

Trial Hearing
Victim: a/0394/08

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki
6 Trial Hearing
7 Tuesday, 26 June 2012
8 (The hearing starts in open session at 9.36 a.m.)
9 THE COURT USHER: All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 THE COURT OFFICER: Good morning. Your Honours, Madam President, we are
13 in open session.
14 PRESIDING JUDGE STEINER: Good morning.
15 Could, please, court officer call the case.
16 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
17 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you very much.
19 Good morning. I welcome the Prosecution team, staff from the legal representatives
20 of victims, the Defence team. Mr Haynes, welcome back. Mr Jean-Pierre Bemba
21 Gombo, good morning, our interpreters, court reporters. Good morning,
22 Maître Douzima. Good morning, Madam Jasmine Toumaj.
23 THE COURT OFFICER (CAR): Good morning, your Honour.
24 PRESIDING JUDGE STEINER: Good morning, Maître Douzima.
25 MS DOUZIMA LAWSON (CAR): (Interpretation) Good morning, your Honour.

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1 VICTIM: a/0394/08 (Continuing)

2 (The victim speaks Sango)

3 (The victim gives his account via video link)

4 PRESIDING JUDGE STEINER: Good morning, Mr Victim.

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

6 PRESIDING JUDGE STEINER: You are most welcome back. You are appearing
7 before Trial Chamber III as a victim in order to express to the Chamber your views
8 and concerns to tell your story. We started yesterday and this morning you have the
9 opportunity to continue telling your story to the Chamber.

10 I want to remind you that you are under protective measures that your image and
11 your voice broadcast outside the courtroom are being distorted so that the public
12 cannot identify you.

13 However, in order to keep that protection, sir, it is important that when we are in
14 open session - in public session - you don't mention any information, any names of
15 family members, of neighbours, of friends of yours, because this kind of information
16 can lead to your identification.

17 If you need to mention such information, you just let us know. You can inform your
18 legal representative, Maître Douzima, and then we can go into private session. In
19 private session you can feel free to say whatever you want because nobody outside
20 the courtroom can hear you.

21 Do you understand that, sir?

22 THE VICTIM: (Interpretation) Yes, it is quite clear, Madam President.

23 PRESIDING JUDGE STEINER: And finally, sir, I just want to remind you that
24 because we have interpretation we expect you to speak very slowly in order to allow
25 the interpreters to do their job. Is that fine with you, sir?

1 THE VICTIM: (Interpretation) Yes, that is fine with me, your Honour.

2 PRESIDING JUDGE STEINER: Thank you very much.

3 Maître Douzima, you can continue guiding the victim in expressing his views and
4 concerns. I just wanted to remind you once again that this victim is not giving
5 testimony, he's not giving evidence in this case and therefore there's no need to go
6 into many details in order for him to express his views and concerns.

7 You have the floor, Maître.

8 MS DOUZIMA LAWSON (CAR): (Interpretation) Thank you, Madam President.

9 QUESTIONED BY MS DOUZIMA LAWSON (CAR): (Interpretation) (Continuing)

10 Q. Good morning, Mr Victim.

11 A. Good morning.

12 Q. Sir, yesterday you said that the Banyamulengue looted a lot of property in your
13 home. You also stated that, after your return home after their departure, you were
14 not able to live in that house because you found bullets and ammunition in the house.
15 Did you at least find some items of your property that were left behind by the
16 Banyamulengue in your house?

17 A. The only thing that I found in the house was a Bible.

18 Q. What was your reaction under the circumstances?

19 A. This is what I did. When I came into my yard, I was really saddened. I was
20 in the company of my wife, because we wanted to inspect the compound in order to
21 organise our return. There were many of us in my father's house, so we had a
22 problem with having food. That is how come we decided to come back to see the
23 state in which the house was and organise our return.

