening at the same time as being significant?

3 A. That they were simultaneous and significant? Well, they happened almost at
4 the same time. I do not recall which one started first. However, regarding our
5 rearguard defence, that is the defence of our lines, I believe it was significant.

6 Q. Did you think that the same forces were behind both attacks indirectly?

7 A. No, it was not the same force.

8 Q. Who did you think was behind the RCD-K/ML attack at Isiro?

9 A. The RCD-K/ML had support from the government forces, (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted).

13 MR HAYNES:

14 Q. And what particular danger was posed by a Chadian force occupying Bangui?

15 A. I just said not so long ago that we had suffered a surprise attack at a particular
16 time by the Chadian forces, with the government forces from Kinshasa back in those
17 days, and we had to withdraw more than 100 kilometres because of that attack. So,
18 you see, there was that danger. It still existed. They still could be there along
19 beside us, so that was the danger.

20 MR HAYNES: Okay. Now, I want to move on a little bit from that, please, and
21 we're going to look again at the cahier de communication. So if Mr Rojas could put
22 on the screen for you Defence document number 16 and the last four digits of the
23 ERN number are 1624.

24 THE COURT OFFICER (DRC): (Interpretation) This is CAR-D04-0002-1514, at
25 page 1624, and this document is being shown to the witness.

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1 MR HAYNES: And can you please, Mr Rojas, focus on the bottom right-hand
2 corner?

3 THE COURT OFFICER (DRC): (Interpretation) That has been done.

4 MR HAYNES: Thank you.

5 Q. We probably all know the answer to this, but so that it is on the record what is a
6 morning sitrep?

7 A. It is the -- a report of a morning situation, about the situation in the morning.

8 Q. And can you tell us how this information was received; how this information
9 comes to be recorded in the cahier?

10 A. It is the same thing. Nothing has changed here. The operator at headquarters
11 in the morning - every morning - would communicate with all the various units to
12 obtain the morning report, and when nothing was to be reported, if nothing was out
13 of the ordinary, if there was no situation, the operator -- well, the commander in the
14 field would tell the operator to tell his counterpart that it was calm and if there was a
15 problem he would report. For example, he might say, "The situation is calm," or he
16 might report that a soldier had passed away, owing to illness or something like that,
17 and the operator at headquarters would draw up a list like this one and record it in
18 the log-book (Redacted), and the commander-in-chief would receive
19 the log-book and review it and determine whether any instructions needed to be
20 issued. So there you have it.

21 Q. Thank you, sir, that's very helpful. Can we move on, please, to 16 -- well,
22 before we do, that's the morning sitrep we're looking at there for October 24th, 2002,
23 isn't it?

24 A. Yes, that's what we see here.

25 MR HAYNES: And can we now move on, please, to page 1627 in the same book.

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1 THE COURT OFFICER (DRC): (Interpretation) This page, 0002-1627, is being
2 shown to the witness.

3 MR HAYNES: And again bottom right-hand corner, please, Mr Rojas.

4 THE COURT OFFICER (DRC): (Interpretation) That has been done.

5 MR HAYNES: Thank you.

6 Q. Just a couple of quick questions about this. This is the morning sitrep for
7 25 October and we see there, do we, a list of all the units that have been contacted by
8 the communications operator, which include Brigade Echo but does not include
9 Bangui; is that right?

10 A. Yes, that's right, since the other brigades as well were not necessarily mentioned.
11 For example, Bravo Brigade, Alpha Brigade, they were not mentioned. Makanza
12 was not mentioned.

13 MR HAYNES: Now, can we go, please, to page 1630 and we need to be on the
14 left-hand side of the page.

15 THE COURT OFFICER (DRC): (Interpretation) Page 1630 is being shown to the
16 witness, left-hand side of this page.

17 MR HAYNES:

18 Q. Sir, I apologise, this is not very clear, but can you see there for 26 October, one,
19 two, three, four, five entries from the bottom we now see "Ops Bangui"?

20 A. Yes, I've seen that.

21 Q. I don't know if you can help with this, but all of the other entries seem to be
22 described either as "brigade" or "axis," or sometimes a place. Why "Ops Bangui"?

23 A. Well, the operator wrote that. The operator, he wrote here. He just
24 wrote -- I think you'll notice that sometimes he did not record all the units. It
25 depended on the conditions of the transmission of messages. Sometimes units

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1 would not be able to communicate with headquarters, so he would write things down
2 and it would depend on his mind and it would depend on the particular operator
3 that day. For example, for Bravo Brigade, instead of writing out "Bravo Brigade" in
4 full he might write "Situation Bossangoa" (Redacted). If
5 he wrote "Bravo Brigade," (Redacted). So it
6 depended on the individual operator that was working. This person preferred to
7 write down that way, "Operation ..." --

8 MR HAYNES: Okay, so no real significance at all. Can we now go, please, to page
9 1631?

10 THE COURT OFFICER (DRC): (Interpretation) Page 1631 is being shown to the
11 witness.

12 MR HAYNES:

13 Q. And we see in the bottom right-hand corner the morning sitrep for 27 October,
14 don't we? And if we go over the page to 1632, please, Mr Rojas --

15 THE INTERPRETER: Interpreter's correction: The place name mentioned in the
16 previous reply was Basankusu.

17 THE COURT OFFICER (DRC): (Interpretation) Yes, that has been done.

18 MR HAYNES:

19 Q. And we see there for the morning sitrep of 27 October at the very bottom "Ops
20 Bangui calm," don't we?

21 A. Yes, that's right.

22 Q. But if we go to the bottom of that page and look at the entries there and the
23 entries at the top of the page to the right, morning sitrep for 28 October, no entry for
24 Ops Bangui.

25 A. Yes, that's right, Counsel. There's nothing to be seen there.

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1 Q. Thanks. I don't know if you can help us with this or not, but what would have
2 been the purpose of sending a force of 150 men to Bangui on 26 October?

3 A. Those men sent to Bangui? Well, the question isn't very clear, I'm sorry.

4 Q. Okay. I apologise, it's my fault not yours. Ultimately, three battalions went
5 to Bangui, didn't they?

6 A. That's right.

7 Q. And you've probably told us this before, about how many men is that force?

8 A. Well, I had mentioned something in general, about -- I think I had said about
9 2,000, 1,800 to 2,000.

10 Q. And as we'll see in due course their commander, and presumably they as well,
11 arrived on 30 October. So what was the purpose of sending a small force of 150 men
12 four days earlier on 26 October?

13 A. Counsel, now in the operations, when it was a matter of providing for the
14 crossing, normally one sends a force, perhaps a small force in relation to the main
15 force, and usually that is either to occupy and allow the others to cross over safely,
16 and that's what we call the advance force or the sharp end. (Redacted) perhaps
17 they could already handle the situation there while the other force was getting ready.
18 All the forces there, the three battalions rather, were not all in Zongo ready to cross at
19 the same time. I think you saw the messages at that particular time. Yesterday we
20 saw, even in the previous days in the questions from the OTP we saw that other
21 forces were supposed to leave Imese and the commander suggested that they travel
22 by foot, and he gave reasons for that. So they had to walk, and that would take up
23 to five days, or even a week. The other battalion, I told you that they had left from
24 Basankusu and they were to travel by plane. It was a great distance, so it was quite
25 normal for these other units to cross, once they had arrived in Zongo, and then

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1 continued to move forward one after another in terms of units. From Zongo,
2 perhaps some had left earlier. There were many reasons for that unit to already be
3 set up there a few days beforehand in Bangui. So there you have it.

4 Q. Sir, I want to thank you for that answer. You've actually answered probably
5 three or four of my next questions there. Do you know whether the advance unit
6 stayed in Bangui or whether it returned to Zongo?

7 A. I think they remained in Bangui.

8 Q. Okay. I was just wondering whether you could help us as to why there was no
9 sitrep from Bangui on 28 October?

10 A. Well, I just mentioned that the operator would record in his log-book only the
11 units for which he had received a message. Many networks were unable to reach
12 everyone, and that can be explained. So one wouldn't record something if one had
13 not received any message from that unit by way of the phonie.

14 Q. That's fine, that is certainly one explanation. Now, so that you understand
15 why I'm asking you these questions, I'm asking you to really comment on evidence
16 we've heard from other people in this case, so you understand why I'm asking these
17 questions. (Redacted)

18 (Redacted)

19 (Redacted)

20 A. Counsel, I said that -- well, that's difficult. I don't remember. You may find it
21 hard to believe, but I don't -- I don't remember.

22 Q. And there was no occasion when the force which was to go to Bangui was
23 assembled at an airfield in Zongo and addressed by President Bemba?

24 A. That's possible, that is possible, but -- but, really, I don't have any exact
25 recollection. It is possible. It must have been the unit that left from Basankusu,

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1 because that is where they landed.

2 Q. Were you at such an occasion?

3 A. Well, I don't exactly remember if it was then, but I do know at Zongo, (Redacted)

4 (Redacted) Mr Jean-Pierre Bemba at that particular airport

5 in Zongo and each time when he would come, and that was the usual practice, he

6 would speak to the soldiers who were there. Especially for that unit, well, I really

7 don't remember, especially for that unit there, that particular unit.

8 Q. How long did it take for the troops to be ferried across the River Ubangi in

9 total?

10 A. How many times did they cross?

11 Q. No, how many days did it take for them to cross?

12 A. No. To cross over on the ferry-boat, it would take just a few minutes. Zongo

13 and Bangui are facing one another, so the crossing is only five or ten minutes. It's

14 not -- it's not long.

15 Q. And how long, to your knowledge, did it take the whole force to cross from

16 Zongo to Bangui?

17 A. Well, it would be difficult to say now. I think that, really Counsel, the three

18 battalions that were in Bangui, certainly it took a few days for them to cross but I

19 couldn't tell you exactly how long. Maybe ten days, two weeks. I really don't quite

20 recall.

21 Q. Did you not have any information about how the crossing was progressing?

22 A. No. (Redacted). I know that the troops were crossing over, so that

23 was done gradually as they were -- as they arrived in Zongo. Once they arrived, the

24 unit would get ready and then they would cross over.

25 Q. By whom were they transported across the River Ubangi?

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1 A. The ferry-boat that was there, to my knowledge, belonged to some Central
2 African people. They handled that.

3 Q. Who paid for it?

4 A. I don't know that either, but I think it must have been the Government of the
5 Central African Republic that paid. Since it was their ferry-boat, they were the ones
6 who were waiting so anxiously for those people who were crossing over, so I think it
7 was the Central Africans who handled that. They were paid cash or was it
8 requisitioned? I don't have an exact answer for you.

9 Q. Thank you. Do you know what happened to the MLC troops when they
10 arrived in Bangui?

11 A. In relation to the attacks? We discovered together here that -- I beg your
12 pardon?

13 Q. Let's go one step or two steps back from the attacks. Do you know who
14 greeted them?

15 A. Yes, the Central African Republic officers, the army superiors.

16 Q. Thank you. Do you know where they made their camp?

17 A. No, not in detail, (Redacted)
18 (Redacted).

19 Q. (Redacted), I just want to deal with 30 October
20 to start off with. Do you know who provided them with uniforms and food upon
21 their arrival in Bangui?

22 A. No, I don't know. As for the uniforms, it must have been the Central African
23 Republic headquarters. The actual officer who gave them uniforms, I don't know.

24 Q. Just changing topics a little bit, can you help us as to why the Antonov, with the
25 men in it, flew from Basankusu to Zongo and then the soldiers got on to boats? Why

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1 didn't the Antonov fly directly to Bangui?

2 A. I think there were other flights directly to Bangui, but there were other reasons
3 for the plane to land in Zongo. It was safe. It was our country. It was possible to
4 ensure that the landing would be safe, perhaps also do all the preparations, provide
5 everything that was missing, before actually crossing over.

6 Q. Is that also the reason why Libyan planes flew to Gbadolite rather than Bangui,
7 because Bangui airport for a time was not safe?

8 A. That could be one of the reasons, but I also think that this was because the
9 Libyan planes -- well, this could also be a reason for saying that -- that we didn't
10 know exactly what these planes were bringing. In Gbadolite, we didn't know.
11 Perhaps from there we would be able to unload them in one way or another in
12 Bangui. That's perhaps another reason.

13 Q. (Redacted)

14 (Redacted)

15 A. That is correct.

16 Q. And I know that it is almost ten years ago and might be difficult to remember,
17 (Redacted)?

18 A. (Redacted)

19 (Redacted)

20 Q. I'm not going to disagree with you about that, but by then Bangui airport was
21 safe to land at, wasn't it?

22 A. Yes. You could take measures at a certain time, but it was a town which was
23 insecure. At any time a situation could suddenly erupt, but at a certain time you
24 could make the place safe and an aeroplane could land. You could do that at a given
25 time. There was insecurity in Bangui at that time. Bangui wasn't safe at that time.

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1 Q. Again, maybe difficult to remember, but do you recall now that Libyan cargo
2 planes only landed at Gbadolite for a short period of time, perhaps a week or two, at
3 the start of the operation?

