

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-D04-PPPP-0065

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, 18 September 2012  
9 (The hearing starts in open session at 9.03 a.m.)  
10 THE COURT USHER: All rise.  
11 The International Criminal Court is now in session.  
12 Please be seated.  
13 PRESIDING JUDGE STEINER: Good morning.  
14 Could, please, court officer call the case.  
15 THE COURT OFFICER: Thank you, Madam President. Situation in the Central  
16 African Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo,  
17 ICC-01/05-01/08.  
18 PRESIDING JUDGE STEINER: Thank you very much.  
19 I welcome the Prosecution team, legal representatives of victims the Defence team,  
20 Mr Jean-Pierre Bemba Gombo. Good morning and welcome our interpreters, our  
21 court reporters.  
22 We will conclude today, I hope, the testimony of Witness -- Defence Witness D-065,  
23 and for that purpose I ask, please, court usher to bring the witness in.  
24 (The witness enters the courtroom)  
25 WITNESS: CAR-D04-PPPP-0065 (On former oath)

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- 1 (The witness speaks French)
- 2 PRESIDING JUDGE STEINER: Good morning, Mr Witness.
- 3 THE WITNESS: (Interpretation) Good morning.
- 4 PRESIDING JUDGE STEINER: I hope you are feeling well and ready to continue  
5 with your testimony that for sure will be concluded very soon?
- 6 THE WITNESS: (Interpretation) I am ready to go and I do hope so, ma'am.
- 7 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that you are still  
8 under oath. Do you understand that, sir?
- 9 THE WITNESS: (Interpretation) Yes.
- 10 PRESIDING JUDGE STEINER: And once again, and I hope for the last time, remind  
11 you that you are expected to speak slower than normal and to give the five seconds  
12 after a question before you start answering to that question in order to facilitate our  
13 interpreters' work. Is that fine with you, sir?
- 14 THE WITNESS: (Interpretation) Yes, that is fine by me. I will try.
- 15 PRESIDING JUDGE STEINER: We will continue with Prosecution. Ms Kneuer,  
16 you have the floor.
- 17 MS KNEUER: Thank you, Madam President. Good morning, your Honours.
- 18 QUESTIONED BY MS KNEUER: (Continuing)
- 19 Q. Good morning, Mr Witness.
- 20 A. Good morning, Ms Kneuer.
- 21 Q. Mr Witness, yesterday we looked at some documents towards the end of your  
22 testimony, and one of your last answers was, I quote from transcript 246, page 59,  
23 lines 11 and 12, "So I would say that, no, my relationship or my dealings with the  
24 Bozizé regime are not good. That's clear. There's a reason why they are threatening  
25 me, you see?"

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1 You recall that; correct?

2 A. Yes, I had said that he called me a few years ago and threatened me. I told you  
3 that he said that he was going to have his security forces take care of me. If that's not  
4 a threat, I don't know what is.

5 Q. I would like to recall some other statements you made during the course of your  
6 testimony and then I have a few questions. I'm quoting from transcript 245, page 28,  
7 line 13 onwards, "My family was told that I'd been shot, so for three weeks my family,  
8 and my wife, my children in Paris, my mother, my brothers and sisters in Bangui,  
9 they were traumatised by all these things that happened to me, so it's very difficult,  
10 it's very painful for me to speak of these memories before the Court, this trial that I  
11 was put through. It was terrible, because all of a sudden my life was turned upside  
12 down. Bozizé's men came into Bangui. I would like to have him here facing me  
13 today and ask him some questions, because I am a victim of those men. I was just  
14 doing my work with President Patassé and all of a sudden my life was turned upside  
15 down. I was dragged off and taken into the bush."

16 Same page, line 25 onwards, "My life was hell because of Bozizé's men."

17 Page 29, line 8, "I was kept -- I was held at the northern exit of Bangui, held by these  
18 men, from 25 to 29 October, so for five days I went through hell."

19 Same page, line 11, "I was subject to tremendous stress."

20 Page 30, line 17, "I saw some absolutely horrific things."

21 Page 31, line 1 and 2, "I was in bad shape, but he greeted me very briefly."

22 Page 43, line 20, "The situation created by General Bozizé in the Central African  
23 Republic was as from November 2001, and that situation persists even up 'til today  
24 because General Bozizé's men continued to kill citizens right up 'til today but  
25 unfortunately not much is said about it."

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1 Page 50, line 3 onwards, "A great deal of pain and sorrow. I went through some  
2 extremely difficult times. My family and my children, they too went through some  
3 extremely difficult moments because for three weeks they had no news of me."  
4 Line 10, same page, "So this was very traumatic."  
5 Same page, line 21 -- sorry, 20, "However, after the looting of my home in March 2003,  
6 particularly the theft of this tombstone which was intended for my father's grave, I  
7 said that I would no longer pardon General Bozizé."  
8 Line 23, same page, "As I said a few moments ago, I'm very frustrated now."  
9 Line 25, same page, "This is a relief, but at the same time I am very frustrated and  
10 disappointed that Bozizé is not here, because he did tremendous harm and continues  
11 to do tremendous harm to the country, the Central African Republic, and its people.  
12 Unfortunately, he is in power. He is all-powerful. He is protected by presidential  
13 immunity."  
14 Page 51, line 16 onwards, "So you can imagine just how frustrated I was. The one  
15 who bears the primary responsibility for this terrible trial that my family and I  
16 endured is not here today and has not had an opportunity to provide explanations  
17 regarding his responsibility here before the ICC."  
18 Page 52, line 16, "Psychologically I was destroyed."  
19 Same page, line 21, "... but I'm not the only person and I'm facing an all-powerful  
20 general who is now in power and does whatever he wants, and no one asks him to  
21 account for any of his actions. He's there, he continues to assume responsibility for  
22 deaths. The killings continue. All kinds of thugs are still there in the country and  
23 they go unpunished and it's a true scandal, a true scandal, and I want to say this here  
24 before this Court because General Bozizé, well, with everything that I've experienced,  
25 everything I saw, the violence, the abuse, during those 38 days, if there were some

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1 divine court perhaps it's a pity that we could not have turned to such a court."

2 Page 53, line 7, "He's still in power."

3 Sir, would it be fair to say that you would like to confront Mr Bozizé in this Court for  
4 what he did to you personally?

5 A. Personally? Well, I have nothing to say to him personally. It's up to the  
6 Court to make an assessment and ask him questions until this international court, this  
7 International Criminal Court, which is supposed to render justice for the victims, I'm  
8 not trying to have some kind of personal confrontation with Bozizé. I would just  
9 like for him to account for all the crimes that he is responsible for before this Court.

10 Q. Am I correct to say that you would like to see Mr Bozizé unpowered?

11 A. Well, to be in power one has to have a certain amount of legitimacy and if you  
12 have blood on your hands, I think that this gentleman's power is tainted because of  
13 the crimes and so I would not want the Central African Republic and the people of  
14 that country to still be led by someone who has blood on his hands. That's what I'm  
15 telling you.

16 Q. Would you agree that you look for satisfaction and retaliation of what  
17 happened to you?

18 A. I would want -- I want justice to be done and I want the person who is primarily  
19 responsible for these crimes to be punished, like any other criminal. That's all.  
20 That's what I want.

21 Q. Isn't it true that you hate Mr Bozizé?

22 A. I don't have a personal problem with him, but what I'm saying is that he is  
23 responsible for the torture that I underwent. He is responsible for the crimes that  
24 were committed on other victims as well, so from that point of view I would like him  
25 to be brought before an international court so that he can account for what he's done.

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1 Q. Sir, you are the director of the online centrafrique-presse.com news website; is  
2 that correct?

3 A. Yes.

4 Q. And you're also the director of the online news website centrafrique-presse.info;  
5 is that correct?

6 A. Yes.

7 Q. Since when are you the director of these two online news websites?

8 A. It's been quite a long time. Quite a long time. Those two sites, I set those two  
9 sites up when I was still a spokesperson for the office of the president, so it was a  
10 newspaper that I had established, paper version, and then later it became an internet  
11 newspaper, an online newspaper, shortly before the coup d'état led by Bozizé.

12 Q. Would it be fair to say that you are the director for a couple of years?

13 A. More than two years. Centrafrique-presse.info is more recent, but the other  
14 website is older than that.

15 Q. The content of both websites is about what's going on and what's happening in  
16 the Central African Republic?

17 A. Yes, these are newspapers that provide information about current events in the  
18 Central African Republic.

19 Q. Is it correct that the authors and you as the editor of these newspapers criticise  
20 the government in the CAR?

21 A. Among other things. Among other things.

22 Q. And sometimes personal attacks have been launched against certain CAR  
23 government officials?

24 A. That depends on the political activities and the actions taken by those CAR  
25 officials.

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1 MS KNEUER: I kindly ask the court officer to display document number 6 of the list  
2 of documents of the Prosecution, which is CAR-OTP-0069-0144. Can I ask the court  
3 usher to please move the text a little bit to the right, because it appears that the  
4 beginning of the sentences are not fully visible?

5 Madam President, it appears that it's very difficult to read this document on the  
6 screen. I have hard copies and, with your permission, I would use the hard copies.

7 PRESIDING JUDGE STEINER: Court usher, please.

8 MS KNEUER:

9 Q. Sir, can you please take a moment and read the document for yourself and let  
10 me know when you are finished?

11 A. I've finished reading it.

12 Q. Do you agree that this is an article dated 8 September 2011 published by  
13 Centrafrique-Press?

14 A. Yes, that's right.

15 Q. And you are the editor of that website; correct?

16 A. Yes, yes, I am the director of publications.

17 Q. Would you agree that in this article their minister of sports, Fidèle Gouandjika,  
18 was accused of corruption, extortion of an important amount of money and getting  
19 rich without cause?

20 A. Yes, this minister member of the Bozizé government, currently agriculture  
21 minister if my memory serves me well, is being investigated for a number of matters  
22 and still goes unpunished. He has still gone unpunished, because he is very closely  
23 linked to Bozizé, and what Centrafrique-Press is describing is true. He's quite a  
24 grotesque character honestly and everyone in Bangui knows him and knows about  
25 him and many ask questions about his mental stability.

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1 He was so crazy, so mad, because of these articles by Centrafrique-Press asking  
2 questions about the source of his money, because you see before he was Minister of  
3 Agriculture he was minister responsible for telecommunications, and today he is  
4 facing charges and people are awaiting his trial anxiously and Bozizé is dragging  
5 things out.