24 When my wife saw all of that, tears came to her eyes. I told her that we were not the
25 only victims of these acts and that she had to calm down. I told her that we should

1 return to my father's house and then I would come back and try to rehabilitate the
2 house in order for us to move in, and it was more than three months later that we
3 were able to return to the house.

4 Q. How did you go about refurbishing your house which had been damaged by
5 the Banyamulengue?

6 A. As you know, I am someone who does not have a lot of resources. I myself I
7 went into the bush to cut the wood necessary for the roofing frame of the house, and
8 the materials that I used to build that frame was what I had found in the house. I
9 also cut the straw myself and readied them in order to build the roof of the house. I
10 myself went and fetched some ropes for the work.

11 I would like to add that there was no door and no window left in the house. We had
12 to wait for a long time to have the necessary means in order to -- in order to install
13 doors and windows in the house. That is why that rebuilding took so long before
14 we were able to move back into the house.

15 Q. During those three months that it took you to rebuild the house, did you stay
16 with your family, that is in your father's house, while sleeping on leaves?

17 A. Yes, that is correct. At that time we did not have any choice. We used
18 banana leaves as mats, and that is how it happened until we were able to return home.
19 And I would like to say that it was in 2003 that I was able to have a reasonably
20 comfortable bed; that is at the end of 2003 when we did some fishing and I was able
21 to have some money in order to buy some other beds for my children.

22 Q. According to you the Banyamulengues looted everything in your home, so how
23 have you been managing to survive with your family so far?

24 A. After the departure of the Banyamulengue, I started thinking and I realised that
25 in order to continue with my farming activities you needed quite some strength.

1 This was a very difficult thing for me. I went to the bush and fetched wild yams to
2 give to the children to eat. My wife also sold fire-wood in order to be able to obtain
3 food. It was only later on that we started planting rice, ground-nuts and corn, and
4 that is what made it possible for us to have more or less regular food supplies at
5 home.

6 Q. How did your family, that is your wife and children, react to this entire
7 situation?

8 A. It was really difficult, it was distressing and I thought if all armies in the world
9 behaved in that way would there be anyone left in the world? Would everyone try
10 to become a soldier? And if everyone became a soldier, who would become a farmer
11 to feed that army? Who would be a doctor to be able to treat the others? That is
12 what really saddened me. At one point I even thought of joining the army, but I
13 couldn't do that because I had other things to do.

14 Q. Mr Victim, you lost all your belongings. You have said that you were
15 distraught and affected by what happened to you; that is both you and your family.

16 A. Yes, we suffered a negative impact because of that situation; that is my family
17 and I. For that reason, my brothers who were with me and my father were
18 compelled to return to Bangui. My father was very old. He was about 78 years old
19 during those events. He had decided to stay in his house until his death and,
20 therefore, he did not want to go anywhere else. That is why I was forced to stay
21 with my father in order to help him.

22 My younger and older brothers could not bear the situation, so they decided to return
23 to Bangui, and I'm telling you if you had been there during these events you would
24 not have believed your eyes. The Banyamulengue invaded the area. They were
25 everywhere. They were smoking Indian hemp, and that is why there was cannabis

1 smoke everywhere. They fetched water from my father's house in order to wash
2 themselves.

3 I remember that the Banyamulengue behaved like absolute masters, and when we
4 saw such behaviour I wondered whether these were human beings or animals.
5 I was really traumatised by the situation and I spent all my time inside the house.

6 Q. Sir, as a family head, what was the impact of the situation on your children?

7 A. My -- my first concern was for my school-going children. I lost all their school
8 books. After the events, I was no longer able to buy other text-books in order to
9 enable my children to continue with their studies. If you see my children, you
10 would realise that they are malnourished. I do not have the means to take care of
11 them. I do not have the means to buy medicines, or medication, in order to ensure
12 their treatment. As things stand today, I do not know whether one day I would be
13 able to ensure stability for my family. This is something that is of concern to me.