4 A. Well, I would say that the Libyan aeroplanes, they landed in Gbadolite. I
5 couldn't tell you if it was one month, or two weeks, but there were a lot of planes
6 landing in Gbadolite.

7 Q. But do you agree it was only for a limited period of time at the start of the
8 operation?

9 A. Well, I don't -- I don't remember. Do we want to say that if it's a short time, a
10 long time? I don't see what the problem is. I know that planes arrived.

11 Q. Did Libyan planes bring men as well as equipment?

12 A. It brought troops? Which men?

13 Q. Yes, troops.

14 A. No, I didn't see troops. In Gbadolite, apart from those who were bringing the
15 equipment, technicians who also came to -- to put the small reconnaissance aircraft
16 together.

17 Q. Thank you very much. The arms that came on the Libyan planes, (Redacted)
18 (Redacted)

19 PRESIDING JUDGE STEINER: Yes, Maître Badibanga.

20 MR BADIBANGA: (Interpretation) Your Honour, Counsel Haynes is currently
21 changing subject and I'm not sure that we've understood the answer of the witness.
22 I think the question did need a bit more precision. The question was whether the
23 Libyan planes brought men with them, but in fact we don't know in which sense
24 they're talking about and which men they're talking about. And the witness was
25 asking, "Did they bring troops? What men?", and he was told, "Yes, troops." I don't

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1 really -- I'm not able to understand whether we're talking about Libyan troops, or
2 whether we're talking about troops from the ALC, and if we're talking about from
3 Bangui to Gbadolite, or whether we're talking about from Gbadolite to Bangui.

4 Perhaps Counsel Haynes could just be a bit more precise in this regard so that then
5 we can better understand what the witness is actually talking about?

6 PRESIDING JUDGE STEINER: If Mr Witness understood the doubts or the request
7 for a clarification from Maître Badibanga, the witness could try to clarify. Otherwise,
8 I will ask Mr Haynes to put the question again.

9 MR HAYNES: I think I'll do that.

10 PRESIDING JUDGE STEINER: Mr Haynes.

11 MR HAYNES:

12 Q. I think I've understood you, but let me see if I've got it correct. The only
13 personnel that arrived with the equipment to Gbadolite airport were Libyan
14 technicians; is that right?

15 A. Yes, or to be precise that's what I said. So the planes didn't transport troops, or
16 just troops, but in terms of Libyan troops I don't know. Certainly by plane they
17 were in Bangui. Now, if it was -- whether these planes transported them I don't
18 know, but there were Libyan troops in Bangui, but with regard to Gbadolite and air
19 transport of troops from Gbadolite to Gbadolite, no.

20 Q. Okay. Now, I was moving on to the question of what happened with any
21 arms that came by air from Libya, (Redacted)
22 (Redacted)

23 A. Yes, yes, it was unloading arms, stocking them in Gbadolite, which was
24 managed by the General Staff, the G4 Colonel Mbiato. Colonel Mbiato.

25 Q. Did he make inventories of those arms and keep records of their issue?

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1 A. (Redacted). You can't just stock material

2 which is of such importance, such as weapons, heavy weapons, without having a
3 document.

4 Q. And were those weapons and ammunition sent anywhere other than Bangui?

5 A. At least a major part in Bangui, or a large part in Bangui, and another part
6 stayed in the depot right until the end, and when it came to the integration they
7 stayed in that depot.

8 Q. So the arms which came from Libya were not for the general use of the ALC.

9 They were only to be stored in Gbadolite for use in the operation in the Central
10 African Republic; is that right?

11 A. They could be used elsewhere. Just one part, or some of them, were taken to
12 the Central African Republic. The others were for other purposes, but the
13 others -- or the others which remained in the stockpile, or the arms dump, they went
14 to other operations.

15 Q. And presumably Mr Mbiato would confirm all that, would he?

16 A. If Colonel Mbiato should come and confirm that? I'm not the one who can say
17 that. I don't know. I don't know if what I'm saying is not clear. I don't know.
18 The fact is that there were weapons which came from Libya, and not a small number,
19 lots of weapons, and among these weapons some of them they were put into the arms
20 dump. They were stocked there in Gbadolite in Coca-Cola, in the Coca-Cola
21 premises, and some of them were taken to Bangui. The others remained there in the
22 arms dump and they were left in the arms dump when we came to the integration, or
23 the join-up, and that can be checked.

24 MR HAYNES: Thank you very much. Can we, therefore, go forward in document
25 16, the first cahier de communication, to Mustapha's message at page 1637, bottom

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1 left going up to top right.

2 THE COURT OFFICER (DRC): (Interpretation) Page CAR-D04-0002-1637, which is
3 number 16 of the Defence list, is being shown to the witness. Mr Haynes, please,
4 could you indicate once again the message that you want the witness to look at? Is it
5 the one at the bottom left, which go -- continues to the right?

6 MR HAYNES: Yes, that's the one. It's headed "Extremely Urgent, 30, 13.45, A."
7 Most of the message is in the bottom left-hand corner. There is four or five lines of it
8 in the top right.

9 THE WITNESS: (Interpretation) Yes, I've seen the message, counsel.

10 MR HAYNES:

11 Q. Sir, (Redacted)

12 (Redacted). It's dated 30 October. According to what you've told us, the battalions
13 from Echo Brigade would have taken five days to march from Imese to Zongo; is that
14 right?

15 A. Well, that's complicated. I can't speak in a rigid way about five days. What I
16 said was that it must take several days, five to a week walk days, walking from Imese
17 to get to Zongo.

18 Q. Do you know whether Mustapha marched with them?

19 A. Mustapha, he was a lot faster than the men who were going on foot. He even
20 said in the message that he had asked for fuel, i.e., to be able to go fast. He took -- he
21 took what was necessary to cross with the MLC battalions. There were several
22 battalions, so among them there was the one which was just next to Bangui as well.

23 Q. What would have been the procedure? Would Mustapha have crossed with
24 the first detachment, or would he have watched whilst the whole of the force under
25 his command crossed and then gone with the last detachment, or would he have

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1 crossed sometime in the middle?

2 A. Certainly it must be somewhere in the middle of the crossing. Perhaps after a
3 battalion, when the other one was just arriving, that's possible. I couldn't tell you
4 exactly on such-and-such a point he would have crossed, but I don't know with
5 which exact unit or which company or which battalion he crossed. He did cross,
6 though, in the middle or after some units were already -- or had already crossed into
7 Bangui.

8 Q. Thank you very much. And do you recall (Redacted)
9 any crossings had taken place before 30 October other than the advanced force of 150
10 men that crossed on the 26th?

11 A. Well, I don't really understand the question. After the crossing of the 26th, if
12 there was another which was crossing before the 30th, well, that's something I
13 couldn't tell you; whether it was on what day such-and-such a company crossed at
14 2 o'clock, on the same day there was a platoon, two days after there was a company,
15 I don't know that. It was bit-by-bit that people arrived in Zongo, men arrived in
16 Zongo, and they crossed over.

17 Q. Sir, this message is timed at 15.20 on 30 October. Can we be clear that no MLC
18 troops were engaged in military action in the Central African Republic before that
19 date?

20 A. They were already in Bangui. They were already in Bangui. And here we
21 can see in the message that, once they had arrived, after the meeting that was held at
22 9 o'clock at 13.00 hours the operation started, and that's what we can see here.

23 Q. Sir, who would or could have given Mustapha the order to open fire on the
24 enemy at 1 o'clock on 30 October?

25 A. Now, if -- if we remember, these ALC troops, were they attacked? If they were

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1 attacked, then they had to react without waiting for an order. I was very explicit
2 about that yesterday, and I spoke about that at length. But if it was a matter of
3 giving the order to the MLC troops to start the operations, then they should receive it
4 from Mr Jean-Pierre Bemba, the commander-in-chief.

5 Q. But there was no request for permission to open fire and no order from
6 Gbadolite to tell them to commence aggressive action against the enemy, was there?

7 A. (Redacted). I couldn't say whether there
8 was an order at least. If there was an order it must have come from the
9 commander-in-chief, if there was one.

10 Q. You are not aware of an order from the commander-in-chief, are you?

11 A. No, I'm not aware. Elsewhere as well. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. (Redacted)

16 (Redacted)

17 A. (Redacted)

18 Q. (Redacted)

19 (Redacted)

20 A. (Redacted)

21 (Redacted)

22 Q. (Redacted)

23 A. (Redacted)

24 Q. (Redacted)

25 (Redacted)

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1 A. *(Redacted)

2 (Redacted)

3 (Redacted). The enemy was in Bangui. And then further forward, because the
4 troops they were facing were soldiers that had defected from the regular Central
5 African army, they were on the other side on the main roads, but they were also in
6 Bangui, even among the population and in houses, (Redacted)
7 (Redacted).

8 Q. Sir, you didn't even know, did you, how many of Mustapha's men had crossed
9 the river by that stage?

10 A. The 30 -- on the 30th?

11 Q. Yes.

12 A. No, I couldn't tell you how many there were. All the battalions, unless there
13 was a battalion. There was already one in Bangui, there were troops in Bangui.

14 Q. And you had no idea of the state of their combat readiness, did you?

15 A. To my knowledge, they were ready because there were troops who
16 were -- troops were always on the front already. They just changed the road.

17 Q. You had no idea what levels of ammunition they had with them, did you?

18 A. I couldn't tell you whether they had a thousand RPGs, I mean, I couldn't tell
19 you that, but they had their mission, they had their ammunition and they had their
20 weapons. The other ammunition and weapons, that was in addition -- or that was
21 according to need that they were presented.

22 Q. Sir, it's plain, isn't it, that one of two things happened on 30 October at 1 o'clock
23 in the afternoon: Either Mustapha's forces responded defensively or they took their
24 operational orders on that day from somebody in Bangui?

25 A. Yes, that's correct.

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1 Q. Thank you very much. Now, there's just a couple of other questions before the
2 break I want to ask you. It is obvious from Mustapha's message that Libyan forces
3 were already in Bangui at that time; do you agree?

4 A. Can we see the message?

5 Q. Yes. It's the top of the right-hand page you need to look at. The words you
6 are missing is "Pas," "Pas de communication avec les Libyens."

7 A. Yes, there were Libyan troops. The message points this out clearly.

8 Q. Do you know how they got there?

9 A. No, I don't know, Counsel, I don't know how they got there.

10 MR HAYNES: Thank you, sir. It's time for our break.

11 PRESIDING JUDGE STEINER: Thank you, Mr Haynes. Mr Witness, we'll have
12 half-an-hour break. You can take some rest. It's 11 o'clock. We'll be back at 11.30.
13 The hearing is suspended.

14 THE COURT USHER: All rise.

15 (Recess taken at 11.02 a.m.)

16 (Upon resuming in closed session at 11.35 a.m.) Reclassified as open session

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

18 PRESIDING JUDGE STEINER: Welcome back.

19 Welcome back, Mr Witness.

20 THE WITNESS: (Interpretation) Good morning once again, your Honour.

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

22 THE WITNESS: (Interpretation) Yes, I'm ready, your Honour.

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

24 Mr Haynes.

25 MR HAYNES: Thank you.

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- 1 Q. And welcome back, sir.
- 2 A. Good morning, Counsel.
- 3 Q. Now, we're moving on. (Redacted)
- 4 (Redacted)
- 5 A. (Redacted).
- 6 Q. (Redacted)
- 7 A. (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted).
- 12 Q. (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 A. (Redacted)
- 16 (Redacted)
- 17 (Redacted).
- 18 Q. (Redacted)
- 19 A. (Redacted)
- 20 (Redacted)
- 21 (Redacted).
- 22 Q. (Redacted)
- 23 A. (Redacted)
- 24 (Redacted).
- 25 Q. (Redacted)

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

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- 1 Q. (Redacted)
- 2 A. (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 THE INTERPRETER: (Redacted)
- 6 (Redacted).
- 7 MR HAYNES:
- 8 Q. (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 A. (Redacted).
- 12 Q. (Redacted)
- 13 A. (Redacted)
- 14 Q. (Redacted)
- 15 A. (Redacted)
- 16 (Redacted).
- 17 Q. (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 A. (Redacted)
- 21 (Redacted) in PK12, when President Jean-Pierre Bemba was
- 22 addressing the soldiers the population was further away, but they were visibly not
- 23 very enthusiastic. They were really not applauding. They were just there quite
- 24 indifferent.
- 25 Q. (Redacted)

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1 (Redacted)

2 (Redacted)

3 A. (Redacted).

4 Q. (Redacted)

5 (Redacted) I just wonder

6 whether you could help us with a couple of passages in your OTP interviews and can

7 Mr Rojas, please, put on screen before the witness document 2 on the Defence list at

8 page 16. That is CAR-OTP-0009-0417, and for those of us following in English it's

9 document 5, again at page 16. The last four digits of the ERN number are 1255.

10 THE COURT OFFICER (DRC): (Interpretation) Document 2 is

11 CAR-OTP-0009-0402, second redacted version, specifically page 0417, and that is

12 being shown to the witness.