6 He's not very well-balanced. He is mentally unbalanced and the email that he sent  
7 to me in person certainly shows here that from a mental point of view he is not  
8 balanced. He's been a bit more lower key recently, even though he is building a very  
9 extravagant building in a country where people are subject to utter, utter poverty.  
10 He has begun building an extremely expensive building and everyone in Bangui is  
11 wondering about his mental stability and where his fortune comes from. So this is  
12 not a personal attack by Centrafrique-Press, but this is information, facts that have  
13 been verified.

14 Q. Sir, perhaps you can read one sentence from the email that this minister sent to  
15 you. It is the second paragraph and it starts with "Souvenez vous mon cher  
16 Prosper ..." Can you please read this aloud for us?

17 A. "Remember my dear Prosper N'Douba, that my hotel (two floors being built)  
18 successively was used in 1996 and 1997 as the rear base for the Karako militia of  
19 Patassé and in 2002-2003 to the Banyamulengue once again for Patassé and your  
20 friend and brother the Congolese Bemba. Where did I get the money to pay for my  
21 bed in -- for my payments in 1999 and 2005 to attempt to attain the supreme position  
22 of the State? You should be answering that. I'm very proud of being rich and  
23 immensely rich for a Central African national. I have not yet spent my ridiculous  
24 salary as minister since 19 June 2005 up until today. All of the banks in the world  
25 that look after our family fortune on a monthly basis pay us for than 25 million CFA

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1 francs. Easy to check, isn't it?"

2 Q. Sir, are you a friend and brother of the Congolese Bemba, as suggested by  
3 Minister Fidèle?

4 A. This email is clearly proof that this gentleman is mentally deranged. I am  
5 neither a brother nor even a friend of Jean-Pierre Bemba. Since the beginning of the  
6 hearings here, where I have been witness, I -- all I can say is that I saw Bemba several  
7 times at Patassé's residence, but he and I do not know one another personally.  
8 Consequently, what this minister wrote here I believe is just an expression of his  
9 mental imbalance.

10 Since Centrafrique-Presse wrote an article about him, bringing up the question of his  
11 fortune, well, he simply went off his top, as it were, and said all these things. I think  
12 this is a clear reflection of his mental imbalance, because everything he says is strictly  
13 untrue. What he's saying is not true. Making available his house to the Karako  
14 militia, et cetera, I have absolutely nothing to do with that. I discovered this here. I  
15 didn't -- I just didn't know what he was talking about.

16 According to me, he's just speaking off the top of his head and in any case I am by no  
17 means a brother or a friend of Jean-Pierre Bemba's. I said to you before I did see him  
18 on a few occasions at the president's residence, but we didn't have any conversations.  
19 We do not know one another. That's all I can say about that.

20 Q. Do I understand you correctly that if someone is saying something that you  
21 consider to be substantially incorrect that this person is mentally deranged and  
22 imbalanced?

23 A. No, Minister Gouandjika is somebody that I know. I know him quite well and  
24 Central Africans also know him quite well. He's a clown. You can ask people in  
25 Bangui. They'll answer, "He's a clown." He's somebody about whom one always

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1 wonders whether he is in his right mind or not. I'm not inventing this. You could  
2 ask a lot of Central Africans. They would say the same thing, so it's not because he  
3 writes something about me or even because my papers, my internet site wrote stuff  
4 about him, that I am saying that he is deranged. No, it's his lifestyle. He's totally  
5 extravagant and lots of Central Africans will tell you that.

6 Q. Is the former Minister of Transport, Parfait Anicet Mbay, also a clown from your  
7 perspective?

8 A. Anicet Mbay, well, that's a different kettle of fish. He was a companion of  
9 Bozizé during the rebellion and since Bozizé took over power he's been minister. In  
10 most of his governments he's also actually a minister today, so this is a different  
11 matter. I wouldn't call him a clown, nor would I say he is mentally unbalanced,  
12 which is the case on the contrary for Gouandjika.

13 MS KNEUER: Madam President, I would like to show to the witness document  
14 number 7 of the list of documents which is CAR-OTP-0069-0197. It's again very  
15 small letters and I have hard copies which I suggest we use. May I ask the court  
16 usher to hand them over, please?

17 PRESIDING JUDGE STEINER: Court usher, please.

18 MS KNEUER:

19 Q. Sir, can you please read this article for yourself and let me know when you're  
20 finished?

21 (Pause in proceedings)

22 A. Okay.

23 Q. Would you agree that this is an article from ACAP Press dated 19 October 2011?

24 A. Yes. The Agence Centrafrique-Presse is the government agency that  
25 disseminates information in Bangui, yes.

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1 Q. What is this article about, sir?

2 A. Parfait Mbay, the minister, is attempting to respond to the articles that were  
3 often published in Centrafrique-Presse on him, about him. Here he's supporting the  
4 regime that he is part of and in particular he's talking about the project for setting up  
5 a network of urban buses through the National Urban Transport Company, SONATU,  
6 and I should say that this company that he mentions here in this press release in  
7 October 2011, well, that company went bankrupt and the main officials are now in  
8 prison.

9 Parfait Mbay, well, it's not surprising. He was one of the persons in charge of  
10 Bozizé's rebellion. He was the spokesman for the rebellion. He has been a minister  
11 in Bozizé's government ever since the coup took place, so it stands to reason that he  
12 should defend the regime that he is part of, but everything he is saying has been  
13 undermined by the facts subsequently, so it's all a pretence.  
14 And in fact I should point out that he is one of the ministers in the government who  
15 regularly says he is going to instigate proceedings against the editor-in-chief of  
16 Centrafrique-Presse for slander, i.e. me, but so far I've never been summoned for such  
17 a trial.

18 Q. Am I correct in saying that Minister Mbay rejected in this press conference  
19 defamations emanating from you?

20 A. Yes, he organised this press conference so as to announce to the journalists that  
21 it was his intention to prosecute me for slander, or libel.

22 Q. All this is rather funny. Well, yesterday evening when I went back to my hotel  
23 I was called up by people from Bangui, members of the Agence Centrafrique Presse  
24 were saying to me that Minister Mbay had corrupted trade union leaders so as to  
25 break up the strike of teachers in the Central African Republic who are -- have made a

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1 number of claims in terms of wages and submitted them to the government and who  
2 refused to start work at the opening of the school, the first day of school, the official  
3 first day of school yesterday. Only one in ten teachers actually came to the schools  
4 in the capital of the Central African Republic yesterday. My informers were telling  
5 me that Minister Mbay, i.e. -- well, that he has tried to corrupt a number of trade  
6 union leaders so as to end the strike that had already been planned ahead of time for  
7 the purpose of seeking pay rises. So all this strikes me as rather funny.

8 Q. Sir, a moment ago you said, and I am quoting from real-time transcript 247,  
9 page 13, line 23 onwards, quote, "He has been a minister in Bozizé's government ever  
10 since the coup took place, so it stands to reason that he should defend the regime that  
11 he is part of but everything he is saying has been undermined by the facts  
12 subsequently, so it is all a pretence." My question is are you -- let me rephrase.  
13 Were you loyal to President Patassé when you were a spokesperson?

14 A. Yes.

15 Q. Sir, you mentioned twice during your testimony that you received calls in the  
16 evenings after your testimony by people from Bangui, I think you called it. Did they  
17 ask you about your testimony in court?

18 A. No, not at all. These were a few reporters who were simply calling me to keep  
19 me informed, keep me abreast and in any case nobody knows that I'm here at the -- in  
20 The Hague before the International Criminal Court.

21 Q. Well, maybe you were advised that your testimony is being broadcast and that  
22 people can listen to it? Sir, we heard about your abduction and mistreatment by the  
23 Bozizé rebels, the traumatisation and pain you suffered and the loss of your position  
24 as spokesperson of former President Patassé being paid no pension as a result of  
25 Bozizé taking over power. Is it fair to state that you have hard feelings against

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1 Mr Bozizé?

2 A. Is that not human? Somebody who has done you harm, well, you can't  
3 possibly feel friendship towards him, don't you think? I think it's just naturally a  
4 human feeling to be -- to have hard feelings against Bozizé and I also think that he  
5 should be brought to account before the courts for the harm he has done not just to  
6 me but to my fellow countrymen.

7 Q. Can you be impartial and objective any more when it comes to Mr Bozizé?

8 A. I don't know. That's not what I'm seeking. I'm not necessarily wanting to be  
9 objective. I simply say that he should be brought to account. That's what I feel  
10 strongly about. I think he has committed crimes and he should be called to account,  
11 but that's one aspect, but I am also fighting him and I'm not making any secret of that.  
12 I am saying that this guy is not legitimate for me. In my opinion, he should not be  
13 leading a country. When you have blood on your hands, I'm sorry, I really don't  
14 think you should be heading a country. That's my point of view and that's why I say  
15 that Bozizé should be somewhere else and not at the head of the Central African  
16 Republic, and I can say that outright.

17 MS KNEUER: Sir, this concludes my questioning. I thank you very much for your  
18 time and patience with me and for having co-operated with the Prosecution.

19 Madam President, your Honours, I would like now to tender documents with your  
20 leave, and I'm referring to CAR-DEF-0002-0108, CAR-OTP-0069-0146,  
21 CAR-OTP-0069-0144, CAR-OTP-0069-0197, CAR-OTP-0069-0148, CAR-ICC-0001-0081,  
22 CAR-ICC-0001-0082.

23 Thank you, Madam President, your Honours.

24 PRESIDING JUDGE STEINER: Thank you very much, Ms Kneuer.

25 THE WITNESS: (Interpretation) Your Honour, please I would like to make a

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1 request personally. It was my wish to have a record or rather a copy of my -- of my  
2 testimony and I was told that I should ask -- I should seek permission from you.

3 Could you tell me whether that could be done?

4 PRESIDING JUDGE STEINER: I will be back to you in respect to your request. I  
5 don't have here with me the Regulations of the Registry, but as far as I remember it's  
6 up to the Registrar to authorise the delivering of copies of the hearings or whatever  
7 judicial proceedings to the parties and participants, so I need to consult with the  
8 Registrar. You've made an oral request to the Registrar?

9 THE WITNESS: (Interpretation) No, I was simply informed that I should make a  
10 request, but I didn't know who I should address it to exactly and if it should be done  
11 to the Registrar well, I'll certainly do that.

12 PRESIDING JUDGE STEINER: And if I'm not wrong it's Regulation 17 of the  
13 Regulations of the Registry, but I will come back to you with a more precise  
14 information in that respect.