14 Q. Now, were you ever given any kind of compensation for all these various
15 difficulties that you went through?

16 A. I'm going to tell you the truth. In my locality - in my locality - I received no
17 assistance, and the other victims from my area did not receive any assistance either
18 from anyone whatsoever. Many people lost their possessions, their food stored in
19 granaries, or their fields, their farms, but no one was compensated.

20 Q. Sir, you have just told the Chamber about everything that you and your family
21 experienced. Speaking personally, what would you say your expectations are?
22 What do you expect from these proceedings, this trial?

23 A. Well, the most important thing to me is to be able to tell the Judges that, if they
24 open up the Bible and if they read a particular passage from the Bible, Psalm 37, lines
25 10 to 12, they shall read that the days of those who do evil are counted. This passage

1 from scripture has led me to one particular thought. That is that the Judges are
2 carrying out God's will. Their work is, in a way, a -- is an expression of a biblical
3 philosophy, because God said that the days of those who do evil are numbered. So
4 that is what I expect from the Judges.

5 When I look at the documents from the ICC I see a logo and there I see the scales of
6 justice and, you see, Bemba committed crimes and consequently he must be put on
7 trial. He must stand and be judged. If Bemba comes out of this without suffering
8 any consequences, I really wonder will I have the strength to keep on going and
9 appear before the Judges and tell them what happened?

10 All I want is -- all I want is for Jean-Pierre Bemba to compensate me for everything
11 that I have suffered. I have suffered. My family has suffered. We have
12 experienced tremendous misfortune. We have a hard time putting food on the table.
13 It is very difficult. We have been reduced to the state of primitive people. We have
14 to go into the bush to cut down trees, to make charcoal, to gather food.

15 The other victims in my area were subjected to the same things. If you were to
16 travel to my locality today you would see just how difficult it is to even obtain
17 cassava, which is the basic foodstuff of the people living in my area. We have tried
18 to raise chickens and goats, but we have not been successful. The poultry have been
19 struck by illness, as well as some of the other animals we have been raising.

20 Even our farming has not been terribly successful. Our crops are not what they
21 were before, and we wonder if that is because of all the bombs that the
22 Banyamulengue put here and there throughout the localities. It is even difficult to
23 provide for the family to put three meals a day on the table. We eat only one meal a
24 day.

25 Up until now, even up until now, we are still suffering because of the behaviour of

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1 the Banyamulengue.

2 MS DOUZIMA LAWSON (CAR): (Interpretation) Sir, I have no further questions
3 for you. I don't know whether the Chamber wishes to put questions to you.

4 I thank you and I thank the Presiding Judge.

5 PRESIDING JUDGE STEINER: Thank you very much, Maître Douzima, for guiding
6 the victim in his submissions to this Chamber. Mr Victim, the only question I would
7 like to put to you now is how are you feeling now after you have told your story to
8 the Chamber? You have expressed your concerns, your hopes. How are you
9 feeling now?

10 THE VICTIM: (Interpretation) I do feel a sense of satisfaction, because I have been
11 able to come before the International Criminal Court and I do believe that my
12 expectations will be met and the Prosecutor has all the evidence so that decisions can
13 be made about everything that we were subjected to.

14 I thank you, your Honour.

15 PRESIDING JUDGE STEINER: Mr Victim, thank you very much. This now
16 concludes your presentation of your views and concerns before this Chamber. We
17 thank you very much for your willingness to come to present yourself and to bring to
18 the Chamber your views and concerns. We know that it probably brought you some
19 trouble, time and trouble, to come to Bangui and to express yourself in public session,
20 so we thank you very much.