13 MR HAYNES:

14 Q. Sir, to help you, it's the top half of the page you need to read and I'll read the

15 passage in English that interests me. You were asked: "During the entire military

16 operation in Bangui led by Mustapha, Bemba travelled there to meet the troops?", and

17 you said: "I think he went to Bangui. In any case, I remember that once he also

18 went to meet troops, but not very far from Bangui. In Bangui over there, yes, I heard

19 about that." And then you were asked: "And when he made such a visit, what was

20 the aim of the visit?", and you said: "It was maybe to go and talk to these soldiers,

21 because he spoke to the soldiers at front. Even when it was here, he often went to

22 the front to talk to the soldiers I think similarly in order to encourage them,

23 something like that, to talk about behaviour or something that I don't know."

24 (Redacted)

25 (Redacted)

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1 (Redacted) Can you help us as to that?

2 A. Yes, there is nothing else there. I am the same person who gave the

3 clarification (Redacted)

4 (Redacted)

5 (Redacted).

6 MR HAYNES: Well, just to complete the picture, can we go forward three pages,

7 which is CAR-OTP-0009-0420. It's page 19 of 89 in both the English and the French.

8 THE COURT OFFICER (DRC): (Interpretation) It is done, Mr Haynes.

9 MR HAYNES:

10 Q. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Do you see that, sir?

17 A. Yes, I can see that excerpt.

18 Q. (Redacted)--

19 PRESIDING JUDGE STEINER: Mr Haynes, could you please wait for the witness to

20 finish the answer before you put another question.

21 MR HAYNES: Absolutely.

22 PRESIDING JUDGE STEINER: Thank you.

23 Mr Witness, can you complete what you were going to do. You stopped at

24 "(Redacted) ..."

25 THE WITNESS: (Interpretation) Yes. I thought -- when they mentioned positions

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1 held by the ALC, I thought it was quite advanced positions much further away, but
2 with regard to Bangui Town, I pointed that out later. (Redacted)
3 (Redacted). This is not something that I can deny. I pointed this out again
4 and I made it known even to the investigators (Redacted)
5 (Redacted).

6 MR HAYNES:

7 Q. So during this interview, when you said "... (Redacted)
8 (Redacted)
9 (Redacted)

10 A. Yes, indeed. I'm sorry, I answered a bit too fast, but, Counsel, you know that
11 quite frequently as you must have realised (Redacted)
12 (Redacted)
13 (Redacted) I
14 (Redacted)It was not even under pressure. (Redacted)

15 JUDGE ALUOCH: Mr Haynes, I think I've got the page where the witness says that
16 (Redacted) and he gave that to the investigators. I am looking at the
17 English translation of CAR-OTP-0058-0158. It is right at the bottom of the page. A
18 question put to the witness by the investigator was: (Redacted)
19 (Redacted), and the witness then said:

20 (Redacted)
21 (Redacted)

22 Yes, I wanted to point that one out. Perhaps that's what he's referring to, that
23 (Redacted).

24 MR HAYNES: Could you just leave that with me a moment?

25 JUDGE ALUOCH: Okay.

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1 MR HAYNES:

2 Q. (Redacted), did you, during the course of that interview that (Redacted)

3 (Redacted)

4 A. No. When I corrected my version to say that (Redacted), I gave the details
5 and said (Redacted).

6 Q. Yes, but that was in your interview of December 2009, 20 months later. What
7 helped you in December 2009 (Redacted)?

8 A. No, no one. (Redacted).

9 Q. And I just wondered what it was that caused you to (Redacted)
10 in the interviews of April 2008?

11 A. I said that (Redacted) that, no, (Redacted)
12 so I corrected myself.

13 Q. (Redacted)

14 (Redacted)

15 A. No, not at all.

16 Q. And you did (Redacted) in April 2008, did you?

17 A. I clearly said it here, unless I was not correctly understood, but I clearly said
18 that, yes, (Redacted).

19 Q. You didn't deliberately (Redacted) it in April 2008 because you didn't want the
20 investigators to know (Redacted)?

21 A. No, not at all. I told you, Counsel, that I really have nothing to be worried
22 about. My conscience is at rest, and so I said I would say the truth and I will
23 continue to say the truth. If I forget something afterwards, I can correct the record.
24 Yesterday I may have misspoke, but in actual fact, you see, that's what happened.

25 Q. And do you accept at no time during your interviews in 2008 or 2009 did you

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1 mention (Redacted)

2 (Redacted)?

3 A. I beg your pardon, Counsel? The question isn't very clear to me.

4 Q. Yes. Do you accept that at no time did you tell the investigators from the OTP

5 (Redacted)

6 (Redacted)

7 A. No, but -- but I didn't say to the investigators. In any event I don't know

8 whether there was a question asking me for a reaction to that, but when I was asked,

9 when I was asked what my reaction was, that is what I said. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted). Now, if I didn't say that to the investigators, I

14 did --

15 Q. Sir, you didn't even say it to Mr Badibanga when he was asking you questions

16 here. The first time you said it to anybody was when Mr Zarambaud asked you

17 some questions. Do you agree with that?

18 A. But what was the question? What was the question from Mr Badibanga that I

19 was supposed to answer in that manner?

20 PRESIDING JUDGE STEINER: Yes, Mr Badibanga. Maître Badibanga.

21 MR BADIBANGA: (Interpretation) I'm sorry, your Honour. I'd just like to ask

22 for the reference. What is Mr Haynes referring to? I don't remember the witness

23 saying anything about that information and anything about (Redacted).

24 Mr Haynes makes mention of (Redacted).

25 Could we please have the specific reference?

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- 1 PRESIDING JUDGE STEINER: Mr Haynes, the reference.
- 2 MR HAYNES: In due course, your Honour, if you don't mind?
- 3 PRESIDING JUDGE STEINER: I mind. I do mind, I'm sorry, because the
- 4 Prosecution is saying that he does not remember listening to such assertion and you
- 5 are asking the witness now about something that we are not sure which were the
- 6 words of the witness. So I think it's important that we are informed.
- 7 MR HAYNES: Well, will you give me a few moments?
- 8 PRESIDING JUDGE STEINER: Of course.
- 9 MR HAYNES: In the meantime, I hope you don't mind if we move on?
- 10 PRESIDING JUDGE STEINER: As you wish.
- 11 MR HAYNES:
- 12 Q. (Redacted)
- 13 A. (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 Q. Well, let me put it another way. What was the purpose of the
- 19 commander-in-chief's visit to PK12?
- 20 A. In my humble opinion, it was to go and speak to the soldiers with their
- 21 commanders who were there, as he usually did, as he usually did, because he would
- 22 go and visit the units in the field -- at the front, rather, everywhere.
- 23 Q. (Redacted)
- 24 A. (Redacted)
- 25 (Redacted).

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1 Q. Thank you. But there was a particular reason for going to Bangui at that time,
2 wasn't there, and that was the reports that had appeared on RFI?

3 A. Certainly that was one of the main reasons, but -- but he would go to all the
4 various fronts; Makanza, Imese and even further. He would even go to advanced
5 positions, Basankusu. He would go to those places. It was quite normal for him to
6 go to Bangui, but you see there were those problems, those cases of contravention of
7 orders and theft and all those other things we heard about in the media.

8 Q. (Redacted), what level of
9 credibility did you attach to the radio reports from RFI?

10 A. I haven't understood the question. What level of credibility? I haven't
11 understood. Counsel, could you try to be clearer, please?

12 Q. Yes. The reports on the radio that you were aware of, did they name soldiers
13 who had allegedly committed offences?

14 A. Their actual names, no, but I did hear from friends who had been listening to
15 the radio that the news was saying that the soldiers were engaging in misconduct in
16 Bangui.

17 Q. Well, I'll come back to the original question. To what extent did you believe
18 the radio reports, you personally?

19 A. To what extent I believed? I don't know the measures that we were going to
20 take. These questions aren't very clear.

21 Q. Well, you've told us earlier that there were people in Bangui who were opposed
22 to the intervention of the MLC. Do you still agree with that?

23 A. Yes, I agree with that. Not everyone was unanimous. Not everyone was in
24 agreement to continue to accept --

25 THE INTERPRETER: Inaudible.

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1 THE WITNESS: (Interpretation) -- Patassé. So some people were not in
2 agreement with the intervention by the ALC troops. (Redacted)
3 (Redacted).

4 MR HAYNES:

5 Q. Did the radio reports of which you were aware name units of the MLC that
6 were responsible for allegedly committing offences?

7 A. Once again, I heard that through friends. I didn't listen to the radio. I -- let
8 me make that clear. I said that generally speaking mention was made of MLC
9 soldiers, but they did not mention specific companies, battalions, or platoons, no.

10 Q. Or commanders?

11 A. I haven't understood.

12 Q. My fault. The reports didn't mention the commanders of the units allegedly
13 responsible for committing abuses?

14 A. I did not see those reports. I didn't even hear about any particular
15 commanders.

16 Q. I want to ask you about one particular radio broadcast and see whether you
17 remember it. Do you remember a radio broadcast in which President Patassé spoke
18 from PK12 and in which he denied the allegations of abuse and stated the MLC were
19 in harmony with the Central African people?

20 A. No, I didn't hear about that.

21 Q. Did you not come to learn what President Patassé's attitude was to the
22 allegations broadcast on the radio?

23 A. No, Counsel, I have no idea.

24 Q. (Redacted)

25 (Redacted)

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1 A. (Redacted)

2 Q. (Redacted)

3 A. No.

4 Q. So let me see if I can summarise this. What you were aware of were a series of
5 broadcasts of general allegations of abuses with no particularity and you had no idea
6 what the reaction was in the country where they were supposed to be taking place?

7 A. Those abuses occurred in Bangui and in other towns where men had gone to
8 throughout the course of the operations according to what the media were saying.

9 Q. What did you think ought to be done about it?

10 A. I beg your pardon, Counsel?

11 Q. Well, there were reports on the radio; generalised reports on the radio.

12 (Redacted)

13 (Redacted)

14 A. First of all, a commission was set up to look into the matter and to arrest all
15 those who had engaged in misconduct. That was a good initiative, (Redacted)

16 (Redacted) it

17 was a matter of a lack of guidelines, a lack of framework, things were being done in a
18 haphazard way (Redacted), the commanders who were lacking needed to be
19 replaced immediately, and then (Redacted) the soldiers who had engaged in
20 misconduct.

21 What's more, the commission set up in my humble opinion was somewhat weak,
22 because in relation to everything that was being said they only arrested some seven
23 soldiers just in the cases having to do with theft and looting.

24 MR HAYNES: While we're on this topic, can we please have a look at Defence
25 document number 18?

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- 1 THE COURT OFFICER (DRC): (Interpretation) Document 18, it's
2 CAR-DEF-0002-0001, page 1 of this document is being shown to the witness. This is
3 page 104.
4 MR HAYNES: Can we please wait until it appears on our screens here? You're
5 faster than us, Mr Rojas. Can we have the first page of that document on the screens
6 in front of us?
7 Q. Sir, I apologise. We're just waiting for the document to appear on our screens.
8 Sir, can you see that document?
9 A. Yes, I can see it.
10 Q. You answered some questions about it last week. I've just got two or three
11 questions about it. Just beneath the date of 27 November there are a series of
12 numbers and letters, "No. 002LO/EM Ops." What does the "EM Ops" stand for?
13 A. It stands for General Staff operations. General Staff operations.
14 Q. And underneath that we see "Au chef état major général ALC." (Redacted)
15 (Redacted)
16 A. I had -- I've answered this question. (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted). He knew the -- he knew that the
20 commander-in-chief would receive this immediately. He was a professional soldier,
21 so he knew he had to go through the chain of command. Sometimes some
22 commanders would send messages directly to the commander-in-chief (Redacted)
23 (Redacted)
24 (Redacted).
25 Q. Who ascribed the serial number, "No. 002LO/EM Ops"? Who ascribed that

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1 number?

2 A. The secretariat.

3 Q. The secretariat where?

4 A. For -- especially for that? Well, normally the secretariat of the person who
5 signed the document, but in this case the person who signed the document is Colonel
6 Mondonga who was the sector commander du Bangui and he was on mission. He
7 was considered to be on mission. He was in Bangui. Certainly he didn't leave with
8 his headquarters or his secretariat, but he must have used the secretariat of the sector
9 commander -- the sector command. This is what I gather from this.

10 Q. Just two more things. Would you please read paragraph 3 to us?

11 A. Paragraph 3, "However, the operation continues to arrest those who will be
12 cited directly or indirectly," period.

13 Q. (Redacted)

14 A. (Redacted)

15 (Redacted). The president and the
16 commander-in-chief reviewed it and I'm not so sure -- I don't know if there was a
17 reply, or not.

18 Q. (Redacted)

19 (Redacted). That would be right, wouldn't it?

20 A. No, that's not logical. He didn't ask for anything. At the end, he just said
21 "respectfully submitted." (Redacted)

22 (Redacted)"

23 THE INTERPRETER: Inaudible.

24 THE WITNESS: (Interpretation) But there was no obligation to provide a written
25 response.

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1 THE INTERPRETER: Message from the English booth: Could the witness be
2 encouraged to speak slowly?