15 Mr Witness, legal representatives of victims were authorised to put you some  
16 questions. Maître Zarambaud has submitted to the Chamber a number of questions  
17 and was authorised to put those questions to you and Maître Douzima is authorised  
18 to put a limited number of follow-up questions on issues arising out of the transcripts.  
19 For that purpose I will now give the floor -- who is coming first? Maître Zarambaud?  
20 Maître Zarambaud, you have the floor.

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

22 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

23 Q. Good morning, Witness.

24 A. Good morning, Maître Zarambaud.

25 Q. We have known one another on a private basis for many years now, but here we

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1 find ourselves in official circumstances. I will introduce myself to you once again,  
2 after having introduced myself, during the familiarisation process. I am  
3 Mr Zarambaud Assingambi, I am a lawyer at the courts of the Central African  
4 Republic and here I am one of the two legal representatives for the victims. We  
5 generally refer to these in our country as the lawyer for the partie civile, the civil  
6 party. As the Presiding Judge just said to you we, as legal representatives for the  
7 victims, have to make a request to ask you questions and we have to present those  
8 questions and the questions have to be authorised by the Chamber. The questions  
9 I'm going to be asking you therefore have been authorised by the Chamber.  
10 As a general rule, Witness, in the case of witnesses for the Prosecution, we have an  
11 investigation file in which the witness expresses himself or herself and it was on the  
12 basis of that document that we raised our own specific questions before the witness.  
13 Now, in your case, there is no file of this type. The Defence counsel simply referred  
14 to your book, that was abundantly quoted here by Ms Kneuer, so it is on the basis of  
15 that book that I will be asking you questions and as it came out of the Defence's file,  
16 according to Defence, you were in a position to testify to the effect that the crimes that  
17 the victims we represent assigned to the Banyamulengue troops, well, that those  
18 crimes in actual fact were crimes committed by Bozizé's rebels.  
19 Now, having read your book, I must first point out that we are here two legal  
20 representatives, but that in actual fact the Chamber has entrusted us with the victims  
21 in particular localities and in my case I am in charge of the victims that were located  
22 in Bangui and its suburbs, so my questions will relate to that.  
23 Normally, we are expected to ask additional questions, in other words questions or  
24 follow-up questions that -- questions that are raised as a result of what you have said  
25 during your testimony. Yesterday you said a lot of interesting things but

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1 unfortunately, for technical reasons, we could not obtain yesterday's transcript and  
2 for this reason questions I would have liked to ask you about yesterday's transcript  
3 will not be raised here because we have to provide the complete references, and I'm  
4 not in a position to do so.

5 Witness, this is my first question: When you were abducted, had the MLC  
6 already -- MLC troops already reached Bangui? And let me just remind you of the  
7 five-seconds rule. Every time I ask a question, wait five seconds and please answer  
8 speaking slowly.

9 A. To my knowledge, the MLC troops had not yet reached Bangui. When I was  
10 adopted or, rather, abducted in the fourth arrondissement intersection, that is on the  
11 avenue to Boy-Rabé, the MLC troops were not yet in Bangui.

12 Q. Thank you, Mr Witness. Did you ever have the opportunity to meet with the  
13 MLC troops in Bangui and the vicinity; that is apart from the check-points that you  
14 talked about during your testimony?

15 A. No, I did not have the opportunity to meet them. I was abducted on  
16 25 October 2002 and taken to PK12 and I was in contact with General Bozizé's rebels  
17 only until the time that I was taken to the Chadian border, so I never had the  
18 opportunity to meet with the MLC troops apart from the incidents that I mentioned  
19 yesterday.

20 Q. Mr Witness, my third question, I am putting it to you because you were the  
21 special adviser and spokesperson of the President of the Republic at the time, so you  
22 are in a position to answer. Now, the appeal that President Patassé made to the  
23 MLC troops under the person he called his son, that is Jean-Pierre Bemba, was that  
24 appeal the subject of a convention - a written convention - agreement or treaty? Was  
25 there any official document to that effect?

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1 A. That is something that I'm not very familiar with, because I had already been  
2 abducted. The appeal that President Patassé made to Jean-Pierre Bemba was made, I  
3 believe, pursuant to his attributions or prerogatives as Head of State. It was later  
4 that I heard him justify this position once while in conversation with some people. I  
5 heard him say that considering the seriousness of the situation, he used the  
6 exceptional powers conferred on him by the constitution, it being understood that  
7 someone had also asked him whether he had not -- why he had not called on the  
8 regular troops of the DRC. I heard him say that he had done what he did on the  
9 basis of the exceptional powers conferred on him by the constitution of the Central  
10 African Republic at the time, and considering that the situation in the Democratic  
11 Republic of Congo itself was somehow unusual, given that there had already been the  
12 Lusaka agreements which had sort of approved the division into regions of the DRC,  
13 so he could call on any one of the leaders of those regions because Jean-Pierre Bemba  
14 was in charge of the Équateur region and he had a special relationship with him  
15 because he referred to him as a son. So I heard him give this explanation, but I must  
16 add that at the time that he called on the MLC troops, I was no longer in Bangui.  
17 I had already been abducted and he took that decision subsequently. So personally,  
18 I was not involved in that decision-making process. That is what I can say.

19 Q. Even after your arrival, or rather after your return, you did not try to find out  
20 what had happened regarding this issue and no one informed you?

21 A. I was not informed. I did not particularly try to shed light on this aspect,  
22 because after my return I spent very little time in Bangui. I was not frequently in  
23 contact with President Patassé. When I returned on 2 December, I had to accompany  
24 Prime Minister Martin Ziguélé to New York shortly afterwards, so my contacts with  
25 the president were infrequent. When I came back from New York, I stayed home in

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1 Paris and it was in March that I returned to Bangui and I had to accompany President  
2 Patassé to Niamey. So personally, I did not have the opportunity to clarify this  
3 aspect of the issues with President Patassé until he was overthrown.

4 Q. My next questions related to the status of the two protagonists; that is the  
5 president of the MLC and President Patassé. However, you seem to have  
6 anticipated my questions and you said that President Patassé said he had called on  
7 the MLC troops rather than the regular troops of the DRC because the Lusaka  
8 agreements had divided the country into regions.

9 Now, let us talk about the status of President Patassé. You have just stated,  
10 Mr Witness, that President Patassé said he had used special powers conferred on him  
11 by the constitution. I believe I will give you the reference shortly, Madam President,  
12 but I believe it relates to Article 66 of the Constitution of the Central African Republic  
13 which confers upon the President of the Republic the powers to negotiate and sign  
14 treaties. However, those treaties can only be ratified with the prior authorisation of  
15 the National Assembly. Article 66 is mainly concerned with defence agreements,  
16 amongst others.

17 Yesterday, you talked about debates in the National Assembly. Now, do you know  
18 whether the National Assembly gave its approval to President Patassé to call in MLC  
19 troops to the Central African Republic?

20 A. I do not know whether such an authorisation was granted to President Patassé  
21 by the National Assembly. Once again, let me point out that these are things that  
22 happened after my abduction and departure from Bangui, so I cannot tell you  
23 precisely what happened. I followed up what was happening from Kaga-Bandoro.  
24 It was there over the radio that I was able to follow the National Assembly debate,  
25 and this debate was taking place after the event. The attack had already taken place

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1 and then there had been the counter-offensive of the MLC troops and the loyalist  
2 troops which obviously led to a certain number of consequences that were being  
3 denounced by some of the members of the National Assembly during that debate,  
4 according to what I heard over the radio, so I am not able to tell you what was the  
5 procedure used for calling in those troops and whether there was any authorisation  
6 from the National Assembly to President Patassé to call in those troops. All those  
7 things happened in my absence, so I cannot tell you how they happened.

8 MR ZARAMBAUD: (Interpretation) Thank you.

9 Madam President, I will now start quoting from Mr N'Douba's book and the cover  
10 page is CAR-DEF-0002-0108. Later on I will move on directly to the pages.

11 Q. The first quotation is page 31 and it is 0152. On page 31 of your book, you  
12 wrote that after your abduction you were taken to the MLPC headquarters, that is the  
13 Liberation Movement of the Central African People. You stated that "... there were  
14 about 20 men bare-chested sitting on the ground and who were humiliated. Later on,  
15 after my release, I heard things that surprised me about those unfortunate people.  
16 This was a group of soldiers caught and disarmed by the attackers. When the rebels  
17 were entering the town, they met with practically no resistance and those soldiers  
18 surrendered without any difficulty."

19 On pages 32 and 33, 0159 and 0160, you stated as follows, and I quote, "This army  
20 which had been highly politicised and indisciplined was only a shadow of itself. It  
21 had degenerated and it was no longer -- it was not by chance. In the CAR the army  
22 was no longer able to provide security for the citizens or to safeguard the integrity of  
23 the national territory," end of quotation.

24 My question is as follows: Can you provide the Chamber with further information  
25 regarding what you refer to as "the degeneration of the army" and what you prefer to

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1 as its incapacity, the fact that it is incapable to protect citizens and safeguarding  
2 national integrity?

3 A. The situation of the Central African Army is very serious and of great concern  
4 and that situation persists to this day. This is the result of several factors. General  
5 Bozizé shoulders most of the -- a great part of the responsibility for the miserable state  
6 of the Central African Army.

7 In 1996, President Patassé appointed him inspector general of the armed forces and  
8 later on Chief of the General Staff of the army. President Patassé wanted General  
9 Bozizé to restructure the Central African Army. Unfortunately, the general, General  
10 Bozizé, actually dismantled that army. He was guilty of a lot of wrongdoing. He  
11 disorganised the army, particularly through frequent misappropriation of public  
12 resources assigned or allocated to the national army. He literally confiscated some  
13 equipment left behind by the French soldiers who had been stationed in the town of  
14 Bouar in the north-west of the CAR.

15 When that French army left the -- left behind that equipment that General Bozizé  
16 privatised, took for himself. He even sold off military vehicles, he misappropriated  
17 the resources intended for fuel supplies and so he gathered together the resources  
18 that enabled him to start a rebellion and carry out a coup d'état. These are facts.  
19 So under the command of General Bozizé not one month went by without soldiers  
20 complaining and even taking some colonels hostage in order to demand their feeding  
21 allowances, given that some of their commanders under General Bozizé  
22 misappropriated their food allowances, that is for the foot soldiers. This led to the  
23 situation where this army was not able to carry out its principal responsibility, that is  
24 the safeguard of the integrity of the territory and the protection of the citizens.

25 There was a command and there were generals of course, but from an operational

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1 standpoint this army has been facing difficulties, great difficulties, for a long time in  
2 carrying out its principal mission.