21 We also thank Maître Douzima, Ms Jasmine Toumaj. We are going to suspend the
22 present hearing 'til 11 o'clock. There is a need for the tape to be changed, and as
23 from 11 o'clock we'll start hearing Victim --

24 (The Trial Chamber and court officer confer)

25 PRESIDING JUDGE STEINER: I'm sorry, but I am informed that there is no need for

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- 1 changing the tape right now, so if the parties agree we would just go very briefly into
2 private session in order for Victim 394 to leave the room and we can start
3 immediately with Victim 511. Is that agreeable to the parties?
4 So thank you again, Mr Victim.
5 We are going very briefly into private session while Victim 511 is brought into the
6 video link room.
7 (Private session at 10.14 a.m.)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Open session at 10.19 a.m.)
17 THE COURT OFFICER: We are in open session, Madam President.
18 PRESIDING JUDGE STEINER: Thank you very much.
19 Good morning, Maître Zarambaud.
20 MR ZARAMBAUD (CAR): (Interpretation) Good morning, your Honour.
21 PRESIDING JUDGE STEINER: Good morning, Mr Victim.
22 VICTIM: a/0511/08
23 (The victim speaks Sango)
24 (The victim gives his account via video link)
25 THE VICTIM: (Interpretation) Good morning, your Honour.

1 PRESIDING JUDGE STEINER: Mr Victim, you appear before Trial Chamber III.

2 Here in the courtroom are present the three Judges: Judge Joyce Aluoch, Judge

3 Kuniko Ozaki and myself, the Presiding Judge, Judge Steiner. We have here in the

4 courtroom the representatives of the Office of the Prosecutor, the Defence team and

5 Mr Jean-Pierre Bemba Gombo. You are going to present your views and concerns in
6 public session.

7 As with the previous victims, the Chamber reminds parties and participants that the

8 victim is not giving testimony and as such he will not be questioned, nor present his

9 views and concerns under oath.

10 The legal representative, Maître Zarambaud, will be responsible for guiding the

11 victim through his presentation of views and concerns. We would like to emphasise,

12 Maître Zarambaud, that because the victim is not giving evidence in this trial there is

13 no need to question him on details on what happened. Of course he can give an

14 account of the harm he suffered, but this is not evidence and therefore we

15 recommend that you put to the victim more general questions and questions more

16 related to the harm he suffered, he and his family.

17 In addition, pursuant to Articles 64(2) and 68(3) of the Statute and Rule 89(1) of the

18 Rules of Procedure, the Chamber may address the victim at any stage should it deem

19 appropriate to do so.

20 Before Mr Victim starts expressing his views and concerns, the Chamber needs to

21 issue a short oral decision on special measures for Victim 511.

22 Yesterday, 25 June 2012, the Chamber received a report from the VWU providing the

23 Chamber with an assessment in relation to the victim. The report recommends the

24 presence of a VWU support assistant outside the video link room to offer support to

25 the victim during breaks under the guidance, if need be, of the psychologist.

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1 In accordance with Article 68(1) of the Rome Statute and Rule 88(1) of the Rules, here
2 applied by analogy, the Chamber agrees with the suggestion and authorises the
3 presence of a VWU support assistant outside the video link room.

4 In addition the Chamber will closely observe the victim and, if necessary, will break
5 more frequently.

6 There are no in-court protective measures for this victim.

7 Mr Victim, if you allow me to call you "Mr Victim," you are with us today by means
8 of a video link to present your views and concerns.

9 THE VICTIM: (No interpretation).

10 PRESIDING JUDGE STEINER: You'll be presenting, as I said, your views and
11 concerns in open session and with your identity known to the public. However,
12 there are other victims, other persons, connected with this case whose identities are
13 not publicly known.

14 I would therefore ask that, with the assistance of Maître Zarambaud, you exercise
15 caution in mentioning names of persons who may be considered vulnerable in the
16 context of these proceedings. For instance, names of family members, of your
17 neighbours, of your employer or any employee you have, you should avoid
18 mentioning such names in open session. If need be we can go into private session,
19 and in private session you can speak freely because nobody outside the courtroom
20 can hear you.