3 MR HAYNES:

4 Q. Sir, you're starting to speak a little bit quickly for our interpreters, so can you
5 try and slow down. (Redacted)

6 (Redacted)

7 A. (Redacted)

8 (Redacted)

9 (Redacted).

10 Q. (Redacted)

11 (Redacted)

12 A. (Redacted)

13 (Redacted)

14 Q. (Redacted)

15 (Redacted)

16 A. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. What was the purpose of the joint commission including members who were
22 from the Central African Republic?

23 A. Once again, I already said here it was to investigate and to arrest -- carry out the
24 arrest, as was done, all the soldiers who were behaving badly in terms of everything
25 that we'd heard in the media.

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1 Q. Do you know what language they speak in Bangui?

2 A. It must be French, absolutely.

3 Q. You've never heard of the language Sango?

4 A. You asked me if our -- what language our men used and in Bangui we speak
5 Sango and French but our men, they don't speak Sango.

6 Q. Then it's my fault, a bad question. What I meant to ask you was whether you
7 knew that the Central African Republic's native language is Sango?

8 A. Yes, I know.

9 Q. And I take it that's not a language that Colonel Mondonga speaks?

10 A. I don't think that he speaks Sango.

11 Q. So was one of the purposes of having Central African Republic members on the
12 joint commission so that they could receive complaints from people who spoke
13 Sango?

14 A. It could be that. That could be a reason also. I didn't say that, but I said that
15 there was a joint commission. It was mixed and it was normal that it be mixed with
16 Central Africans in it who, as you say, would have easier contact with people and
17 they could provide guidance, or they could guide the Congolese persons within the
18 commission with regard to addresses, the language as well, with regards to relations
19 with the other Central Africans, their compatriots. That could be one of the reasons.

20 Q. Well, can you think of another?

21 A. Well, what I've just said. One of the reasons was the language. Another
22 reason is a knowledge of the terrain, the field, and it's quite normal. I mean,
23 operations were happening at their home. It was the Central Africans who were
24 complaining and it was also logical that Central Africans are part of the commission
25 and I stressed this the last time. It was the Central African -- there was a Central

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1 African part of the commission which was responsible for getting the seized goods, so
2 I think that's what I said. Perhaps you didn't understand well what I said, but that's
3 what I was saying.

4 Q. And whose idea was it that the commission should involve Central Africans as
5 well?

6 A. (Redacted) the
7 commission had to be created and it had to be mixed. Now, that remains to be
8 checked on the Central African side with whom they spoke to. Perhaps he can
9 answer that question.

10 Q. And did you think that was a sensible and proportionate response to what you
11 knew about the reports in the media, the setting up of a joint commission to
12 investigate matters?

13 A. Once again I haven't understood the question.

14 Q. Did you think the setting up of a joint commission involving Central Africans
15 was a good idea?

16 A. Yes, I would say once again it was good. Yes, it wasn't a bad idea, it was a
17 good idea.

18 Q. And I think you might have said you don't know the answer to this. Tell me
19 off if I'm asking you a question for the second time, (Redacted)
20 (Redacted)

21 A. (Redacted).

22 Q. Thank you. Now, I just want to ask you two more questions on this topic
23 before we move on to something else. The first is did you hear from any source
24 allegations of abuses by Chadian soldiers under General Bozizé's command?

25 A. No. No, I didn't hear of that.

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1 Q. Did you hear allegations from any source about abuses committed by any other
2 forces?

3 A. Yes, by the soldiers - Central African soldiers - who were also with the ALC
4 troops.

5 Q. And when and where did you hear those allegations?

6 A. (Redacted)

7 (Redacted)

8 (Redacted).

9 MR HAYNES: Thank you. The document that we were looking at can be removed
10 from the screen now for the court officer's benefit.

11 PRESIDING JUDGE STEINER: Mr Haynes, I'm sorry. Before we move to another
12 topic, and since the document is on the screens, I would like from the witness a
13 clarification to the question, Mr Witness, put by Defence about (Redacted)
14 (Redacted) -- I'm trying to find
15 out -- it's on page 50.

16 MR HAYNES: Line 9.

17 PRESIDING JUDGE STEINER: Line 9. The question was: (Redacted)

18 (Redacted)

19 (Redacted)

20 From the document that we have in front of us, this commission was set up on
21 30 October, so a few days after the commencement of the operations in Bangui.

22 (Redacted)

23 (Redacted)

24 THE WITNESS: (Interpretation) Thank you, your Honour. That's how I -- I
25 replied with a certain doubt. I said, (Redacted)

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1 (Redacted)." That was my answer, so I think that you're right, I didn't remember
2 very well, so if it was created before the 30th then it could have been before. I said
3 "I think," "I thought that, if I still remembered," so I didn't have any precision in my
4 answer.

5 PRESIDING JUDGE STEINER: Do you have any idea on the period? I know I am
6 not asking for dates, but the period of (Redacted)

7 (Redacted)

8 (Redacted)

9 THE WITNESS: (Interpretation) (Redacted)

10 (Redacted). Our troops were

11 still there in the town of Bangui and on the periphery as well, so it wasn't very far
12 from the beginning of the operations. So in order to remember if the commission
13 was prior to that, or after, that creates some confusion in my mind and that's why I
14 stated "if I am not mistaken." It was just right at the start then with regards to the
15 period.

16 PRESIDING JUDGE STEINER: Thank you very much.

17 Mr Haynes.

18 MR HAYNES:

19 Q. Sir, do you think it is possible that the commission was set up on the same day
20 that Mustapha arrived in Bangui?

21 A. Counsel, I don't remember sincerely.

22 Q. (Redacted)

23 (Redacted)

24 A. (Redacted)

25 Q. (Redacted)

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1 A. Whatever the case, it was a few days, just a few days, because Mustapha was
2 still there. Just a few days. It wasn't a long time. I don't even think it was more
3 than a week.

4 Q. Thank you. And before Mustapha arrived in Bangui, were there any radio
5 reports about the behaviour of the MLC troops?

6 A. No, I don't think so.

7 Q. Thank you very much. Now, did you know what other forces were engaged
8 in the defence of President Patassé in Bangui?

9 A. Yes, apart from his guard, I stated that when our men arrived there the Libyans
10 were still defending the residence.

11 Q. Did you know how large the Libyan contingent was?

12 A. I didn't know exactly, but I said that a company or more, maybe two, but it
13 wasn't as much as a battalion.

14 Q. Now, you told us some days ago that the FACA was a small army of between 4
15 and 10,000 men. Do you remember that?

16 A. Yes, I remember.

17 Q. And you also told us that about one-third of the FACA remained loyal to
18 President Patassé. (Redacted)

19 A. (Redacted).

20 Q. Okay. So if between -- if the army was between 4 and 10,000 men, a third of it
21 represents somewhere between 1,600 and three-and-a-half thousand men, do you
22 agree?

23 A. Well, that's a question of counting. I haven't made a calculation to see exactly
24 how many they were. You'd have to give a certain assessment, an estimation, of it.
25 If you've calculated it yourself, that's it.

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1 Q. And that army still had a General Staff and a Chief of General Staff, didn't it?

2 A. Firstly, here I think -- I think that the Chief of General Staff, that was he who
3 had defected and his deputy was made Chief of General Staff.

4 Q. And it had a commander-in-chief in President Patassé?

5 A. That's correct.

6 Q. So it had retained its command structure, hadn't it?

7 A. I don't know what structure it had kept. I think it was the normal structure,
8 even though some members had defected.

9 Q. Thank you very much. Did you ever hear of the USP, the presidential security
10 unit?

11 A. No. USP? No, I don't know. I know that there was the republican guard.
12 Was that the USP? I don't know the term that was used.

13 Q. Well, did you know that there was a guards unit under the direct command of
14 the president which remained loyal to him during this conflict.

15 A. Yes, I knew that.

16 Q. I don't suppose you know how many men that unit comprised?

17 A. You're right, I don't know.

18 Q. Did you ever hear of the name Abdullah Miskine, a rebel commander with his
19 own militia?

20 A. No, I didn't know.

21 Q. Did you ever hear the name Paul Barril, another man with his own militia?

22 A. No, I don't know.

23 Q. Or a militia unit known as the Karawa?

24 A. No idea, Counsel. I don't know.

25 Q. Well, I don't want to take advantage of you, sir, but you see during the course of

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1 this trial we've heard a good deal of evidence that President Patassé had all of those
2 forces at his disposal and more, but at no time did you know that, did you?

3 A. In the truth, in all truth, I do not know.

4 Q. (Redacted) would it have
5 been necessary to co-ordinate all those disparate forces in his defence?

6 A. If all these forces -- I'm sorry, can I speak? If all these forces were at the
7 disposal of President Patassé, unfortunately I wasn't aware of that, then there
8 was -- then there had to be co-ordination. If not, they would be working in disorder.

9 Q. Yes. I mean, just to state the obvious, co-ordination would have been
10 necessary to stop death by friendly fire, wouldn't it?

11 A. Of course.

12 Q. Each of the components of the force loyal to President Patassé had to know who
13 was fighting on their side and where they were as a bare minimum. Do you agree
14 with that?

15 A. Yes. Well, that's a problem of co-ordination. If there was, I didn't hear about
16 these forces, but if they were there, well, then absolutely there needed to be
17 co-ordination of them. If not, how are they going to fight? Who's going to shoot at
18 whom? In what direction are they going to shoot in? It's complicated that. I don't
19 know. I didn't know that there were these forces.

20 Q. Would it have been necessary to have a co-ordination centre for operations?

21 A. Yes, that would have been necessary.

22 Q. And a communications plan?

23 A. Yes. Yes, when he complained about a lack of communication with the others.

24 Q. It would have been necessary for intelligence to be shared, so there would have
25 to be an intelligence plan, wouldn't there?

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- 1 A. Yes, indeed, in this co-ordination they would deal with all these issues.
- 2 Q. And a logistics plan too?
- 3 A. Well, a logistics plan, normally in a co-ordination centre you have to find the
- 4 representatives of all the different parties, and in this co-ordination centre you have
- 5 to speak about everything in order to avoid there being a misunderstanding above all
- 6 in this operational field in order to avoid a group firing on the other while they are
- 7 partners instead of supporting each other mutually in order to avoid the supplies of
- 8 one group, for example, being attacked by another, instead of being protected. So
- 9 you have to speak about everything - everything - in the co-ordination centre.
- 10 Q. Where would the co-ordination centre have to have been situated?
- 11 A. Normally in the General Staff HQ.
- 12 Q. Of which force in this case?
- 13 A. The Central African Army, or -- or the Central African Army, or the Central
- 14 African authorities, would find a place. If it wasn't within their staff HQ, then
- 15 somewhere where they saw fit they could establish such a co-ordination centre.
- 16 Q. And who would have to have been in command of the combined co-ordination
- 17 centre?
- 18 A. For this case here, well, it would have had to have been the responsibility of the
- 19 Central Africans. It was they who knew the field and they knew the main enemy.
- 20 It was they also who knew what roads to take. It was they who also knew about the
- 21 MLC troops made available to them.
- 22 Q. Sir, do you understand the principle of unity or singularity of command?
- 23 A. Counsel, if you could clarify that so I don't reply wrongly here?
- 24 Q. Does the phrase mean anything to you, "unity or singularity of command"?
- 25 A. Are you talking about single command?

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1 Q. Yes.

2 A. So where it concerns different forces, a single command for different forces, yes?

3 If that's your question, I understand.

4 MR HAYNES: Sir, I think we'll take a break there, because we're very close to our
5 lunch hour and we'll come back to this. The reference that was asked of me is page 9,
6 6 to 12, of 16 March 2012, and in French page 9, 12 to 18, of the same date.

7 PRESIDING JUDGE STEINER: Thank you, Mr Haynes, and also -- yes, Maître?

8 MR BADIBANGA: (Interpretation) Please excuse me, your Honour. I am very
9 aware of the time, but in reality I wanted to make my intervention after the break, but
10 because we have just been given the reference I did want to make a point in this
11 regard. This is symptomatic of what the Office of the Prosecutor has already
12 mentioned on several occasions. While we think that it is necessary to question the
13 witness with all the means that the Defence have available to them, it's regrettable
14 that sometimes there's an attempt to lead or to confuse the witness which
15 isn't -- doesn't conform to the Statute. The witness has to be treated fairly in the
16 examination.

17 Counsel Haynes stated a moment ago "And (Redacted) there was never a question
18 about -- you were never questioned about what you said to Mr Zarambaud" and he
19 never said (Redacted) Now, being in French or in French and in English, he said
20 (Redacted)
21 (Redacted). Here I am just summing-up what the witness
22 said here. The problem here is that we're talking about what happened (Redacted)
23 and that's confusing the witness, because suddenly he's got the impression that his
24 story is no longer coherent. That's the point that I wanted to raise. I think that the
25 Defence could perhaps be more fair and sincere with the witness with regards to the

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1 witness's own statements.

2 PRESIDING JUDGE STEINER: Mr Haynes.

3 MR HAYNES: Your Honour, we have a wonderful phrase in English which is

4 "People who live in glass houses shouldn't throw stones." I bridle at the suggestion I

5 have tried to mislead the witness and I find it lies particularly ill in the mouth of

6 Mr Badibanga given some of the questions that we saw he put to this witness in his

7 third interview in December 2009.