3 Even today the situation persists. I have said that last Saturday there was a rebellion  
4 that reached the gates of Bangui. They killed gendarmes, carried out lootings and it  
5 was only many days later that this so-called army started pursuing the attackers. So  
6 the situation of the army that I described in my book persists to this day and therefore  
7 that army was not and is not able to intervene effectively.

8 It was in light of that situation that President Patassé at the time decided to call on the  
9 MLC troops, because the national army was only a shadow of itself. This in a  
10 nutshell is what I can say about the Central African Republic Army, which in fact  
11 does not exist. You have a command, you have generals, there is a chain of  
12 command, but the army itself basically does not exist. That is all.

13 Q. Thank you, Mr Witness. Before I move on to the next question, I will give you  
14 the references of the CAR constitution of 14 January 1995 that I mentioned a short  
15 while ago. It is CAR-DEF-0001-0128, and Article 66 is on pages 0136 and 0137.  
16 You have basically answered my second question, but I will put it to you all the same.  
17 So in 2002/2003, that is the period under consideration, that was the situation of the  
18 army also?

19 A. Certainly, yes, indeed.

20 Q. Thank you, Mr Witness. Now I will read out an excerpt from pages 32, 33 and  
21 34 of your book. I already gave the references for 32 and 33, and for page 34 it is  
22 page 0161.

23 You wrote as follows, and I quote, "For years, for various reasons, the soldiers just like  
24 other State employees were not regularly paid their salaries. Year in, year out, our  
25 country was getting deeper and deeper into poverty and misery. There was

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1 corruption and there was no political will which led to foreign investors and capital  
2 leaving the country. Commodities or products even when they were harvested were  
3 no longer taken out or bought. Education, health and communication  
4 infrastructures were deteriorating seriously and the members of the population were  
5 merely surviving," end of quote.

6 My first question is as follows: The situation that you described, did it also prevail  
7 from October 2002 to March 2003?

8 A. Yes, this was the overall situation of the country and the situation still persists  
9 to this date unfortunately.

10 Q. Regarding the irregular payment of salaries that you mentioned in your book,  
11 can you tell the Chamber the number of months of salary arrears during the regime of  
12 President Patassé?

13 A. If my memory serves me correctly, it was under or during the regime of Prime  
14 Minister Martin Ziguélé that the number of months of salary arrears actually reduced.  
15 It seems to me that under Prime Minister Martin Ziguélé about 20 to 22 months out of  
16 24 months of salary arrears were paid, but prior to that there had been very many  
17 difficulties and I think civil servants had about 15 to 20 months of salary arrears over  
18 a period of one to two years during the Patassé regime. That is if I remember  
19 correctly.

20 I cannot claim to be very precise here, but I know that there was a high number of  
21 months of salary arrears before the arrival of Prime Minister Martin Ziguélé.

22 Q. If I understood you correctly, salaries were not paid for about 20 months?

23 A. That is what I think. Even though in the case of the soldiers I believe an effort  
24 was made and the soldiers had slightly fewer months of salary arrears; that is  
25 compared to the other civil servants and State employees.

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1 Q. Thank you, Mr Witness. On page 51, reference 0176, you wrote, and I quote,  
2 "From time to time, they ...", that is your captors, "... would share next to me meals  
3 that some of them brought back from their homes frequently from the Boy-Rabé  
4 neighbourhood when they went there to visit their families. It was not of course  
5 sufficient, so in order to get supplies they went to the neighbouring villages and even  
6 further. The large farm that was managed by the Chinese in PK26 on the Boali road  
7 was not spared by them. They looted everything that they found there. Part of the  
8 loot, chickens and sheep, were reserved for their own consumption and the rest was  
9 sold off to members of the population who were fleeing the fighting in Bangui."  
10 My question is as follows: Bozizé's rebels, did they also loot the chickens and sheep  
11 in PK12 where they were stationed?  
12 A. One thing is for sure. Bozizé's rebels came and it was quite clear that they did  
13 not have any supplies - no supplies - and so they used -- I saw them come back once  
14 from PK26 from the Chinese farm with a whole load of chickens and goats and  
15 I know that they also took many things from the small shops at PK12 and they helped  
16 themselves to tinned food. So they took things from these shops. They would  
17 break down the doors and go in and help themselves.  
18 Other than that time, when I saw them bringing food back from their homes, because  
19 most of -- most of these soldiers, foot soldiers, came from the northern  
20 neighbourhoods and many of them would come back from their home. They had  
21 been away for a year in the bush and, when they returned to Bangui, they would go  
22 back to their home, see their wives and their wives would prepare food for them and  
23 sometimes they would bring food back from their homes, but that was rather unusual.  
24 Usually, they would just help themselves to supplies from PK12, from the stores and  
25 the small shops in PK12. I saw them do that.

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1 Q. Thank you. You also mentioned the shelling of certain rebel positions by the  
2 Libyans on 28 October. Could you tell the Chamber exactly where those positions  
3 were, those positions that were shelled?

4 A. For the most part around PK12, because I saw at one particular point my captors  
5 went and got some branches with leaves on them that they put by the Volvo, that  
6 Volvo that they used to take me here, there and everywhere. So every time the  
7 aircraft went over, you see, that position was around PK12 and they would -- each  
8 time they would take branches from trees and put them over the car. So there was  
9 the road to Damara, that area, positions there, and they themselves knew that the  
10 aircraft was targeting them.

11 Q. Thank you. At page 141 and 142, 0262 and 0263, you said that on your way  
12 back just before you were released you saw an initial check-point, and I quote, you  
13 said that, "There was about a dozen armed men right in the middle of the road.  
14 They were not wearing military uniforms. No, they were dressed like athletes.  
15 They had sports shoes on and they were wearing track pants and multicoloured  
16 T-shirts. They had a great many weapons, such as AK-47 machine-guns and RPG-7  
17 rocket launchers. No doubt they were the Congolese friends," and you put friends in  
18 quotation marks here, "and yet they were also rebels in their countries, the DRC.  
19 Nearly all of them spoke Lingala."

20 My question is -- my first question has to do with the actual place where this  
21 check-point was and I think you did provide an answer to the OTP, so I won't insist,  
22 but -- now, at this check-point you say that they -- nearly all of them were wearing  
23 sports shoes and nearly all of them were speaking Lingala. Were there any loyalist  
24 soldiers there too?

25 A. Yes, I saw a few loyalist soldiers there at that check-point around Bunjala.

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1 That was the first check-point. I saw a few loyalist soldiers who were speaking  
2 amongst themselves in Sango and also in Nguerengou. The Nguerengou position,  
3 there was also a check-point position there. I saw Central African Republic soldiers  
4 there too.

5 Q. Thank you, Witness. Now, in light of this information -- this information is  
6 useful, because I did not see it in your book. Now, at page 142 of your book, you  
7 mentioned a second check-point in Nguerengou and you said, and I quote,  
8 "Everything led me to believe that they were the leaders of the MLC detachment."  
9 End of quote.

10 Now, once again, did you see loyalist soldiers at this place?

11 A. Yes, I did see loyalist soldiers, but the ones who came to see me were not  
12 loyalist soldiers. They were -- they were MLC soldiers who had come to raise up the  
13 bar so that we could pass by. They --

14 Q. Now, at this second check-point, the chief of the MLC detachment, were they  
15 also dressed in the same way? Were they wearing the same sort of footwear? Did  
16 they speak Lingala?

17 A. At the second check-point, I really didn't -- the check-point in Nguerengou, I  
18 didn't have direct access. It's a bit odd. Usually there's a customs post there and  
19 there are actually two check-points about ten or 20 metres apart. Our vehicle got  
20 there and they quickly raised the rail. I stayed in the vehicle, but I saw some CAR  
21 soldiers wearing uniforms of the Central African Republic, but in my book I had no  
22 reason to stress this in particular.

23 Q. Now, it would appear that the MLC troops also wore CAR uniforms, so what  
24 allowed you to say that they were CAR soldiers, these soldiers that you glimpsed  
25 from the side?

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1 A. Well, I am familiar with the uniform of the CAR and the various insignia. I  
2 couldn't tell you whether they were MLC soldiers wearing CAR uniforms, I couldn't  
3 tell you that, but I did see people wearing the uniforms of the Central African  
4 Republic and I guessed that they were soldiers of the CAR. That's all. Unlike the  
5 ones at the first check-point who came and stood beside the vehicle, and I heard them  
6 speak Lingala, but at the second check-point I just saw people wearing the uniform of  
7 the national army, so I thought that they were CAR soldiers. That's all.

8 Q. Thank you. At page 143, reference 0264, you wrote and I quote, "The last  
9 check-point had been set up slightly before PK12 in Bangui. The assistant to or the  
10 deputy rather to Colonel Moustapha, commander of the Congolese troops, was there  
11 when we arrived. Because he was there, we were spared further requests for gifts.  
12 He suggested escorting us to the residence of the colonel in Bangui. The members of  
13 the International Red Cross didn't see any problems with that and particularly since  
14 he was the person who had made the arrangements and helped them to conduct their  
15 mission."

16 Page 147, reference 0267, you wrote, "At 17.30 we found ourselves in the living room  
17 of Colonel Moustapha. He came with a map of the CAR which he put on a low table  
18 and we gathered around this table. He glanced at me and asked me to provide him  
19 with information about General Bozizé's rebels."

20 Now, where was this residence; the residence of Colonel Moustapha?

21 A. Well, if I recall, that residence was at PK13 on the Bangui-Boali road.

22 Q. Thank you. Now, you were asked who this house belonged to and you  
23 answered that question when Ms Kneuer put that question to you, and I would  
24 mention that one witness that we've heard from said that he was driven out of that  
25 house that was being used by Colonel Moustapha as his residence, so my next

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1 question is as follows: Now, you say that he was the one who facilitated the mission  
2 to go and get you. Do you know why it was Moustapha who helped with this  
3 mission of the International Red Cross and not CAR soldiers?

4 A. No, I don't know why. However, I believe that there was facilitation and at  
5 several levels. The officials from the International Red Cross who had gone to get  
6 me had also received from my family a small supply of medication for me and the  
7 medication had been given to them a few days before they left Bangui. So already  
8 when I spoke to my family on the telephone I asked Lieutenant Sangbaté for  
9 permission to make some calls and I spoke to my mother, I spoke to my younger  
10 brother and, you see, when the members of the International Committee of the Red  
11 Cross tried the first time to begin their journey, they were turned back at PK12. They  
12 were turned back at the check-point at PK12, and then after that they had to obtain a  
13 number of agreements and permission. So it was the second time. That was when  
14 they were able to go from Kaga-Bandoro to come and fetch me, so that is why I spoke  
15 about facilitating the mission, or facilitation. So along that entire road, you see, there  
16 were members of the Presidential Security Unit and the MLC, so each time you had to  
17 go through a number of procedures with these two authorities. So that is why I've  
18 made mention of facilitating, or providing facilitation.