21 Do you understand that, sir?

22 THE VICTIM: (Interpretation) Yes, I do understand, your Honour.

23 PRESIDING JUDGE STEINER: Finally, Mr Victim, as you may have noticed, we
24 speak different languages and there is interpretation so that we can understand each
25 other. Because of the interpretation, it is very important that you speak

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1 slowly - slower than normal, as I'm doing now - in order to allow the interpreters to
2 do their job. We have interpretation from Sango to French and into English and
3 vice-versa. If you don't speak slowly, the interpreters will have difficulties in
4 following you.

5 Sometimes it may be that you start speeding up. In that case, I will have to interrupt
6 you and ask you to slow down. Please don't take offence. That should not
7 discourage you from speaking, but it's for practical reasons.

8 Is that fine with you, sir?

9 THE VICTIM: (Interpretation) I entirely agree with everything that you have just
10 said.

11 PRESIDING JUDGE STEINER: Thank you, Mr Victim.

12 Maître Zarambaud, I will give you now the floor in order for you to help your client
13 to express his views and concerns. I just wanted to remind you of the five-seconds
14 golden rule as well.

15 You have the floor, Maître.

16 MR ZARAMBAUD (CAR): (Interpretation) I thank you, your Honour.

17 QUESTIONED BY MR ZARAMBAUD (CAR): (Interpretation)

18 Q. Good morning, Mr Victim.

19 A. Good morning, Counsel.

20 Q. The President has just told you that we need to speak slowly and that after I put
21 a question to you, or after the Presiding Judge puts a question to you, it is necessary
22 to observe a five-second break before answering the question. I, too, will have to
23 comply with that five-second rule. This actually means that at the end of your
24 answer I will have to observe that rule before putting any other question to you.
25 As the President has already stated, the reason for observing those five-seconds'

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1 break is to enable the interpreters to do their work into Sango and into the other
2 languages of the Court.

3 The Presiding Judge has also told you that you are not appearing before this
4 Chamber as a witness. You are appearing before the Court as a victim in order to
5 express your views and concerns to the Chamber.

6 Clearly, in order to enable the Chamber to fully understand your views and concerns,
7 it will be necessary to know who you are, your story, to know your story, what
8 happened to you, and also to understand what your views and concerns are, as well
9 as your expectations of the International Criminal Court in this matter.

10 I will now begin by asking you to tell the Court your full names.

11 A. My names are Vouloube De Mbioka Francis Félicien.

12 Q. When were you born?

13 A. I was born on 16 February 1975 in Bangui.

14 Q. What was your occupation at the time of the events?

15 A. At the time of the events, I had a professional and technical occupation.

16 Q. Technical and professional occupation. What technical occupation?

17 A. I had a bar, a drinking spot, and I also had a small shop where I sold soap and
18 sugar. I'm also a graduate of a trade school and I was also involved in the welding
19 (sic) business.

20 Q. At the time of the events, how many children did you have?

21 A. During the events I had two children.

22 Q. Let me remind you that you need to observe a pause after my question before
23 answering the question.

24 At the time of the events, how old were your children?

25 A. During the events my eldest son was two years old and my second child, a girl,

1 was only three months old.

2 Q. At that time did the house in which you live belong to you?

3 A. I was renting a house.

4 Q. What is your occupation today, or what activities are you involved in today?

5 A. Today I am unemployed because my leg was amputated. I do not have the
6 resources to restart an income-generating activity. When I go to workshops to apply
7 for employment, I am never recruited because I am a handicapped person.
8 However, I belong to the Catholic chaplaincy at a hospital, and I am involved in
9 charity work such as clearing around the hôpital de l'Amitié and I do get a reward of
10 about 1,000 francs per day.

11 I do remember that one day the counsel met me at the hospital, clearing the area for
12 that amount of revenue, and he was kind enough to assist me to go back home. I
13 also do remember a day on which I was driven out of the house which I was renting,
14 and on that occasion Counsel Zarambaud again helped me by paying my rent for two
15 months.