8 PRESIDING JUDGE STEINER: We are not going to entertain a debate here. What

9 the Chamber can say is that the reference made by Mr Badibanga should be followed,

10 of course, and that's why the Chamber has been insisting, and it appears that after

11 more than one year in hearings sometimes one party or the other just forgets that

12 references should be made when the questions are put in order for the other party

13 and for the Chamber to check whether the reference is reflecting what had been said,

14 and the Chamber will be more and more and more attentive in relation to this -- to

15 this issue.

16 In line with this, I also want to refer, in relation to the question I put to the witness on

17 page 51, lines 12 and 13, give the reference. Although I mentioned it was in the

18 same document that was on the screen, which was document CAR-DEF-0002-0001,

19 the question I put was on page 0003.

20 Mr Witness, we are going now into our lunch-break. We hope you have time to take

21 some rest. It's 5-past-1. We'll be back at 2.35. This hearing is suspended.

22 THE COURT USHER: All rise.

23 (Recess taken at 1.06 p.m.)

24 (Upon resuming in closed session at 2.38 p.m.) Reclassified as open session

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

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- 1 PRESIDING JUDGE STEINER: Good afternoon. Welcome, everyone.
- 2 Welcome back, Mr Witness.
- 3 THE WITNESS: (Interpretation) Good afternoon, your Honour.
- 4 PRESIDING JUDGE STEINER: Did you manage to rest a little bit during the
- 5 lunch-break?
- 6 THE WITNESS: (Interpretation) Indeed, your Honour, I managed to rest a little bit.
- 7 Thank you very much for asking.
- 8 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony, sir?
- 9 THE WITNESS: (Interpretation) I am. I am ready, your Honour.
- 10 PRESIDING JUDGE STEINER: Thank you very much.
- 11 Mr Haynes, you have the floor, and before you start, Mr Haynes, the Chamber would
- 12 very much appreciate if you make an effort and try to finish with your questioning today,
- 13 even if we have to extend for a few minutes, but the Chamber would very much
- 14 appreciate your efforts.
- 15 MR HAYNES: Your Honour, I have done everything I can to achieve that aim, and the
- 16 suggestion that we could go a little bit beyond 4 o'clock this afternoon probably means
- 17 that I certainly will.
- 18 Q. And I imagine that's good news for you, sir?
- 19 A. Absolutely. That would be very good for me if we could finish today. It's too
- 20 tiring to sit down for such a long time.
- 21 Q. Okay. Well, let's get cracking then, shall we? In terms of officers within the army
- 22 of the Central African Republic, does the name Mbeti Bangui mean anything to you?
- 23 A. No, no, I don't remember this man.
- 24 Q. Okay, let me see if I can jog your memory. He was the Chief of Staff of the FACA
- 25 in October 2002 and he died in Damara in December of 2002. Does that ring any bells

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1 with you?

2 A. No, I knew the General Chief of -- Chief of General Staff Gambi. No, that means
3 nothing to me.

4 Q. Okay, but just to see if we can fit a couple of pieces together, when (Redacted)
5 (Redacted)
6 (Redacted)

7 A. Yes, it wasn't him. I didn't know his name though, but (Redacted)
8 (Redacted) even later
9 or after the operations in Bangui.

10 Q. Sir, thank you very much indeed. Can you help us as to when it was that
11 Mr Gambi came to Gbadolite (Redacted)?

12 A. At what time I couldn't tell you, but he went there. He went to Gbadolite (Redacted).
13 (Redacted)

14 Q. Can I suggest to you it was in January 2003, about two-and-a-half months after the
15 operation had begun?

16 A. Yes, that could be right, because the ALC troops were already very far from Bangui,
17 going towards the north.

18 Q. Thank you. You've really saved me a question. (Redacted)
19 (Redacted)

20 A. (Redacted).

21 Q. And by the time Mr Gambi got there in January, as we shall see, MLC troops were
22 already many, many kilometres north of Bangui on three separate axes, weren't they?

23 A. That's correct.

24 MR HAYNES: Thank you very much. Now, let's do this as quickly as we can. I'm
25 going to look at the second of the cahier de communication now, please. That's Defence

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1 document 17, and for Mr Rojas, indeed for everybody, we'll start with page

2 CAR-D04-16 -- sorry, 0002-1648, please.

3 THE COURT OFFICER (DRC): (Interpretation) If you would allow me a moment while

4 I try to find the page. 1648, that's it. The document CAR-D04-0002-1641, on page 1648,

5 is shown to the witness.

6 MR HAYNES: And for the witness's ease, he needs to look at the middle of the page on

7 the right-hand side, please.

8 Q. Let me know when you've read it, sir.

9 A. Yes, I can see the message.

10 Q. And that's a message from Mustapha (Redacted) on 22 December 2002, timed
11 apparently at 10 o'clock in the morning; do you agree?

12 A. I know that that's in the document in front of me, that's it.

13 Q. And briefly, what is the text and the context of this message?

14 A. Yes. Colonel Mustapha is pointing out that the -- the -- the goods which were
15 aimed at the battalion Simba, which was one of the battalions, which was in the sector,
16 was or had arrived at Dongo, but certain equipment was missing or fuel was missing in
17 order to deliver them. The sector, the interim sector commander - please excuse me - is
18 asking for supplies, or resupplies of fuel so that he can take these goods in order to reach
19 the destination in Simba, and wasn't in Dongo.

20 MR HAYNES: Thank you very much. Can we now go to page 1654, and can the
21 witness, please, look at the top left-hand corner.

22 Q. Sir, and is that a message from the co-ordinator of operations in Bangui (Redacted)
23 dated 24 December?

24 A. Yes.

25 Q. And as briefly as you can, can you summarise what the message is about?

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1 A. Yes. We've already done it for this message a while ago, a few days ago. This is
2 Colonel Libenge, he is sending the situation of 22 of the -- to 23 December and he is
3 pointing out that the enemy situation remains the same. As regards friends, he points
4 out that the Commander René is in Bossembélé; Colonel Mustapha in Damara, where you
5 have the rearguard company in Damara; and he says there's nothing to point out with
6 regards to logistics, and he continues saying that the morale of the officers and troops is
7 good and thereafter various points.

8 He says on 23 December, this was a Monday, and Colonel Mustapha and the commander
9 of operations in Bangui went to Bossembélé, and this trip was in order to co-ordinate the
10 future actions in Bozoum. Another report will follow, and it stops there.

11 Q. Thank you. Do you know who, by 24 December, some weeks or a month before
12 Mr Gambi came to Gbadolite, who had ordered the MLC troops to go to Damara,
13 Bossembélé and Bozoum?

14 A. (Redacted)

15 Q. I'm asking you if you know who did order them to go there.

16 A. To my knowledge, the commander-in-chief or perhaps when speaking to Mustapha.

17 Q. Thank you. Can we move on, please, to 1658. We've looked at this message
18 before. (Redacted)

19 (Redacted)

20 A. Yes.

21 Q. And can we now go on, please, to 1665. Bottom left-hand corner for the witness,
22 please. (Redacted)

23 (Redacted). Just briefly give us the text and context of that message.

24 A. Yes, I commented on this. Reading it this is just what you said, basically.

25 Situation from 26 to 27 December. First, it states that the situation is calm. The enemy

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1 situation, same thing. Idem. The situation of friends of 28th Battalion is in Bossembélé,
2 and one of these companies is in Bozoum. Poudrier Battalion B is in Damara. And with
3 regards to logistics, nothing to mention, nothing to report. The morale of the troops and
4 officers is good.

5 With regards to other matters to report, the van which was being used by the co-ordinator
6 of the operation had had an accident returning to Bozoum, Thursday, 26 December at
7 2 o'clock in the afternoon. So a report there was an accident. He states that damage in
8 terms of persons and materials, or equipment, is negligible. Return to Damara. The
9 return must have taken place on Friday, 27 at 1900 hours, on 27 December 2002. That's
10 the return of Colonel Mustapha, and he stops by saying "Awaiting orders."

11 Q. Thank you. Can we go to 1679 now, please. And can you start, if you can, by
12 helping us with what the date (Redacted) is? It's the right-hand side of the page,
13 in the middle.

14 A. (Redacted)

15 Q. (Redacted)

16 (Redacted)

17 (Redacted). Again briefly, sir, what's this
18 message about?

19 A. Yes, this is the situation. (Redacted)

20 (Redacted). He said that generally speaking the situation was calm. The enemy situation,
21 same thing. Friendly situation. The battalion was in Bossembélé, and the same thing
22 like the other message, "Company in Bozoum, 28th Battalion. The Poudrier B Battalion
23 was still in Damara, with the rearguard company." He says that the logistic situation,
24 nothing to report there. Nothing to report. He also reported that the morale of officers
25 and the rank and file was good. The commander of operations and the co-ordinator had

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1 left Bozoum, Bossembélé -- to go to Bossembélé on 26 December 2002, and he goes on to
2 say the enemy had killed some civilians, "NJDO ...", it seems to be N-J-D-O, "... 25
3 December," and it ends there, full stop.

4 Q. Sir, do you remember I was asking you this morning (Redacted)

5 (Redacted)

6 (Redacted)

7 A. (Redacted). This is a

8 message from December 2002, and really I'm just discovering this. You have just used
9 this message. Yes, it would appear that there was a report that the enemy had killed
10 some civilians that particular day.

11 Q. Sir, please don't think I am criticising you. (Redacted)

12 (Redacted). I really mean no criticism.

13 Can we move on to 1686, please?

14 THE COURT OFFICER (DRC): (Interpretation) Page 1686 is on the screen. Could you
15 tell me which message you would like me to focus in on?

16 MR HAYNES: (Redacted).

17 Q. (Redacted)

18 (Redacted)

19 (Redacted)

20 A. Yes, Counsel.

21 Q. And, thank you, can we go over to 1687? I am doing this quickly so that we finish
22 the process, sir. So if we go over to the next page and (Redacted)

23 (Redacted)

24 (Redacted), and I wonder whether you could just

25 tell us a little bit about what that is about?

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1 A. Yes, Counsel. Let me read it. As you said, this is the co-ordinator of operations in
2 Bangui who is sending the message informing the chief -- the commander-in-chief,
3 keeping him up-to-date. It says, "After verification of information, according to which
4 the military refugees Kolingba stationed at the Bokilio site, some of them are fleeing in the
5 direction of Betou, Congo-Brazza, where they are organising with a view to taking
6 Mongoumba."

7 Now, to explain this initial part to you, let me say the following: At that time, in our
8 country in Bokiro (phon), that was a place located halfway between Gemena and Zongo.
9 The soldiers who were close to former president Kolingba, whose life was in danger, had
10 crossed over to us and, you see, they were people in distress. They were welcomed and
11 we set up a centre - a site - for them in that place. According to the information held by
12 the co-ordinator of operations in Bangui, amongst these refugees there were a number
13 who had fled the site and they had crossed the Ubangi River, somewhat more to the south
14 in relation to Bangui in the Central African Republic. They had crossed around the town
15 of Betou, that is in Congo-Brazzaville, and it's recorded here that the soldiers were
16 organising themselves all over on that area and they too were going to attack and take
17 control of the town of Mongoumba in the CAR, also from Bangui, and then it says after
18 Mongoumba and then they would move towards Bangui.

19 The information was confirmed. However, the Congolese from Betou were not in
20 agreement. They were not going to allow these people to transit through their area, so
21 the people opposite in Betou they were not in agreement. They didn't want those
22 soldiers to be organising from their area to go and attack that town mentioned earlier, that
23 town in the Central African Republic, so they got on a boat called "20th September."
24 That's the name of the boat. Many FACA soldiers from Mongoumba were waiting for
25 this convoy and they were going to join with them.

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1 You must realise that even the soldiers continued to think about disobeying, because the
2 soldiers in Mongoumba, the town, that group that were planning to attack first, it's as if
3 they were waiting to join in with them.

4 And then in recent days, according to this information here, they had seen, as each boat
5 went by, in each Central African Republic boat going by Nzinga they saw FACA soldiers
6 shooting in the direction of Batanga and that is in our country. So each time the boats
7 sailed along the Ubangi River, when the boats got to Zingba (phon), around there, the
8 soldiers were shooting, but in the direction of our country. They -- correction, the
9 message goes on to say that they have seen recently -- in Damara and in Bio, around
10 Damara, they had seen some people moving towards Bangui and to the bush. "Finally
11 working together in Dumbia, a Possel, Djoukou and in Palambo. Concentration." This
12 means concentration in these towns that I have just mentioned where they were preparing
13 for future operations on Bangui. So the enemy is considering the possibility of taking
14 control of Bangui by way of a simultaneous action from Mongoumba to the west and
15 Palambo to the east of Bangui, and then at the end it says, "Respectfully submitted."
16 So there you have it, Counsel.

17 Q. Thank you, sir. That was very, very helpful of you. Can we just pause for a
18 moment here. The co-ordinator of operations in Bangui, was he to your knowledge
19 situated in Bangui?