19 Q. Thank you. Now, just to follow up on the previous question, do you know  
20 why when you arrived at PK12 you were received by the deputy of Colonel  
21 Moustapha and why he took you to see Colonel Moustapha, rather than taking you to  
22 see the high-ranking Central African Republic military authorities?

23 A. Between the Nguerengou check-point and PK12, well, we arrived and we came  
24 to a check-point that was not quite so official and that's where the deputy was, that  
25 deputy of Colonel Moustapha, who was recognised by the two Swiss nationals from

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1 the ICRC and they told him that they intended to inform Colonel Moustapha that  
2 they were back with the spokesperson of the office of the president and that they  
3 wanted to present this person to him. And so this gentleman decided to escort us to  
4 the residence of Colonel Moustapha. It's as simple as that. I didn't see any other  
5 particular reason.

6 Q. Now, at this check-point that you say was not as official, you say that you saw  
7 one of Moustapha's deputies. At this check-point, did you also see FACA soldiers?

8 A. No, I did not see any FACA soldiers at that check-point. It was more of a  
9 temporary kind of check-point. The person was in his vehicle. He was there with  
10 two or three soldiers. I didn't see any FACA soldiers at that place, because the Swiss  
11 nationals spoke to him directly. I didn't see any other FACA troops alongside him.

12 Q. Well, what do you mean when you say that this was a sort of a temporary  
13 check-point?

14 A. Well, it was just a check-point. You get there and you're stopped, the vehicle  
15 was off to the side and some people were on the road and when they saw the Red  
16 Cross vehicle, well, you had to get out. There wasn't an actual physical barrier of  
17 any kind.

18 MR ZARAMBAUD: (Interpretation) Thank you very much, Witness. Now, you  
19 may have noticed that I didn't ask you any questions about Bozizé's troops and what  
20 you have criticised them for because after all we are here for the trial of The  
21 Prosecutor versus Jean-Pierre Bemba Gombo. Perhaps what you've said will be of  
22 interest to the Office of the Prosecution, but myself, playing my own particular role, I  
23 cannot really take interest in that; I have to focus on the victims. I thank you very  
24 much for coming. I thank you for answering our questions and I thank the Bench.

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

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1 We have only five minutes left, so I will suggest that we suspend for our break now  
2 and we'll be back after the break where Maître Douzima will be in charge of putting  
3 her follow-up questions.

4 Mr Witness, we will resume at 11.30.

5 I ask, please, court officer to accompany the witness outside the courtroom. In the  
6 meantime, we will suspend and resume at 11.30.

7 (The witness stands down)

8 THE COURT OFFICER: All rise.

9 (Recess taken at 10.52 a.m.)

10 (Upon resuming in open session at 11.34 a.m.)

11 THE COURT USHER: All rise.

12 Please be seated.

13 PRESIDING JUDGE STEINER: Welcome back.

14 Court usher, please bring the witness in.

15 (The witness enters the courtroom)

16 PRESIDING JUDGE STEINER: Mr Witness, welcome back. Is the witness's  
17 microphone activated? Are you ready to continue, sir?

18 THE WITNESS: (Interpretation) Yes, I do believe the microphone is on.

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

20 THE WITNESS: (Interpretation) Yes, I am ready.

21 PRESIDING JUDGE STEINER: I'll give now the floor to Maître Douzima.

22 Before, Maître Douzima, you start questioning the witness, the Chamber received via  
23 an email sent yesterday what would be your updated list of documents to be used in  
24 the questioning of Witness 65.

25 The Chamber has allowed, Maître Douzima, you to put only follow-up questions on

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1 the issues arising from the transcripts of the testimony of the current witnesses.

2 Therefore, as a consequence, the Chamber cannot authorise you to use any documents  
3 in your questioning of the witness, only questions related to issues discussed in the  
4 courtroom.

5 You have the floor, Maître.

6 MS DOUZIMA LAWSON: (Interpretation) Thank you, your Honour. The  
7 additional documents to which I referred in fact are a follow-up to the answers given  
8 by the witness during the hearings here, but in any case I will be asking my questions  
9 under your supervision. Thank you.

10 QUESTIONED BY MS DOUZIMA LAWSON: (Interpretation)

11 Q. Good morning, Witness.

12 A. Good morning, Maître.

13 Q. We have already met, Witness, but I will introduce myself nonetheless. I am  
14 Maître Douzima Lawson. I am one of the representatives - legal representatives - of  
15 the victims, alongside my colleague Maître Zarambaud, in this proceeding,  
16 Prosecution versus Jean-Pierre Bemba.

17 So, as you have noted, I have been authorised by the Chamber to ask you follow-up  
18 questions; in other words questions that arise as a result of the answers that you  
19 provided here during the hearings both to Defence counsel and to the Prosecution  
20 and perhaps also in respect to answers that you provided to my colleague,  
21 Maître Zarambaud.

22 Witness, the first question that I'm going to ask you relates to one of the statements  
23 you made last Friday during the hearing on 14 September. You said that the highest  
24 level Bozizé rebels were lieutenants, or else -- well, pages 9 to 10 of the transcript.  
25 Did these rebels have insignia of their rank on them?

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1 A. No. I was aware of their rank through what they said and the conversations  
2 that we had, they and I. It is in this way, for instance, that I became aware while  
3 I was at PK12 that Mr Simon Sangbaté was a lieutenant. He himself came over to me  
4 and introduced himself in that capacity. I didn't know him before that. I met him  
5 on that occasion. He said he was a lieutenant.

6 Also during my captivity and during movements from PK12 to Sido I was in contact  
7 with them obviously and, as a result, through what they were saying I was -- became  
8 aware of who was what.

9 For instance, amongst the four people who I considered to be my jailers, well, I think  
10 the highest-ranking one was a major. He said he had been a driver for General  
11 Bozizé, and the others also introduced themselves and that's how I learnt what their  
12 rank was on the basis of their statements.

13 Q. During the hearing on last Friday you also stated that, when you were released,  
14 on the day you were released you were taken first to Colonel Moustapha's place at  
15 PK12. Who was -- who was Colonel Moustapha when you were taken to his place?

16 A. I didn't know the people who were there. When I reached this place, these  
17 were -- well, some of them were wearing uniforms, others not. They carried  
18 walkie-talkies, but I didn't know these people.

19 Q. Once again on the transcript for last Friday, page 47, lines 4 to 14, you said you  
20 were taken to PK6 and then they took the road to Damara, via Sibut, Begoua,  
21 Kaga-Bandoro, Kabo, Sido, before bringing you once again back to Kaga-Bandoro  
22 where you spent 33 days in their hands before being released. Apart from the towns  
23 that you mentioned, do you know whether the rebels also went to other towns in the  
24 Central African Republic?

25 A. Yes. According to what I could glean from their conversations during my

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1 period of captivity, well, I learned that they had gone to Mbre (phon), a town which is  
2 quite close to Kaga-Bandoro.

3 I also heard talk about Bambari - Bambari and Grimari - and when I was taken back to  
4 Bangui we went via Sibut and we also made a stop at the hospital there in Sibut  
5 where a number of rebels had gone to join the convoy that I was part of, the people  
6 who were escorting me back, and from what I could understand, on the basis of their  
7 conversations, two or three days earlier some of the rebels had gone to Bambari  
8 where they had taken a number of vehicles that they had removed from the hands of  
9 their owners in Bambari.

10 I also know that while I was being detained in Kaga-Bandoro that they went to  
11 Bogangolo, a locality that is after Damara on the way to Bouka. In particular, they  
12 mentioned that fuel was taken from tanks, that they had done this on a number of  
13 vehicles, work-site vehicles that were working on the road to Bogangolo, so that's  
14 more or less, apart from Damara or Sibut, Dekoua, et cetera, plus Grimari, Bambari  
15 and the other localities that I heard about to which they had gone.

16 Q. Thank you, Witness. Once again, during last Friday's hearings on page 30,  
17 lines 18 to 22, that you spent 33 days there before, under various forms of pressure, in  
18 particular the pressure coming from the French Ministry for Foreign Affairs, the  
19 International Committee for the Red Cross in Geneva and of a number of Heads of  
20 State who brought pressure to bear on General Bozizé.

21 MS DOUZIMA LAWSON: (Interpretation) Your Honour, this is where an expert  
22 statement comes in, the military expert who recently was a witness here in this very  
23 courtroom, transcript 234 of 22 August 2012 in the French language, and this is what  
24 it says: "Concerning the decision to withdraw the troops of the ALC from the  
25 Central African Republic, and is primarily a decision made by President Patassé who,

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1 according to what I could see, was being pressured by the international community as  
2 spokesman for President Patassé, could you tell the Chamber what this international  
3 pressure being brought to bear was which was behind the decision to withdraw the  
4 MLC troops from the Central African Republic?"

5 A. I accompanied the President Patassé to a special summit of Heads of State that  
6 was held in Khartoum, in Sudan. In particular, the question of the situation in the  
7 Central African Republic was discussed there. I also -- well, from Khartoum we also  
8 went to Libreville and another summit was held there relating to the situation in the  
9 Central African Republic and it was following the decisions that arose from these  
10 summits that I believe the decision to withdraw the MLC troops was taken and  
11 implemented because in Khartoum what was discussed was that the situation should  
12 be remedied, the situation that had occurred just after the coup attempt of  
13 28 May 2001. Just after that a decision was taken that in addition to the Libyan  
14 troops that had been sent there as a matter of emergency to protect President Patassé  
15 a question was raised of whether the intervention of other troops from other countries  
16 should also be implemented. In fact, it should have been the CEN-SAD troops.  
17 CEN-SAD is, as you know, is the community of the Sahelo-Saharan states.  
18 Unfortunately, only Djibouti came forward with troops, and very few of them at that,  
19 and none of the other countries joined the Libyan troops and this was the situation  
20 that prevailed until the intervention of 25 October by the Bozizé rebels and when we  
21 met in Libreville for the summit of the CEMAC Heads of State, Central African Heads  
22 of State, it was decided that Bozizé and Abdoulaye Miskine should be removed from  
23 the frontier area between Chad and the Central African Republic so as to avoid  
24 tension.