16 The short answer, therefore, is that I am not involved in any income-generating
17 activity.

18 PRESIDING JUDGE STEINER: Sorry, Maître Zarambaud.

19 MR ZARAMBAUD (CAR): Oui, Madame la Présidente.

20 PRESIDING JUDGE STEINER: I would like to remind you, Maître, to give some
21 time before posing another question to the victim. Otherwise, there is overlapping
22 in what he's saying and your question. The five-seconds golden rule, please, Maître
23 Zarambaud.

24 MR ZARAMBAUD (CAR): (Interpretation) Thank you, Madam President. I will
25 comply.

1 THE VICTIM: (Interpretation) I was saying that I am currently unemployed.
2 I am not involved in any income-generating activity. I spend most of my time
3 clearing around the hôpital de l'Amitié and I have trouble paying my rent. I have
4 difficulty maintaining the artificial limb that I am wearing, and those are some of the
5 challenges that I face on a daily basis.

6 MR ZARAMBAUD (CAR): (Interpretation)

7 Q. Thank you. We shall be talking in a while about your situation; that is your
8 situation following the events and following what befell you. For now, my
9 questions seek simply to identify you and to make the Chamber aware of your family
10 status and your professional or occupational status. In that connection, therefore, let
11 us proceed.

12 I would like to ask you -- given that you mentioned that you had two children at the
13 time of the events, I would like to ask you how many children you have today?

14 A. I have three children today.

15 Q. Thank you. Are you married?

16 A. Yes, I am married. You know, as a member of the Catholic Church, I am
17 bound to be legally married so that I can engage in my activities normally, so I had a
18 church wedding and that enables me to fully engage in my religious activities.

19 THE INTERPRETER: There was an overlap, Madam President, and the interpreters
20 missed the first part of what Mr Zarambaud was saying.

21 MR ZARAMBAUD (CAR): (Interpretation) In any event, before moving on,
22 I would like to remind the victim that he should abstain from mentioning names;
23 names which have been redacted from the victim's statement. However, the name
24 of the then prime minister was not redacted. However, for reasons of caution,
25 I would like to ask the President whether -- or the Presiding Judge whether that name

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1 can be mentioned?

2 PRESIDING JUDGE STEINER: Maître Zarambaud and Mr Victim --

3 MR ZARAMBAUD (CAR): Oui, Madame la Présidente.

4 PRESIDING JUDGE STEINER: -- the Chamber recommends that the victim does not
5 mention the name of his mother, the name of the bar or establishment that belonged
6 to his mother and any reference to his address or the location of the bar. These
7 are the information -- this is the information that is redacted. Apart of that, the
8 victim can feel free to tell his story.

9 Is that clear to you, Mr Victim?

10 THE VICTIM: (Interpretation) That is very clear.

11 PRESIDING JUDGE STEINER: You can proceed, Maître.

12 MR ZARAMBAUD (CAR): (Interpretation) Thank you, Madam President.

13 Q. Mr Victim, between 26 October 2002 and 15 March 2003, what happened?

14 A. On 25 October 2002, Chadian rebels arrived in Bangui in the afternoon. I was
15 then at the location where I conducted my business. When I saw them, I fled and
16 went back home.

17 On 29 October, around 1 p.m., the spokesperson of the government addressed the
18 people, or the population, and said that the rebels had been warded off by the Central
19 African soldiers. He called on the people to return to their normal businesses and
20 activities. It is then that I came back to the place of my business.

21 When I got to my shop, I found everything intact. None of my business items had
22 been taken away. Shortly thereafter, I saw a plane land at the airport. At that time,
23 I was trying to get a cart to take my property to safety at home and I saw the
24 Banyamulengue come from the MLPC. Others came from another location and set
25 up base at the Benz Ville cross-roads or junction. Then there was a lady who came

1 out to sell some pap, some food. That lady was shot at.

2 We had also come out to sell our various items. As we went down the road, five of

3 those Banyamulengues came towards us while the others went in another direction.

4 Of those five Banyamulengue, there was one Zairean who thought that -- or he was a

5 witch-doctor. He was wearing a traditional attire and he is the one who shot at me.