20 A. Yes. We saw that he was in Bangui but from time to time, as reported, he would
21 move along with the commander of operations, the commander of the forces.

22 Q. Or I suppose from time to time he received information from areas outside Bangui?

23 A. Yes, from outside of Bangui. He was the co-ordinator. And if -- well, he even
24 gave situation information regarding what was going on on our side of the river in the
25 Congo, when he spoke about these military refugees loyal to Kolingba, or from Kolingba's

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- 1 forces, who were coming from the Congo and who were coming from Congo-Brazzaville.
- 2 So he was giving that information, information from that area as well.
- 3 Q. Sir, thank you very much. Until now, what we have been looking at were really
- 4 extended situation reports, but this is a little more; this is a sort of situation and
- 5 information report, do you agree?
- 6 A. Yes, this is what we have seen together, looking at this message.
- 7 MR HAYNES: Thanks. And can we now go to (Redacted).
- 8 And the witness needs to look at the left-hand side of the page in the middle.
- 9 Q. (Redacted)
- 10 (Redacted), and you'll need to look at the bottom of the left-hand side of the page, and
- 11 then Mr Rojas will have to show you the top of the right-hand side.
- 12 A. Yes, Counsel, I've seen the message.
- 13 Q. Thank you for your co-operation in this, sir. If at all possible, briefly, a summary of
- 14 that message for us?
- 15 A. Once again, it's about the situation. It's situation information that the co-ordinator
- 16 is sending. Sometimes, according to the information, sometimes he speaks about what's
- 17 going on in the unit. He says that the situation is calm, generally speaking. He gives
- 18 information regarding the enemy. He says that the enemy is attempting to infiltrate itself
- 19 in small groups into the capital, Bangui. So that's the information he provided,
- 20 information about the enemy. He says that --
- 21 THE INTERPRETER: Inaudible.
- 22 THE WITNESS: (Interpretation) -- 20-something battalion is in Bossembélé. He also
- 23 mentions that one person in one of the companies was in Bozoum. He says that the
- 24 Poudrier Battalion is still in Damara. He reports that there's nothing in particular to
- 25 report regarding logistics. He says that the units operating are in a state of maximum

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1 alert. That may be in relation to that information, that other information about the
2 enemy. He reports that the New Year's festivities had gone on calmly. So there you
3 have it.

4 MR HAYNES:

5 Q. Thank you very much indeed. I am going to pause there and see if we can
6 summarise what we've been looking at. (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)

10 A. Once again --

11 THE INTERPRETER: Inaudible.

12 THE WITNESS: (Interpretation) There wasn't a specific frequency when it came to the
13 sending of messages. They might send messages in relation to operations, well, at any
14 time if an event occurred, or if there was a particular circumstance to be reported on, but
15 normally the situation report would be sent every day, every day. That was a normal
16 way of doing things, unless there was some problem with communications.
17 However, I can confirm that the situation report has to be provided every day. A
18 morning report. In relation to operations, well, it could be provided at any time, even if
19 one had provided a daily or a morning report. If it was an operational matter, one had to
20 make an additional report. So -- so that's what I'm trying to tell you, Counsel.

21 MR HAYNES:

22 Q. Yes, but we haven't seen any operational reports, have we? None of these reports
23 (Redacted) contain an acknowledgment of operational orders; do you agree?

24 A. No, there aren't any, indeed.

25 Q. And in fact, if one had to characterise them, they amount to little more than keeping

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1 in contact (Redacted)

2 A. That's right. That's right.

3 MR HAYNES: Thank you. Well, I'm not going to go through, you'll be pleased to hear,
4 the remainder of the book day-by-day. We can all analyse that in due course, but I just
5 want to pick out a few other messages for different reasons. And can we go, firstly, to
6 page 1701. And this is a difficult one because the ERN number doesn't actually appear
7 on the page, so we'll have to go two pages forward from 1699, and the witness needs to
8 look at the bottom left-hand corner.

9 Q. Sir, in the bottom left-hand corner, we're looking --

10 MR HAYNES: I'm very sorry, Mr Rojas.

11 THE COURT OFFICER (DRC): (Interpretation) Mr Haynes, could you repeat the ERN
12 number for the page that you'd like to see? You said two pages before, before 1699, but
13 two pages before is 1697, and I think there's an ERN number.

14 MR HAYNES: No, I said two pages after, which is 1701, where there is no ERN number.

15 THE COURT OFFICER (DRC): (Interpretation) Very well. That must be page
16 72 -- correction, 62 of the hard copy, page 62, the message at the bottom to the right, not to
17 the left.

18 MR HAYNES: (Redacted).

19 THE COURT OFFICER (DRC): (Interpretation) (Redacted).

20 MR HAYNES: Correct, Mr Rojas.

21 Q. Sir, I don't want you to consider this in great detail, but that's a message from the
22 (Redacted). Can you
23 recall who was the commander of Brigade Echo in January 2003 whilst Mustapha was in
24 the Central African Republic?

25 A. It was the commander of Echo Brigade, the acting commander. I don't remember

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- 1 his name, (Redacted)-- something about Gillette blades that
2 had arrived. They had actually indeed arrived. He confirms reception of these blades.
3 I beg your pardon? (Redacted)
4 (Redacted). So, you see,
5 he is responding, he is confirming that these had been received.
6 Q. Thank you very much. This is on the same point. Can we go over two pages to
7 1703, please, and can the witness be shown the bottom right-hand corner? Sir, there's a
8 (Redacted), and if you look down I think you'll see there are
9 reports that all is calm both from ops in Bangui and Brigade Echo, do you agree?
10 A. Yes.
11 Q. I'm sorry if this seems obvious to you, but it wasn't Brigade Echo that went to
12 Bangui, was it? It was a couple of battalions from that brigade with a battalion from
13 somewhere else under the command of Mustapha?
14 A. Here we are complicating things for nothing. Mustapha left to go to Bangui with
15 two battalions from his brigade. There was one battalion which went from Basankusu to
16 go to Bangui, and that is how in the Central African Republic he had three battalions. He
17 did not leave with all the Echo Brigade. That is how you would have noticed that there
18 was an interim, an acting person, who remained with the remainder of Echo Brigade; that
19 is to say a battalion with the similar unit, unit similar to the brigade, if you understand
20 what I mean by "similar unit"?
21 Q. I understand precisely and I thank you very much for your answer. Can we have a
22 look now please at page (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 A. That's correct.

2 Q. And we see -- you've been through this message before, so I don't want you to read
3 it all out, but we see that Mustapha's talking about the microphone again. Do you see in
4 the bottom two lines of the message?

5 A. Yes, I see.

6 Q. And without going back he was last sending this message on 25 December of 2002,
7 so 26 days later he still hadn't received his microphone. Is that what this message tells
8 us?

9 A. That's correct, yes.

10 Q. (Redacted). Do you know why he hadn't been
11 provided with a microphone between 25 December and 20 January?

12 A. (Redacted)

13 (Redacted)

14 (Redacted) the person who decides on these messages in accordance to everything that
15 we've seen before, with the Office of the Prosecutor during that questioning, that was the
16 chairman. The microphone, if there hadn't been that, well, it's easy to understand.
17 Quite simply because the means hadn't been unblocked, or made available to purchase it,
18 and that's the reason why he insists to have the microphone and this is easy to
19 understand.

20 Q. So in simple terms he hadn't been given a microphone in December because
21 Mr Bemba refused to provide him with one; is that right?

22 A. First of all, it wasn't in a depot. This was something that had to be found,
23 purchased, from third parties. You can't just find it like that in shops. You really have
24 to search to find where you can get something like that. There's a reason why something
25 like that can take such a long time to do, but even if (Redacted) then the

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1 commander-in-chief has to make the means available in order to purchase it.

2 Q. Thank you very much. Can we now go on to 1743, please, and again I'm afraid this
3 is one of those messages that starts in the bottom left-hand corner and goes over to the top
4 right-hand corner.

5 A. Yes, I've read the message.

6 Q. (Redacted)

7 (Redacted)

8 (Redacted)

9 A. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. Sir, we are very nearly finished with this exercise. Thank you very much again.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted). Can you help us as to why that was the case?

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1 A. Yes, they wanted Colonel Mustapha to know as well. Perhaps they thought that
2 Mustapha wasn't aware of this presence of the enemy in the east of Bangui, perhaps.

3 Q. It may be that you don't know, but why could he not just have called him?

4 A. He could call him. I'm not the operational co-ordinator in Bangui. I mean, he
5 decided to do that. He could also have called him.

6 Q. But I suppose calling him runs the risk of their conversation being intercepted,
7 whereas this is an encrypted message copied to Colonel Mustapha, isn't it, about enemy
8 movements?

9 A. That too. Thank you very much.

10 Q. Sir, from what you have told us this morning, you had imperfect information about
11 how the operation in Bangui was co-ordinated and commanded; is that right?

12 A. I'm sorry, Counsel, could you please ask that again?

13 Q. Yes. You remember just before lunch you were telling me that you didn't know
14 about all the other military units that were at the disposal of the Central African
15 authorities, and what I'm suggesting to you is that you concede that you had an
16 incomplete picture of how operations in Bangui were co-ordinated and commanded?

17 A. You quoted me. Well, there were different militia. Well, you --

18 THE INTERPRETER: Sorry, the interpreter corrects.

19 THE WITNESS: (Interpretation) You mentioned the names of different militia to me,
20 and I said that I didn't know about them, and we spoken at some length about it. If it
21 had been the case, perhaps there needed to be co-ordination. And I said, yes, if these
22 militia had the same mission, in the operations in principle, yes, there had to be
23 co-ordination then. That's what we spoke about.

24 MR HAYNES:

25 Q. And would it be right to say that you didn't really know how Mustapha worked

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1 with the authorities in the Central African Republic?

2 A. No. Mustapha was working in close co-operation, certainly, with the Central
3 African military authorities. I didn't say I didn't know how. I didn't know that they
4 worked in close co-operation with them.

5 Q. Thank you very much, sir. That's very kind of you. Would you agree that in
6 order for the Chamber fully and properly to understand the co-ordination of that
7 operation, and the chains of reporting and command, it would be better to hear from
8 people who were actually involved in the co-ordination of that operation and the chains of
9 command?

10 A. What is the question, Counsel? I don't understand.

11 Q. Well, let's put it in simple terms: Mustapha would know better than you, wouldn't
12 he, from whom he received his orders?

13 A. Of course. He was the one who received them.

14 Q. And somebody who was in command of the combined centre for operations would
15 know better how the various forces were co-ordinated and commanded, wouldn't he?

16 A. Yes, but that's exactly the point. The person who was there in the field knew better
17 what was happening.

18 Q. Thank you very much for that. I just have a few more questions for you. You
19 have told us about the joint commission of inquiry that was set up by Mr Bemba. Were
20 you also aware that an inquiry was commenced in Zongo by Paul Musafiri into
21 allegations of looted goods being imported at Zongo from the CAR?

22 A. I didn't get the name, the name of the person who you -- whose name you
23 mentioned in Zongo.

24 Q. Paul Musafiri. I think he was the Minister for Justice?

25 A. Yes, he was National Secretary for Justice, Minister of Justice. With regards to the

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1 investigation, well, I don't remember. I think he was in Zongo, perhaps for a mission,
2 but if he was responsible for another investigation, a parallel one for the commission, well,
3 I don't remember exactly.

4 Q. That's fine. Do you think such an inquiry at Zongo would have been a good idea?

5 A. Such an inquiry would have been a good idea. If people illegally were taking
6 across stolen goods, it was Zongo or Libenge, that would have been a good thing.

7 Q. Sir, were you aware that Mr Bemba contacted the United Nations in early 2003 and
8 asked them to investigate allegations of crimes committed by MLC troops in Central
9 Africa?

10 A. Yes, I had heard of that from (Redacted), that he was -- I'd heard that he was
11 undergoing such a procedure, or undertaking such a procedure.

12 Q. (Redacted)

13 A. (Redacted)

14 MR HAYNES: Can you just wait a moment? I've got one more question and I need just
15 to find the document on which it is based, so relax for a second, if you will. Yes.

16 For those of us in English, this is Defence document number 5, page 38 of 89 in the bottom
17 right-hand corner, which is CAR-OTP-0055-1277. In French, for the witness, it is of
18 course document number 2, page 38 of 89, going over the page to 39, CAR-OTP-0009-0439.
19 And Mr Rojas, the passage really begins with the question at the very -- I'm sorry, it
20 begins two questions from the bottom of that page and then it goes over.

21 THE WITNESS: (Interpretation) What is the question?

22 THE COURT OFFICER (DRC): (Interpretation) The two pages are being shown to the
23 witness, 0439/0440, document reference CAR-OTP-0009-0402, second redacted version.