25 Thus, President Patassé, I already pointed this out, had gone to Togo to ask the Togo

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1 president to accept to take Abdoulaye Miskine into his country in exile. Just some  
2 time later, in parallel with a francophone summit that was held, I believe, in  
3 September or October 2002, in Lebanon, President Patassé also sought and gained the  
4 support of President Bouteflika of Algeria to take on Bozizé in Algeria in exile.  
5 I think all of these actions were what led to the decision being taken at the Libreville  
6 summit, i.e., to ask President Patassé to withdraw the MLC troops from the Central  
7 African Republic. I remember that when we reached Libreville, before the meeting  
8 behind closed doors of the Heads of State, the foreign affairs minister for Gabon, Jean  
9 Ping at the time, informed me that Ali Triki, the Libyan Minister for Foreign Affairs,  
10 had called him the day before to say to him that we must seriously consider  
11 withdrawing the Libyan troops in the first place, and the withdrawal of the MLC  
12 troops was something that President Patassé himself had already no doubt begun,  
13 because after this summit the community of the States of Central Africa decided to  
14 send troops to Bangui, soldiers from the various countries of Central Africa, to ensure  
15 the security of President Patassé, and I do believe that that is how it came about that  
16 he himself ordered that the MLC troops should withdraw.

17 Q. The CEMAC summit at Libreville, when did it take place?

18 A. I believe the Libreville summit was organised on 2 October, as far as I remember,  
19 2 October. 2 October 2002.

20 Q. Witness, on 2 October 2002, the MLC troops had not yet reached the Central  
21 African Republic and there had been no attempted coup by Bozizé, which as you  
22 yourself testified, took place starting as of 25 October 2002.

23 A. This is a matter of the protection of the -- of President Patassé, and the MLC  
24 troops had already entered into the scene very soon after 28 May 2001 events, or  
25 incidents, and so this is something that had already been put through its paces, as it

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1 were, and after 25 October, when President Patassé was confronted with a very  
2 similar situation, he called on them and the supervision, as it were, of the various  
3 contingents coming from the Central African countries, well, it was following that  
4 that he asked for the withdrawal of the troops so in respect of -- in relation to the  
5 second intervention by the MLC troops.

6 Q. This is perhaps my fault. Actually, my question related to the second  
7 intervention which began at the end of October 2002. My question is: In respect of  
8 the second intervention, the MLC troops did indeed withdraw in March 2003. This  
9 military expert stated that this was done under the pressure of the international  
10 community, and that is why I'm asking you this question. You, as spokesman for  
11 President Patassé, what was this pressure from the international community? What  
12 did it consist of, leading to President Patassé asking for the withdrawal of the troops?

13 PRESIDING JUDGE STEINER: Just one moment.

14 Mr Haynes?

15 MR HAYNES: Your Honour gave Ms Douzima Lawson leave, to use your words, to  
16 ask a very few follow-up questions. This is not a follow-up question. The original  
17 portion of the transcript to which it is anchored, which I think is at page 41, comes  
18 from Friday's proceedings, in which the witness was talking about the international  
19 pressure of various governments and the Red Cross to secure his, i.e., this witness's  
20 release. It has been used as a platform to embark upon a whole series of questions  
21 designed only to explore the reasons for the withdrawal of the MLC forces on a  
22 separate and much later occasion. This is not follow-up questions at all, and she  
23 hasn't got leave to ask them.

24 PRESIDING JUDGE STEINER: Ms Douzima, I'm forced to agree with Mr Haynes.

25 I think these follow-up questions are not really follow-up questions, at least are not

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1 follow-up questions related to the current witness's testimony, but follow-up  
2 questions in relation to another witness, and I would ask you, please, to refrain from  
3 trying to overcome the order of the Chamber.

4 You proceed, Maître Douzima.

5 MS DOUZIMA LAWSON: (Interpretation) Thank you, your Honour. I will  
6 follow your instructions.

7 Q. Witness, at the hearing yesterday, transcript page 23, lines 2 to 7, you said that  
8 when you went back to Bangui you met with General Bombayake, who was  
9 commanding the Presidential Guard, and that he did not ask you any questions about  
10 the positions of the Bozizé rebels.

11 Do you know what role he played at the time of the conflict? I'm talking about  
12 Mr Bombayake in his capacity as commander of the Presidential Guard.

13 A. Before I answer your question, I would like to spell something out. In relation  
14 to the question that you raised earlier on, you began by asking me what type of  
15 pressure was being exerted leading to my release? I would simply like to say on that  
16 topic that I had already mentioned the French Minister of Foreign Affairs, the Red  
17 Cross and a number of Heads of State. Among the Heads of State who did support  
18 my release is the President of Congo-Brazzaville, Denis Sassou-Nguesso, because I  
19 learned that he had indeed intervened on my behalf, and during the France-Africa  
20 summit in January 2003 I personally met with him at the French presidential palace at  
21 the time President Chirac had hosted the Heads of State of the friendly countries the  
22 day before the summit. So I met with him and I personally thanked him for his help  
23 on that occasion. He answered me to me that this matter was not yet fully settled, et  
24 cetera.

25 Now, in the case of President Patassé, well, personally I didn't notice any particular

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1 pressure exerted on him, aiming at the withdrawal of the MLC troops, for the very  
2 basic reason that I was personally in Paris. I was in Paris from the beginning of  
3 December, after -- and then I went to the United States with Martin Ziguélé and then I  
4 came back to Paris. So I wasn't involved in official matters, but at that point in time  
5 I was still officially a spokesperson for President Patassé, but I wasn't carrying out my  
6 duties. I said that Gabriel Koyambounou had replaced me during my absence.  
7 So decisions relating to the withdrawal of the MLC troops following the second  
8 intervention in the Central African Republic, well, when all this happened I was no  
9 longer in Bangui, so I didn't contribute in any way to those decisions. This was done  
10 while I was away in Paris.

11 Now, to come to your second question, General Bombayake was the commander of  
12 the Presidential Guard, the Director-General, and therefore responsible for the  
13 protection of President Patassé. As you know, in the Central African Republic the  
14 way the Presidential Guard functions, at least the way it functioned when I was a  
15 collaborator of President Patassé, it is a system that was put in place by Colonel  
16 Marchand, who was a French colonel and had come to the Central African Republic  
17 when President David Dacko was brought back to power by the French in '79  
18 following the fall of Jean-Bédél Bokassa. Colonel Marchand is the one who  
19 structured the Presidential Guard and drew up the organisation chart of this unit  
20 responsible for the protection of the presidential institutions.

21 Following the departure of President David Dacko, General André Kolingba, who  
22 took over power, continued to work with the same structures of the Presidential  
23 Guard put in place by Colonel Marchand during the regime of President David  
24 Dacko.

25 This means that the Presidential Guard is a structure that is somewhat parallel to the

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1 national army and which was responsible for the protection of the Head of State and  
2 the institutions of the country in a general manner. The Presidential Guard had a  
3 certain number of soldiers headed by a commander.  
4 President Patassé therefore inherited the structure as it was. There was Colonel  
5 Ouandane, who was one of the officers of the Presidential Guard under the Kolingba  
6 government. He stayed as deputy commander of that unit, even under President  
7 Patassé, with the predecessors of General Bombayake.  
8 So this is an institution that not only protected the president and the presidency, but  
9 also the institutions of the Republic, so somehow it made up for the miserable state of  
10 the army to some extent. As I mentioned before, it was General Bombayake who  
11 was in charge of this structure responsible for protecting the president and the  
12 institutions of the Republic. This included the daily protection of the president,  
13 protection of the airport, the waterways, basically everything.  
14 So that presidential security englobes almost everything, and I believe that is the  
15 situation as it still is today. I have not had any particular discussion of this with  
16 General Bombayake. I had contacted him simply to inform Colonel Moustapha  
17 that -- and as well as the presidential soldiers and the MLC soldiers that I was coming  
18 back, so that there should not be any incidents at the time of my arrival. That is all.  
19 Q. Your explanations are very clear. Mr Witness, I will move on to another  
20 statement, page 44, lines 7 to 22, your testimony of yesterday. You stated that you  
21 listened to a parliamentary discussion over the radio and Prime Minister Ziguélé was  
22 at the National Assembly. You said that there were discussions between the  
23 government and the members of parliament during which rapes of women by MLC  
24 soldiers were discussed. Based on what you heard, in fact you listened to the  
25 members of parliament and when they take the floor they introduce themselves and

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1 say where they come from. Did the members of parliament from the rural areas also  
2 talk about women being raped in their own constituencies?

3 A. You are asking quite a lot from me. Let me point out that these are events that  
4 took place more than ten years ago and it requires a lot of effort to remember those.  
5 In fact, I do not particularly recall the specific identities of the members of parliament,  
6 or what was said. I remember some of the members of parliament, because there  
7 were some of the senior members in the National Assembly who were denouncing in  
8 general terms the events, particularly the fact that President Patassé called in people  
9 whose actions or behaviour was not appropriate because women were raped and so  
10 on and so forth. They mentioned that, but I do not remember the specific identities  
11 of the members of parliament. I was listening over short wave radio in  
12 Kaga-Bandoro and the national station on short wave radio is really not clear at all, so  
13 I was simply following the positions of the various members of parliament during the  
14 debate at the National Assembly. That is all.

15 Q. Mr Witness, still yesterday you sort of arrived at a conclusion, and I will read it.  
16 It is at page 50, line 18 onwards. You stated, "I also know that President Patassé had  
17 to face up to his difficulties, safeguard the integrity of the territory, which was his  
18 primary responsibility, so he was compelled to use the means at hand. So I know  
19 that there were militias at his disposal. He could not rely on the national army.  
20 The Central African Republic does not have an army. It is for that reason that there  
21 are rebellions.  
22 At that time, President Patassé did not have an army either. He called on the MLC  
23 troops. It is precisely because of that, because Bozizé's rebellion was such, that his  
24 Presidential Guard, which has the responsibility of protecting him, could not do that."  
25 Mr Witness, you have just said that the members of parliament criticised President

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- 1 Patassé for calling in troops whose behaviour was not good. Now, with this  
2 conclusion that you gave yesterday, are you deploring the fact? In other words, as  
3 far as you're concerned, if the members of parliament deplored the behaviour of the  
4 MLC and they perpetrated abuses, such as rapes of women, that would be the fault of  
5 Bozizé who had organised the rebellion that these soldiers came to repulse?
- 6 A. No, that is not my conclusion. I explained that it was Bozizé who started the  
7 rebellion in the Central African Republic, and I myself was a victim of that as well as  
8 other compatriots in the government, but I never said that Bozizé was responsible for  
9 the abuses perpetrated by the MLC troops. That is not what I said.  
10 I said that Bozizé started a rebellion that came as far as the town, and I was a victim of  
11 that rebellion. With regard to President Patassé, I simply explained the fact that he  
12 had to call in the MLC forces, given that he was making use of the special powers that  
13 he felt were conferred on him by the constitution of the CAR. As to me, I am limited  
14 myself to the rebellion that I was a victim of. I cannot speak of other rebellions that  
15 I am not familiar with. From the moment that I was abducted, arrested and taken  
16 elsewhere, I was no longer privy to what was happening after I left so I cannot  
17 provide information on something that I do not know. I cannot arrive at any specific  
18 conclusions. I simply underscored the responsibility of General Bozizé, who was the  
19 first person to bring in rebels to the country, whose abuses led to my arrest and the  
20 detention for 38 days. That is what I am limiting myself to.
- 21 MS DOUZIMA LAWSON: (Interpretation) Thank you, Mr Witness. I have no  
22 further questions for you.
- 23 THE WITNESS: (Interpretation) Thank you, Counsel.
- 24 PRESIDING JUDGE STEINER: Mr Haynes, redirect?
- 25 MR HAYNES: I have no questions in redirect.