6 The distance between us was rather small. He wanted to kill me, but fortunately the

7 bullet struck my leg and I was still able to move and hide behind the counter of the

8 bar.

9 This was on 29 October at night and it was raining. From around 7 p.m., I struggled

10 to reach the compound of the friend of the Minister of Public Works, Tipi (phon), and

11 that lady took care of me. She hosted me in her house. I had to undress, take off

12 my shirt in order to support my leg. So I spent the night in her house, and the next

13 day, although she had difficulties getting me to the hospital, she finally put me in a

14 truck, or wheelbarrow, that was used to take me to the hospital.

15 When we got to the Benz V junction, we met a doctor who was able to take me to the

16 hospital. He was very surprised that I was in the state in which I was, but he

17 reassured me that my life was no longer at danger.

18 PRESIDING JUDGE STEINER: Maître Zarambaud --

19 MR ZARAMBAUD (CAR): (Interpretation) Yes, Madam President?

20 PRESIDING JUDGE STEINER: -- we will have the opportunity to obtain from the

21 victim some more information. We can see that expressing or referring to the facts

22 the victim became emotional, but in any case it's almost 11 o'clock. It is time for our

23 break. We will suspend for half-an-hour. We'll be back at 11.30, and I ask you,

24 please, to call the assistant - the support assistant - in case the victim needs any kind

25 of support.

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1 So we will suspend now this hearing and we'll resume at 11.30. The hearing is
2 suspended.

3 THE COURT USHER: All rise.

4 (Recess taken at 10.57 a.m.)

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

6 THE COURT USHER: All rise.

7 Please be seated.

8 PRESIDING JUDGE STEINER: Welcome back.

9 Just for -- in order to inform the parties and participants that the Chamber has
10 authorised a photographer to come into the courtroom. Some documents on the
11 10th anniversary of the Court, the International Criminal Court, are being prepared
12 and, therefore, the taking of pictures was authorised since we are in open session.
13 Mr Victim, welcome back.

14 THE VICTIM: (Interpretation) Thank you.

15 PRESIDING JUDGE STEINER: Are you feeling well and willing to continue
16 presenting your views and concerns to this Chamber, sir?

17 THE VICTIM: (No interpretation).

18 PRESIDING JUDGE STEINER: Are we having problems with the interpretation?

19 THE VICTIM: (Interpretation) I am prepared to continue, your Honour.

20 PRESIDING JUDGE STEINER: Thank you very much, sir.

21 Mr Zarambaud, would you like to start by filling some gaps in the first submissions
22 made by the victim?

23 MR ZARAMBAUD (CAR): (Interpretation) Yes, Madam President. I would
24 simply want to ask him a follow-up question.

25 PRESIDING JUDGE STEINER: You can proceed, Maître.

1 MR ZARAMBAUD (CAR): (Interpretation) Thank you, Madam President.

2 Q. Mr Victim, as I told you before, before giving your views and concerns, which is
3 the reason why you are here, it was necessary to know who you are and what
4 actually happened to you.

5 Before the break, you gave us an account of what happened to you up until the time
6 that you arrived at the hospital. Do you have anything to add to what you have said
7 regarding the events at the bar?

8 A. Yes, I have something to add.

9 Q. Please go ahead.

10 A. I almost forgot a small detail. While I was in the bar, and having been hit by
11 the bullet, my mother started shouting at the Banyamulengue asking them, "What
12 have we done? What have we done wrong?" They shot at her twice and finished
13 her off, and she collapsed on the spot. She fell to the ground on the spot. It was
14 around 4 p.m.

15 After that, they started drinking up the alcohol in the bar. I was behind the counter,
16 right next to the fence of the lady that I talked to you about a short while ago. After
17 having taken enough alcohol, they started singing, shouting with joy, and during that
18 entire time my mother's dead body was still lying there on the ground bleeding. In
19 fact, that body stayed there up until the next day. Even though it was raining, I
20 made an effort to go into the compound of that lady that I talked to you a short while
21 ago.