24 MR HAYNES:

25 Q. Sir, and just to -- to let you know what we're looking at, we're looking at the second

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1 of your interviews in April 2008, and if I can read the English that interests me. The
2 interviewer begins: "Because you say that some operations were decided by him, all the
3 operations were given by him, did he brief the troops?" And you said: "No, he did not
4 brief the troops." And the question is: "So when he left for Bangui, you say that at one
5 point in Bangui he met the troops. This was during this type of briefing. What did he
6 talk about?" You said: "I remember each time when he went to see the units. Even
7 when it wasn't in Bangui, he spoke to the soldiers. There were several points. He spoke
8 to the soldiers about discipline, to inform them about his plans. There you are. You
9 shouldn't flee war. You must not flee. Fleeing before the enemy is a breach discipline.
10 We are going to get ready. I will send you food, et cetera, things like that." And you
11 were asked: "Do you know what he said in his speech when he was in Bangui?", and you
12 said: "No, I don't know."

13 Now, this was the basis of a question I asked you this morning, when I said Mr Bemba
14 didn't talk to the troops, did he, before they left for Bangui? Does this help remind you
15 whether he did or he didn't?

16 A. Yes, Counsel, I have to repeat that I said that he did. I confirm myself that he spoke
17 to the troops, and I even gave a bit of detail, certain points; in particular, as regards
18 discipline and good behaviour in order to keep the honour of the movement of the ALC.
19 He spoke about points such as that. (Redacted)
20 (Redacted).

21 Q. Sir, it was a long question that I asked you, so it's not your fault, it's mine. I wasn't
22 talking about Bangui, I was talking about whether there was any briefing of the troops
23 before they left for Bangui. Having read that section of your interview, do you now
24 think there was or there wasn't?

25 A. No. To these troops who had to go to Bangui, I don't think so. I don't think that

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1 he had a meeting with the troops, I don't think so.

2 Q. Thank you. And one very final question: (Redacted), were you not
3 in fact aware that two commanders were sent home at that time?

4 A. Home? Sent from Bangui to return to the Congo? Sent home? What house?
5 What home? I don't understand.

6 Q. I'm sorry, my fault. They were sent back to Gbadolite?

7 A. From Bangui to Gbadolite?

8 Q. Yes.

9 A. No, Counsel, I've forgotten. I don't recall. Perhaps if you could give me the
10 names of those officers I might remember then?

11 MR HAYNES: Well, not immediately, so probably not at all.

12 Sir, thank you very much for answering my questions, but I am now finished I am sure
13 you will be glad to hear.

14 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

15 Mr Witness, the Defence finished, but the Prosecution already informed the Chamber that
16 it intends to put a few more questions to you and also the Chamber has a few questions, a
17 few clarifications to ask from you, and at the end, because of these further questions of the
18 Prosecution and the Chamber, maybe Defence will have the latest questions to put to you.
19 That would take maybe 15/20 minutes.

20 My question is: Would you prefer that we extend this hearing for half-an-hour, which is
21 the maximum that our interpreters can give us, or do you prefer to adjourn and to come
22 back tomorrow morning for maybe one hour session, not more than that?

23 THE WITNESS: (Interpretation) Thank you, your Honour. I would prefer to
24 continue another half-hour. As long as we finish today, that would suit me. In the
25 meantime, if you could give me just two minutes, your Honour, I would be most grateful?

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1 PRESIDING JUDGE STEINER: Please, you are authorised to leave the room and we will
2 be waiting for you.

3 (Pause in proceedings)

4 PRESIDING JUDGE STEINER: Yes, Mr Haynes? In principle we have suspended, but
5 you can --

6 MR HAYNES: I just wondered, given what we are going to try and achieve in 26 or
7 27 minutes, whether you are going to impose any time limits on what is about to take
8 place?

9 PRESIDING JUDGE STEINER: I think I'll have to, but I am informed that Prosecution
10 will not take too long. Am I correct, Maître? Otherwise we will have to come back
11 tomorrow.

12 MR BADIBANGA: (Interpretation) You are correct, your Honour. I will truly try to be
13 very brief and I will keep -- actually, I will come in under ten minutes.

14 PRESIDING JUDGE STEINER: So we will make an effort.

15 THE WITNESS: (Interpretation) Your Honour, thank you. I am back in the room.
16 I'm available.

17 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. So first of all Judge
18 Aluoch would like to ask -- to seek a clarification from you.

19 JUDGE ALUOCH: Thank you, Mr Witness. This is in today's real-time English
20 transcript, page 28, beginning from line 5. This is what -- this is the question Mr Haynes
21 put to you: "Sir, it's plain, isn't it, that one of the two things happened on 30 October at
22 1 o'clock in the afternoon? Either Mustapha's force responded defensively, or they took
23 their operational orders on that day from somebody in Bangui?" And your answer was:
24 "Yes, that's correct."

25 Now, what I would like you to clarify is that, in the manner in which the question was put

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1 by Mr Haynes, it appears to me that there were two questions in one; one of them being
2 "Either Mustapha's force responded defensively, or they took their
3 operations -- operational orders on that day from somebody in Bangui?" So when you
4 answered, "Yes, that's correct," which part of that question did you say is correct? It's not
5 very clear from the records. Thank you.

6 THE WITNESS: (Interpretation) Thank you, your Honour. My answer was in
7 relation to the two aspects of the question from the Counsel, when he was saying either
8 Mustapha received orders to attack, or -- or he responded to an attack on that particular
9 day, because that's -- it was either he got orders to attack, or he shot because he was
10 responding to an attack. And I said it had to be like that. It was either one or the other.
11 Either he received orders to attack, or if not, if he hadn't received such orders, he had been
12 attacked and they responded. They fired back. So he didn't -- in that case he wouldn't
13 have needed to have received orders. So I had agreed, yes, that's -- that that was correct
14 in response to that question from Mr Haynes with two aspects to it.

15 PRESIDING JUDGE STEINER: Just to complete the understanding of your answer,
16 Mr Witness, you said that one of the possibilities is that Mustapha received orders on that
17 day from somebody in Bangui. Who could be this person in Bangui that ordered
18 Mustapha to attack?

19 THE WITNESS: (Interpretation) Not orders from Bangui, ma'am. That he in Bangui
20 would have -- if they were orders, he would have received them from the
21 commander-in-chief, if it had been orders, but if that was not the case he reported that,
22 once arrived at 1 in the afternoon, there were military operations that began. So was he
23 attacked and then he responded without a direct order? Because without direct orders,
24 if -- if it was a matter of orders, he was in Bangui and so he would have received orders
25 from the commander-in-chief. That is my reply, your Honour.

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1 PRESIDING JUDGE STEINER: Thank you, Mr Witness.

2 I have a question. You have explained how this communication book worked, that the
3 messages were received encrypted, someone put the, how do you call -- deciphered the
4 encrypted message (Redacted)

5 (Redacted). Am I correct? This was the proceeding?

6 THE WITNESS: (Interpretation) Your Honour, that's right. (Redacted)

7 (Redacted)

8 (Redacted), those messages were encoded and the radio

9 operator would put them into code, and then they would have to be decoded by his

10 counterpart who received the message before giving the message to the person who was
11 supposed to receive it, (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted). It was the operator who would do that.

16 PRESIDING JUDGE STEINER: Thank you, then just one clarification. It's my last one,
17 Mr Witness, and if you could be very objective because we want to release you very soon.

18 In the message sent by the Defence, that is on page 0002-1746, (Redacted)

19 (Redacted), how could Colonel Mustapha receive this

20 information if he was in Bangui and the book was in Gbadolite?

21 THE WITNESS: (Interpretation) Yes, I should clarify that. The operator -- perhaps

22 Mustapha was travelling, either to Damara, or to Bossembélé, or to Bozoum. I don't

23 know exactly where he was, but he also had his operator with him, his radio operator was

24 with him, and the co-ordinator wanted Mustapha to be informed of that as well. So I

25 think it was something like that.

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- 1 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. Maître Badibanga.
- 2 MR BADIBANGA: (Interpretation) Thank you, your Honour.
- 3 QUESTIONED BY MR BADIBANGA: (Interpretation)
- 4 Q. First of all I wanted to touch upon one point that was raised by Judge Aluoch, and I
- 5 thank Her Honour for that. I don't have any comment really, except for one additional
- 6 piece of information, because sometimes one has to be very attentive to a particular word
- 7 in a question. We all understood that Colonel Mustapha, in your words, did not receive
- 8 orders from someone in Bangui to launch the attack; is that correct?
- 9 A. Yes, that is what I said.
- 10 Q. Thank you. I'll now move on to something else, and this is something related to
- 11 the transcript of 19 March. Mr Bemba's lawyer spoke about the arrest of Colonel
- 12 Kisombe (sic), but I think we talked about the reasons for the arrest quite quickly. Please
- 13 don't go into all the details, but just give me a "Yes" or "No" reply, or a very brief reply.
- 14 Is it correct to say that Colonel Kilembe (sic) was arrested because he was suspected of
- 15 plotting against Mr Bemba, not for abuse or crimes committed upon civilians? Page 49 of
- 16 that transcript.
- 17 A. Yes, that's exactly right. I said that in a way it was owing to reasons of betrayal, or
- 18 treason. It didn't have anything to do with attacks on civilians.
- 19 Q. Very well, thank you. And just as briefly, if we could turn to another matter, do
- 20 you know whether officers involved in the operation in 2000 and -- in the year 2000 were
- 21 arrested -- correction, in the year 2001 were arrested as well?
- 22 A. No, I don't remember, Counsel.
- 23 Q. Very well. Next topic regarding the Thuraya phones. With a Thuraya satellite
- 24 phone, was it to call a mobile phone or a GSL? Could you call an ordinary telephone or
- 25 was -- or could the Thurayas only be used to call other Thurayas phones? I make

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1 reference to the transcripts of 19 March, transcript 217, page 55. And page 51 on the
2 English version of that transcript. Please go ahead, Witness.

3 A. No, you could also call another telephone and, what's more, with the Thuraya
4 phones sometimes (Redacted).

5 Q. So if some officer in Bangui had a mobile phone, a GSM, Mr Bemba, for example,
6 could call him from his Thuraya phone; is that correct?

7 A. Yes, that is correct.

8 Q. I would like to now turn to the date on which the MLC troops arrived in the CAR.
9 If you remember, I'm not going to actually call up the document, but I think you'll recall
10 that we were looking at a message that spoke about the crossing of the first ALC troops on
11 25 October 2002, that is to say five days before Colonel Mustapha. Do you remember
12 that message?

13 A. Yes, I do remember that.

14 Q. Do you also remember that I read the date of the beginning of the operations to you
15 in the Mondonga report, in which soldiers were asked to say when the operations began,
16 the 25th. Do you remember?

17 PRESIDING JUDGE STEINER: Sorry, Mr Witness. Mr Haynes.

18 MR HAYNES: Your Honour, I was concerned when the questions were put at the time.

19 What Mr Badibanga read to the witness were the responses of an accused man,
20 Mr Bomengo, in his interview when he was defending himself. It is not, as it were, part
21 of Mr Mondonga's report and nor is it accurate to say "soldiers" said that. Only
22 Mr Bomengo said it, in the very extreme circumstances of being interviewed for a criminal
23 offence, and if the question is going to be put the document shouldn't be mischaracterised
24 in that way.

25 PRESIDING JUDGE STEINER: Can you clarify the point, Mr Badibanga?

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- 1 MR BADIBANGA: (Interpretation) Your Honour, in tempore non suspecto, in
2 November 2002, on the 17th, that is to say 15 days before the events, not only did
3 Mr Bomengo but also other soldiers, and this is to be found in the statement, said that the
4 operations started on 25 October 2002. I'm just asking the witness whether that
5 information -- whether if he remembers me reading out that question to him.
6 I think in the final arguments, the Defence may wish to challenge that date and its
7 relevance but at this particular stage in the proceedings I'd like to mention what this
8 soldier said 15 days before, and his memory was still quite fresh at that point.
- 9 PRESIDING JUDGE STEINER: This was one point which I had already made some
10 notes, and I suppose that is related to a question I put to the witness, and it is on
11 CAR-DEF-0002-0003, where Mr Bomengo says that the operation started on
12 25 October 2002. You can proceed, Mr Badibanga. Maître Badibanga.
- 13 MR BADIBANGA: (Interpretation)
- 14 Q. Witness, my first two questions were just intended to set the stage for the third
15 question. Now, the soldiers who crossed as of the 25th, did they behave in the same way
16 as those who followed later or were they different? Did they distinguish themselves
17 from a disciplinary point of view? Were they much more upright, or honest, in
18 comparison to the troops who came later? Could you attempt to answer this question?
- 19 A. You are talking about those who crossed after? Let us say the one that came -- the
20 ones that came from Bossemboso (sic), whether they behaved the same way as those?
- 21 Q. No. I'll try to make this question easier. The Defence, and this was today, on page
22 88 and on, seemed to be saying to you that since Colonel Mustapha arrived on 30 October
23 it was not possible for arrest to have already occurred -- or crimes to have occurred on the
24 day of his arrival, and that was just after a question that had been put by the Judge. So I
25 would like to ask you if you can confirm whether soldiers had arrived five days earlier

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1 and if someone had been arrested that probably it would have been one of the people who
2 had arrived five days before Colonel Mustapha? That was what I was driving at.

3 A. Yes, yes, it must be that.

4 Q. I shall conclude with my last topic. Witness, do you realise that Mr Bemba's lawyer
5 is speaking on behalf of his client, and not in a personal capacity? Do you understand
6 that that is the role of a lawyer?