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1 PRESIDING JUDGE STEINER: Sorry, Mr Haynes. I'm really sorry. I'm just  
2 reminded that Judge Aluoch wanted to put some follow-up questions.

3 MR HAYNES: Of course. I'm sorry, too.

4 JUDGE ALUOCH: Mr Witness, I have maybe just one or two follow-ups questions  
5 for you. This is in relation to the evidence you gave on the 14th, I think that was last  
6 week Friday, and I'm looking at transcript 245, page 48. I think it starts from line 22.  
7 This is really in respect of the trips you made to New York and Washington.  
8 At page 22/23 of -- at lines 22/23 of page 48, you received instructions, as you put it,  
9 from the president, that's President Patassé, to go with the prime minister to New  
10 York for the complaint that CAR was filing with the Security Council of the United  
11 Nations.

12 During your testimony, you were then asked "What complaint was this?" And your  
13 answer was, "President Patassé had decided to bring the matter to the attention of the  
14 Security Council of the United Nations; namely, the entry of Bozizé's rebel troops into  
15 the town and their acts of violence and abuse."

16 What I want you to clarify is, what happened in New York? Did you -- was this  
17 complaint made to the Security Council? If so, what was the result? That's my first  
18 question, please.

19 THE WITNESS: (Interpretation) President Martin Ziguélé and myself did, indeed,  
20 attend the Security Council. I remember that Prime Minister Martin Ziguélé took the  
21 floor and talked about the entry of Bozizé's forces on 25 October in Bangui, and the  
22 consequences had been that the examination by the governing body of the IMF of the  
23 Central African request for financial assistance was compromised and postponed to a  
24 later date. So yes, indeed, we were received at the Security Council. The prime  
25 minister took the floor and also introduced me as a victim and a witness to the

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1 activities of the rebel troops of General Bozizé.

2 JUDGE ALUOCH: Thank you. And from New York you proceeded to Washington,  
3 and you were received at the US Department of State. What happened there, please?

4 THE WITNESS: (Interpretation) At the US Department of State, we were received  
5 by Madame Jendayi Frazer, among others. Prime Minister Martin Ziguélé gave an  
6 account of the same things. He said that we had just been received at the Security  
7 Council and that we had spoken about the arrival of the rebel troops of General  
8 Bozizé in Bangui on 25 October; that is Bozizé the former Army Chief of Staff. Prime  
9 Minister Ziguélé had a discussion with Ms Frazer regarding the need for the political  
10 support of the American government, as well as the financial support that the CAR  
11 was requesting from the IMF. After our meetings at the United States Foreign Office  
12 we were also received by James Wolfensohn, the President of the World Bank at the  
13 time. We were also received by the IMF, where Prime Minister Ziguélé continued  
14 pleading for the financial assistance of those Bretton Woods institutions that was still  
15 being expected by our government from Washington.

16 JUDGE ALUOCH: So you would say that the trip to New York and Washington  
17 obtained some results because the date, as you say, for -- a date was deferred by the  
18 IMF. Would that be a fair conclusion, that that was the result of those two trips?

19 THE WITNESS: (Interpretation) No. The date on which the financial assistance  
20 file of the CAR had to be examined by the IMF was compromised because of the  
21 intervention of these rebels. It was I think one week or two weeks before that  
22 governing board of the IMF that Bozizé's forces entered Bangui. So the consequence  
23 was that the meeting of the IMF governing board had to be postponed for several  
24 months. So the financial assistance expected by the CAR did not arrive as expected,  
25 but Prime Minister Ziguélé continued appealing to the American government, to the

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1 Bretton Woods institutions, and I also say that when we returned from Washington  
2 we also went to the foreign office in London and then to the Development  
3 Commission of the European Union in Brussels, together with General Lamine Cissé.  
4 The representative of the UN Secretary-General in Bangui travelled with all, to all  
5 those places, and we continued to plead the cause of the Central African Republic.  
6 JUDGE ALUOCH: Thank you very much. Your evidence to that effect is now clear  
7 to me. Thank you.

8 PRESIDING JUDGE STEINER: Thank you very much, Judge Aluoch.  
9 Mr Haynes?

10 MR HAYNES: I don't have any questions in re-examination of the witness. I do,  
11 however, have a fairly substantial and significant procedural concern, which is this:  
12 This witness has told us that between 25 October and the night of 29 October 2002 he  
13 was in the northern suburbs of Bangui, in particular at PK12, and that during that  
14 period those areas were occupied and controlled by the forces of General Bozizé; that  
15 there were no other armed forces there, and that General Bozizé's forces were  
16 committing crimes against humanity during that period of time, and nobody has  
17 challenged that, and it's my submission that if anybody does want to challenge that, it  
18 is only right and proper that they do it with the witness who gives that evidence  
19 while he is here. Otherwise, we will be perfectly entitled to treat his evidence as  
20 unchallenged on those very important issues.

21 PRESIDING JUDGE STEINER: Mr Haynes, of course I will give the floor to the  
22 Prosecution, but I just would like to remind you that is not exactly how it works  
23 before this Chamber. This Chamber is in charge of finding the truth, and for that  
24 purpose the Chamber can even order the production of further evidence, the  
25 Chamber can intervene at any time and it will be up to the Chamber to balance at the

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1 end of the case the evidence that was admitted into the case file. So the fact that if  
2 one of the party or the participants have not challenged something that the witness  
3 said, it doesn't mean at all that the Chamber will receive this part of the testimony for  
4 the truth of its content. But in any case, I would like to give the floor to Ms Kneuer,  
5 if Ms Kneuer wants to make any comment on that.

6 MS KNEUER: Madam President, your Honours, first, I'm not entirely clear legally  
7 what it means that evidence is unchallenged. Secondly, it is an observation by the  
8 Defence Counsel that the evidence is not challenged.

9 I suggest that any further substantive comments will be given by the Prosecution  
10 either during its questioning of witnesses or in the closing brief.

11 Thank you, Madam President.

12 PRESIDING JUDGE STEINER: Any further comment, Mr Haynes?

13 MR HAYNES: No. It's in the record as I wanted it to be. Thank you very much.

14 PRESIDING JUDGE STEINER: Mr Witness, Mr N'Douba, that concludes your  
15 testimony before this Chamber, and first of all we would like to thank you very much  
16 for taking the time to come and give -- to this Court to give evidence. We must  
17 recognise that it must have been inconvenient for you, staying for so long far from  
18 your family, from your usual occupations, so we have to thank you very much for  
19 being here.

20 For any witnesses that come before this Chamber, Mr Witness, it's important to hear  
21 their testimony, because their testimony can help the Judges to find the truth in this  
22 case, can help the Judges in clarifying many points - many issues - related to this case.  
23 So the Chamber and the Court needs to thank you very much for your efforts, for the  
24 time you gave of three full days giving testimony and you leave the Court therefore  
25 with our thanks.

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1 Before, however, you leave the Court, you made a request to the Court today in  
2 relation to your intention to be provided with the copy of the audio-visual record of  
3 your testimony. We haven't received yet a formal information of the Registrar, but  
4 we have received an informal communication from the Registrar in the sense that  
5 witnesses are not provided with the broadcast of their testimonies.  
6 Most parts of your -- or most of the totality of your testimony was given in public  
7 session, the transcripts of the public parts of your testimony are available on the  
8 Court's website and as well many parts of your testimony are broadcast, are  
9 publicised, in the YouTube channel of the Court.  
10 It's not possible for security reasons to provide witnesses with the video of their  
11 testimony, even because some parts of your testimony were given in private session  
12 and that could put at risk third persons and undermine the testimony of future or  
13 potential witnesses.  
14 Therefore, this is the information that we received. In any case, through VWU you  
15 can address, if you so wish, a formal request to the Registrar that will be then in a  
16 position to give you a formal answer in order for you to take any actions you deem  
17 appropriate in accordance with the Regulations of the Registry.  
18 Finally, Mr Witness, before you leave this Court, the Chamber would like to ask you  
19 whether you would like to address any issue to the Bench? If you want to, now it's  
20 the moment and you have the floor.  
21 THE WITNESS: (Interpretation) Thank you, your Honour. Thank you for the  
22 warm thanks that you have just conveyed to me. I would also like to thank the  
23 Office of the Prosecution. Over the course of several days, the representatives of the  
24 OTP asked a number of questions. I also thank the legal representatives.  
25 I think that all of this -- well, I agreed to come here and give testimony before the

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1 International Criminal Court because I am concerned - I am very much  
2 concerned - about the truth. I want the truth to come out before the entire world, the  
3 truth about the reality, what really happened, everything that happened in the  
4 Central African Republic over slightly more than ten years.  
5 Myself, on a personal level, I must say I paid a very high price. I was right there  
6 when General Bozizé's troops entered Bangui, and I am practically the only major  
7 political figure that they captured. They subjected me to many things and I suffered,  
8 but if I look beyond my own particular case I must point out that other people from  
9 the Central African Republic suffered too because of this political and military crisis  
10 that was triggered by General Bozizé.  
11 I agreed to come and give testimony here, but that doesn't mean in any way that I  
12 have personal problems or a grudge against the president. I agreed to come and  
13 give testimony so that justice would be rendered and so that the veritable truth would  
14 be determined and set out for the well-being of all. That is why -- why I was initially  
15 so surprised and disappointed that not all of the protagonists have been brought  
16 before the International Criminal Court.  
17 That is why I call upon - I truly call upon - the Office of the Prosecutor to look at all  
18 the issues that relate to the ordinary people of the Central African Republic. Look at  
19 the people who are still victims. Look around and try to ensure that true justice  
20 prevails here at the International Criminal Court, so that justice can truly be rendered  
21 here before the international community, before the people of the CAR.  
22 Questions should be put to General François Bozizé, because I tell you his hands are  
23 covered in blood. My only disappointment and my only wish is that someone  
24 within the Office of the Prosecution hear my plea.  
25 So I must say that I am satisfied. I'm satisfied that I spent a few days here before the

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1 Chamber to answer all the questions of my own free will; all the questions put to me.  
2 I did so telling you the truth, the whole truth and nothing but the truth about  
3 everything I knew, everything I witnessed, everything I experienced during my time  
4 as spokesperson and during my time in captivity.