7 A. Yes, I know that. That's right.

8 Q. For example, when Mr Haynes says to you, through his questions today, and this is
9 page 7 and on in the transcript, when he said to you that Jean-Pierre Bemba had consulted
10 the political and military hierarchy of the ALC, (Redacted), before launching
11 the operations in the CAR, let us imagine Jean-Pierre Bemba says that before launching
12 the operations he consulted the political and military hierarchy, do you have the
13 impression that you were manipulated because these words came out of the lawyer's
14 mouth and not out of the mouth of Mr Bemba himself?

15 A. Yes. It must be something that the lawyer was told. He is trying to defend his
16 client, but perhaps I'll have the last word and I'll have something to say.

17 Q. Very well. I don't think I've made myself entirely clear, but I'll move on. If I were
18 to put it to you, Witness, that it was Mr Kilolo, one of the lawyers of Mr Bemba ever since
19 the very beginning of this case, who stated during the Confirmation of Charges hearing
20 that about 100 soldiers were arrested, would you think that this is a contradiction of what
21 was told to you during the investigation, when you were told that Mr Bemba said that 100
22 soldiers were arrested? Do you realise that the lawyer is --

23 PRESIDING JUDGE STEINER: Mr Witness, just wait before you answer. Mr Haynes.

24 MR HAYNES: No reference to what he's referring to, and a horrible leading question,
25 and not strictly arising from cross-examination. This question should be put in a proper

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1 form, not the subject of one of Mr Badibanga's speeches.

2 PRESIDING JUDGE STEINER: Sustained.

3 MR BADIBANGA: (Interpretation) Your Honour, regarding the rest, this is page
4 10 -- correction, page 94, but I shall rephrase, indeed.

5 Q. Witness, this information that was given to you, when you were interviewed during
6 the investigation that was referred to by the Defence counsel for the first time, saying that
7 this would have been misleading, did that information affect the answers that you gave
8 during the interview? Because of this information, did you give -- did this have an
9 influence on your answers?

10 A. Could you please be clearer? What was having an influence on my replies? The
11 questions during the investigation?

12 Q. Transcript of 20 March, page 7 -- I beg your pardon, transcript -- yesterday'
13 transcript, yesterday morning, when the Defence lawyer asked you whether Mr Bemba
14 had indeed said, during Confirmation of Charges, that a number of people had been
15 arrested, and he said that Mr Bemba never spoke. Now, to your mind, did that
16 information have an influence on your replies, or not?

17 A. No, that never had an influence on my replies.

18 MR BADIBANGA: (Interpretation) Very well. I have no further questions insofar as I
19 think you did say that you wanted to say something about Mr Bemba's personality, but I
20 would imagine that would be amongst your final remarks. I thank you, Madam
21 President.

22 PRESIDING JUDGE STEINER: Thank you, Maître Badibanga. Mr Haynes, one
23 question: I'm informed that not only do we have this limitation with the interpreters, but
24 the problem with the tape. If you think you need more than five minutes, we will
25 suspend for the change of the tape. You will be entitled, of course, to take the floor but

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1 then we'll need to change the tape.

2 MR HAYNES: No, I don't think I'll be more than five minutes.

3 PRESIDING JUDGE STEINER: Just one minute, Mr Haynes. I've heard that

4 Mr Witness wants to take the floor as well; is that correct, sir?

5 THE WITNESS: (Interpretation) Yes, your Honour. It will take me three minutes at
6 the most, at the very most.

7 PRESIDING JUDGE STEINER: So then, I'm sorry, Mr Haynes, let me just make sure that
8 nobody will be prevented from taking the floor. I ask, please, court officer, whether it
9 would be better to have the tape changed right now? And also whether the interpreters
10 would be able to give us five, no more than ten minutes, I promise.

11 THE INTERPRETER: I think we're in a position to comply.

12 (Pause in proceedings)

13 PRESIDING JUDGE STEINER: So I need of course to inform the parties and participants,
14 the interpreters are kind enough to accept in giving us the ten more minutes that we need.
15 These are -- this is the good news. The bad news is that we need to suspend for at least
16 ten minutes in order for the tape to be changed.

17 So I thank very much the indulgence of the interpreters and court reporters. We will
18 suspend for ten minutes, and we'll be back in order to allow the Defence, the Chamber
19 and the witness to say the final words.

20 The hearing is suspended.

21 THE COURT USHER: All rise.

22 (Recess taken at 4.32 p.m.)

23 (Upon resuming in closed session at 4.42 p.m.) Reclassified as open session

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

25 PRESIDING JUDGE STEINER: Thank you very much. Once again, we appreciate the

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- 1 indulgence - I have no other word - of our interpreters and court reporters.
- 2 Mr Haynes, you have the floor.
- 3 MR HAYNES: Thank you very much.
- 4 QUESTIONED BY MR HAYNES:
- 5 Q. (Redacted)
- 6 A. (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 Q. (Redacted)
- 10 (Redacted)
- 11 A. (Redacted)
- 12 Q. (Redacted)
- 13 A. (Redacted)
- 14 Q. (Redacted)
- 15 A. (Redacted)
- 16 (Redacted)
- 17 Q. (Redacted)
- 18 (Redacted)
- 19 A. (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 Q. But generally he did, didn't he?
- 24 A. From time to time he would (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 (Redacted).

3 Q. (Redacted)

4 (Redacted)

5 A. Not at all, Counsel.

6 Q. Sir, in truth, you have no idea how Mustapha came to engage the enemy at 1 o'clock
7 in the afternoon on 30 October, do you?

8 A. Yes, but (Redacted) the message here. I don't know what you mean, Counsel. (Redacted)

9 (Redacted) the message when it was explained what happened immediately upon arrival
10 in Bangui.

11 Q. Yes, but that was a message after he had engaged the enemy. You have no idea
12 what processes took place before he engaged the enemy, do you?

13 A. Yes, I don't have any idea, sincerely.

14 Q. And you have no idea how a few days later he and the men under his command
15 were 12 kilometres north of Bangui at PK12, do you?

16 A. How they came to be there? They -- well, PK12 is a bit far. It's on the outskirts.
17 It's outside of the centre of town. There was some kind of gathering, and they came
18 together there. How they got there, whether there was an attack, was there fighting, I
19 can't explain but I do know that it was a position, a place, where they had gathered and
20 they were there. They found themselves there.

21 Q. Thank you. (Redacted)

22 (Redacted)

23 A. Yes, Counsel.

24 PRESIDING JUDGE STEINER: Mr Haynes, before you continue, you are not reopening
25 the questioning of the witness, I suppose?

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1 MR HAYNES: This arises directly from the re-examination by the Prosecution.

2 Q. (Redacted)

3 A. (Redacted)

4 Q. (Redacted)

5 A. (Redacted)

6 Q. If he had been given a Thuraya by the Minister of Defence in the Central African
7 Republic after his arrival there, he couldn't have used it on the morning of 30 October,
8 could he?

9 A. I don't know. I don't know. Perhaps I might be complicating things or creating
10 some confusion, in terms of the dates when -- when he was given that.

11 Q. And just lastly this: Had you ever heard the name Aimé Kilolo before, before
12 Mr Badibanga just mentioned it?

13 A. No, I don't even know that person Aimé Kilolo.

14 Q. So when in the interview of December 2009 Mr Badibanga told you that Mr Bemba
15 talked about 100 soldiers being arrested in the Central African Republic during his
16 confirmation hearing, did you think that he, Mr Bemba, had said that?

17 A. But when you're asked whether -- what Mr Bemba said, I'm not in a position to try
18 to put myself in the mind of someone else. I don't know. I didn't say any such thing. I
19 didn't hear Mr Bemba answering questions.

20 Q. No, I accept that, but what you were told was not true. Why do you think you
21 were told in that interview something that was not true?

22 PRESIDING JUDGE STEINER: This is speculation. Another question, please,
23 Mr Haynes.

24 MR HAYNES: I'm finished. Thank you, your Honour.

25 PRESIDING JUDGE STEINER: Thank you very much.

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1 Mr Witness, your testimony came to an end. It's concluded now but before you leave the
2 Chamber wants, as with all other witnesses of this case, to thank you very much for the
3 time and trouble you had, you have taken to give evidence in this trial. We know about
4 your personal situation, (Redacted)
5 (Redacted) during almost a week. But in order for us, Mr Witness, to
6 find the truth it's critical that witnesses such as yourself are prepared to give evidence and
7 assist us on the relevant issues of the case.
8 We are aware that this will certainly have been inconvenient for you. The Chamber
9 therefore thanks you for the time and effort you have spent in giving your evidence before
10 this Court. And before you leave, Mr Witness, the Chamber would like to ask you
11 whether there's anything you would like to address to the Chamber? You have the floor,
12 Mr Witness.
13 THE WITNESS: (Interpretation) Thank you very much, your Honour.
14 First of all, I would like to sincerely thank you for agreeing to my request. You have
15 been able to reduce the duration of this hearing by two days, and I thank you very much
16 (Redacted).
17 And then I would like to say something. (Redacted)
18 (Redacted) Mr Jean-Pierre Bemba. He was a very difficult person. It was -- there was a
19 striking example. I'll be very brief. He didn't have time to listen to you, he always
20 downplayed everything, he would say "No" to everything you suggested to him and
21 above all don't challenge his decisions and -- otherwise you would have very serious
22 problems with him.
23 All the friends that he had left Belgium from, to begin a rebellion, they all lacked -- they all
24 could not maintain the courage to go along with him. All of them fell by the wayside.
25 All the major figures, who were part of the military/political movement which later

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1 became a political party, actually the second if not the first political party in 2005 and 2006,
2 where are they now? They have all left. They have all left him aside because he is
3 impossible.

4 You have to have a huge amount of patience, and I had an objective. (Redacted)
5 (Redacted) and I had to say one day this

6 would all end, and as a soldier I just had to focus on that; focus on going back to the
7 country. I knew one day that would happen.

8 He would refuse suggestions. He would chew everyone out. Even the commanders of
9 major units, brigades, he would call and complain. He did not manage these
10 high-ranking officers. He could just call and complain. (Redacted) and
11 say, "It will be all right."

12 To conclude, the memo that I read here, that I was shown, the memo from 2008, five years
13 after the ALC ceased existing, that was a simple set-up and I showed that, that there were
14 serious mistakes in it and that the people who signed it were not able. I know that
15 person was not able to write in that kind of French, I know that and it was not the truth.

16 That was not the truth. It was an attempt -- to my mind an attempt by the Defence of
17 Mr Jean-Pierre Bemba, and if we follow the truth of that document it is just a set-up all
18 intended to protect Jean-Pierre Bemba. Any person who looked at that document with
19 us would see that.

20 (Redacted)

21 (Redacted)

22 (Redacted). In what capacity could he have written

23 such a document? And we know the links between that officer and Mr Jean-Pierre Bemba.

24 And I thank you, ma'am. I thank you, your Honour, for giving me these moments to say
25 what I had to say. I truly thank you.

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1 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness, and again you leave
2 the Chamber with our thanks for the time you gave to the Chamber in order to give your
3 testimony.

4 I thank very much Prosecution team, legal representatives of victims, the Defence
5 team -- the Defence team, Mr Jean-Pierre Bemba. A very special thanks to our
6 interpreters, court reporters, Mr Rojas.

7 The Chamber will very soon hold a status conference in order to prepare for the second
8 phase of the case, but the parties of course will be informed well in advance, including
9 about the agenda.

10 So this hearing is adjourned, and parties, participants and interpreters, court reporters
11 and Court Registrar will be informed on when we are going to sit again in this courtroom.
12 Thank you very much.

13 THE COURT USHER: All rise.

14 (The hearing ends in closed session at 5.02 p.m.) Reclassified as open session

15 CORRECTION REPORT:

16 The Court Interpretation and Translation Section has made the following corrections in
17 the transcript:

18 *Page 22 lines 1 to 7

19 " The troops, they were facing with soldiers who had undergone a defection from the
20 Central African Republic army; but in Bangui itself there were some as well, even in
21 the population and in houses as well. (Redacted)

22 (Redacted)

23 Is corrected by

24 '(Redacted)

25 (Redacted)

26 (Redacted). The enemy was in Bangui. And then further forward, because the

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1 troops they were facing were soldiers that had defected from the regular Central
2 African army, they were on the other side on the main roads, but they were also in
3 Bangui, even among the population and in houses, at least according (Redacted)
4 (Redacted)."

5 SECOND CORRECTION REPORT:

6 The Court Interpretation and Translation Section has made the following corrections in
7 the transcript:

8 *Page 81 lines 20 to 23

9 '(Redacted)

10 (Redacted). He was -- and as such how

11 could he have written such a document, not knowing the links between that officer and

12 Mr Jean-Pierre Bemba?"

13 Is corrected by

14 '(Redacted)

15 (Redacted)

16 (Redacted). In what capacity could he have

17 written such a document? And we know the links between that officer and Mr Jean-Pierre

18 Bemba."

19 RECLASSIFICATION REPORT

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

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