5 I, too, am grateful. I'm grateful to the Chamber, to the Prosecution and I thank  
6 everyone who has participated in the hearing, who has taken the time and had the  
7 patience to listen to all of my replies.

8 So I leave this Court, I return home to Paris and once again I sincerely thank the  
9 Bench, the Office of the Prosecution, the legal representatives, the Defence. I'd also  
10 like to thank the staff members of the International Criminal Court.

11 I thank you, ma'am.

12 PRESIDING JUDGE STEINER: Again, it's the Chamber that thanks you very, very  
13 much for appearing before this Court and giving your testimony.

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

15 (The witness is excused)

16 PRESIDING JUDGE STEINER: We still have some time, so first of all -- and it can be  
17 done in public session.

18 It's a reminder, if we may call like that, of the Chamber based on the fact that the  
19 Chamber notes that on several recent occasions the Defence has failed to comply in a  
20 timely manner with the Chamber's orders.

21 First, in its order on the reclassification of documents of 27 August 2012, the  
22 Chamber instructed the Defence and the Registry to respectively file by  
23 31 August 2012 public redacted versions of the third Defence submissions on the  
24 presentation of its evidence and the report to the Chamber pursuant to the Chamber's  
25 decision on the submissions on Defence evidence, filing 2287, paragraph 4, items 1

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1 and 3.

2 To date, the Defence has not filed the public redacted version of its third

3 Defence submissions on the presentation of its evidence. The Defence is therefore

4 ordered to comply with the Chamber's order by Friday, 21 September 2012.

5 Second, in decision 2141, at paragraph 25, the Chamber ruled that the party calling a

6 witness should provide a weekly and monthly witness schedule. The first weekly

7 witness schedule, along with the monthly schedule for the witnesses following

8 Witness 65, were provided only after the Prosecution raised the issue at the hearing

9 held on 14 September 2012.

10 The Defence is therefore ordered to provide its weekly update list of witnesses

11 expected to testify the following week by 4 o'clock each Friday by way of an email to

12 the legal adviser of the Trial Chamber, parties and participants.

13 The Chamber will now turn to the issue of OPCV access to material on the Ringtail

14 system. By email of 4 September 2012, the Chamber instructed the parties and the

15 Registry to ensure that OPCV has access to the relevant material in the Ringtail

16 system to the lists of documents for the questioning of witnesses as well as to filings

17 and emails that are relevant to the legal representatives' preparation, including

18 responses to applications to question witnesses.

19 By email of 13 September 2012, the OPCV submitted that it still does not have access

20 to the material in the Ringtail system and that the Defence informed the OPCV that it

21 is waiting for a formal decision that might be appealed. On the same day, by email,

22 the Defence was asked to submit its observations on the issue by 4 o'clock on

23 14 September 2012.

24 On 14 September 2012, by way of email, the Defence requested that OPCV be asked to

25 provide an undertaking that none of the identifying information of Defence witnesses

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1 be transmitted to intermediaries in the CAR. The Defence also submitted that  
2 implementing the Chamber's instruction would require significant resources and  
3 would take at least one Defence team member away from the presentation of the  
4 Defence case. On this basis, the Defence requested an additional 21 days to allow it  
5 to comply with the Chamber's order.

6 On the same day, by way of an email, the OPCV reiterated that it was bound by the  
7 provisions of the Code of Conduct and stated that it only required the material for the  
8 purpose of assisting the legal representatives. The OPCV further observed that the  
9 21st day delay in compliance by the Defence would impede, or prevent, the OPCV  
10 obligations as regard -- as regards assistance to external counsel.

11 The Chamber reiterates that in order to be able to provide relevant and effective  
12 advice to the legal representatives of victims, the OPCV must be granted access to the  
13 relevant material in the Ringtail system. This information is to be kept confidential  
14 and not be shared with third parties. Pursuant to Regulation 115(2) of the  
15 regulations of the Registry, the OPCV is bound by the confidentiality obligations  
16 enshrined in the Code of Professional Conduct for Counsel in the same manner as the  
17 Defence and the legal representatives of victims.

18 Moreover, the Chamber does not consider that 21 additional days are required in  
19 order for the Defence to undertake any necessary review of the materials relevant to  
20 the next witness or witnesses. Therefore, the Defence is to ensure that OPCV has  
21 access to all material relevant to Witnesses 07 by 4 o'clock on 18 September, today,  
22 2012, and thereafter to proceed on a rolling basis to ensure that OPCV has access to  
23 the relevant materials in the Ringtail system at least seven working days before the  
24 testimony of a witness.

25 Finally, in the Chamber's decision of 27 August 2012, the Defence was ordered to file

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1 a confidential version of Annex A to its second submission, filing 2222-Conf-Exp-Anx.

2 (See decision 2287, paragraph 4, item 2.)

3 The Chamber reminds the Defence to comply with this order and to submit as soon as  
4 practicable a confidential version of filing 2222, along with the necessary redactions or  
5 to inform the Chamber that the document can be reclassified as public without  
6 redactions.

7 The Chamber expects all parties and participants to comply with its orders in order to  
8 avoid the Chamber having to continually issue reminders of this nature.

9 The Chamber has still an oral decision related on the issue of the list of documents  
10 submitted by Defence to be used during questioning and, for that purpose, the  
11 Chamber asks court officer, please, to turn into private session.

12 (Private session at 12.51 p.m.) \* Reclassified as Open session

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

14 PRESIDING JUDGE STEINER: Thank you.

15 First, the Chamber will address an issue with regard to the submission of a list of  
16 documents for the questioning of Witness 65. Although the Defence submitted that  
17 it did not file a list of documents to be used for questioning Witness 65 because it did  
18 not plan to use any documents the Chamber is of the view that, as a matter of  
19 courtesy, and in order to avoid confusion, in future the Defence is requested to inform  
20 parties, participants and the Chamber when no documents will be used.

21 More important now, the Chamber will address an issue with regard to the use of  
22 documents for the questioning of Witness D04-07.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 On 17 September 2012, by way of an email sent at 2.30, 2.34 to more precise, the

13 Prosecution objected to the use of the documents contained in the Defence list because

14 the said list was submitted out of time and without justification for the late

15 submission and notification.

16 Additionally, the Prosecution objects to the use by Defence of any of the -- of the

17 (Redacted) The legal representatives did not submit

18 specific observations but concurred with the Prosecution on the issue of late

19 notification.

20 The Defence responded on 18 September 2012, by way of an email sent at 9.59. The

21 Defence submits that the delay in circulating the list is due to the delayed disclosure

22 by the Prosecution of 66 documents on 6 and 12 September 2012. According to the

23 Defence, this delayed disclosure had a negative impact on its preparation of the list of

24 documents to be used for the three next witnesses, starting with Witness D04-07.

25 The Defence further argues that the Prosecution failed to demonstrate any prejudice

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1 resulting from the delayed communication of the list of documents since the list of  
2 documents for Witness D04-07 does not contain any new document, and since no  
3 document will be used before the seventh day as of communication of the list.

4 (Redacted)

5 (Redacted). The Defence submits

6 that in the meantime there is no legal basis for the Prosecution's request to reject the  
7 use of relevant documents during questioning of its witnesses.

8 In paragraph 21(a) of decision 2141, the Defence was ordered to provide the list of  
9 documents it intends to use during the questioning of a witness at least seven days  
10 before the testimony is scheduled to begin. The Chamber notes that the Defence has  
11 failed to comply with this order as regards its list of documents to be used during the  
12 questioning of Witness D04-07, who will presumably begin testifying tomorrow,  
13 19 September 2012.

14 The Defence provided the list for this witness only on 14 September 2012. This is  
15 unacceptable, and the Defence is directed to comply in the future with the Chamber's  
16 seven-day's dead-line for all remaining witnesses. However, having considered the  
17 Defence's explanation with regard to the late submission of its list, the Chamber finds  
18 that the Prosecution will indeed not be prejudiced by the delayed communication of  
19 the list of documents since the list of documents for Witness D04-07 does not contain  
20 any new document, and since no document will be used, according to the Defence,  
21 before the seventh day as of communication of the list.

22 (Redacted)

23 (Redacted) Therefore, pending

24 the Chamber's decision on the Prosecution's request, and on the matter of the  
25 admissibility of these documents, the Chamber is of the view that the Prosecution's

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1 objection to the documents being used during the questioning -- sorry, the  
2 Prosecution's objection to the documents being admitted as evidence has no bearing  
3 on the use of such documents during the questioning of a witness.

4 In these circumstances, and pursuant to Article 64(2) of the Statute, the Defence is  
5 allowed to use the documents in its list during the questioning of Witness D04-07.

6 Could, please, court officer turn back into open session.

7 (Open session at 1.00 p.m.)

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

9 PRESIDING JUDGE STEINER: Thank you very much. Tomorrow we will start  
10 with the testimony of Defence Witness D04-07. The Chamber has not received yet  
11 the latest assessment on the witness situation by VWU and, therefore, decision -- any  
12 decision on protective measures will be issued in the afternoon or at the latest  
13 tomorrow before the witness is brought into the courtroom.

14 I would like to thank very much the Prosecution team, the legal representatives of  
15 victims, the Defence team, Mr Jean-Pierre Bemba Gombo. I would like to thank very  
16 much the court interpreters and court reporters, our court usher, our court officer.

17 We will adjourn for today and resume tomorrow morning at 9 for the beginning of  
18 the testimony of Defence Witness D-07. This hearing is adjourned.

19 THE COURT USHER: All rise.

20 (The hearing ends in open session at 1.01 p.m.)

21 RECLASSIFICATION REPORT

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

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