22 The following day the Spanish Doctors Without Borders took me to the hospital and
23 once I arrived at the hospital the doctor told me that I was almost dying, but given
24 that I had managed to arrive at the hospital my life was no longer in danger.

25 The next day, the doctor from Doctors Without Borders, that is the white person,

1 came to see me, and subsequently they informed my parents that my leg had to be
2 amputated because if that was not done I would die. The members of the family
3 gave their agreement for the doctors to amputate the leg which had been hit by the
4 bullet. After the amputation, my mother's family were able to recover my mother's
5 body to go and bury. Initially, that body was placed in the mortuary.
6 Two days later, the prime minister and his delegation went to the hospital to visit the
7 victims. When he came into my hospital room, accompanied by his armed
8 bodyguards, he started greeting the various victims, and when he came to me I
9 immediately asked those bodyguards to shoot me on the spot.
10 When the prime minister heard that, he turned to the Minister of Social Affairs and
11 asked her to take care of me. That minister later handed over an amount of 50,000
12 francs to me. After that visit, they left the hospital.

13 Q. Thank you, Mr Victim. How long did you spend at the hospital? How long
14 did you stay at the hospital before you were released?

15 A. I was admitted into the hospital on the 30th of the month, that is having been
16 brought there by the Spanish Doctors Without Borders, and then I left the hospital on
17 the 28th.

18 Q. While you were in the hospital, what happened to your two children? Where
19 were they living and who provided food for them?

20 A. After those events, the entire population had become miserable. Some of my
21 family members went to Fatima and was -- and were taken care of by the nuns.

22 PRESIDING JUDGE STEINER: Maître Zarambaud, if you allow me to interrupt.

23 Mr Victim, just for the sake of clarification, you say you were admitted into the
24 hospital on the 30th of the month and then you left the hospital on the 28th. Could
25 you please be more precise in telling us which month and which year you entered

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1 and you left the hospital, please?

2 THE VICTIM: (Interpretation) I entered the hospital on the 30th. In fact, I was
3 attacked the day before, that is on the 29th, and I arrived at hospital on the 30th, that
4 is 30 October. I left the hospital on 28 November.

5 PRESIDING JUDGE STEINER: Thank you for the clarification.

6 Maître Zarambaud.

7 MR ZARAMBAUD (CAR): (Interpretation)

8 Q. Obviously this was in 2002?

9 A. Yes, it was indeed in October 2002.

10 Q. Thank you. Now you are wearing an artificial limb and you have already
11 talked about that. How long after you left the hospital did you receive that artificial
12 limb?

13 A. When I left the hospital I was -- my leg was still being bandaged in the
14 community hospital and that white person from Doctors Without Borders continued
15 to take care of me. After two or three months he took me to Amarak (phon), and
16 that is where I was given the artificial limb. That is after the wound had healed and,
17 as you know, it takes quite a while for such a wound to heal.

18 Q. A short while ago you said that while you were in hospital your wife and
19 children were living in a parish. After you left the hospital did you join them in the
20 parish, or did you go to live elsewhere?

21 A. As I have said, after I left the hospital there was a group from the Catholic
22 Church which took care of sick people. It was called Aumonerie Catholique,
23 Aumonerie Hospitalière Catholique, and this group was supervised by a Catholic
24 priest. This group put me in a rental house and the members of that group
25 contacted my family. It was the priest who was responsible for that group that

1 assisted us to move into a place, and his name was Father Adelino and after some
2 time he was recalled to Italy.

3 Q. Thank you. After your wound healed and you were given the artificial limb,
4 did you return to the bar to recover what might have been left of your property or the
5 goods that had belonged to your mother?

6 A. Thank you. After I left the hospital -- well, let me tell you that when a group of
7 rebels targets your property, know that you will find nothing left. So when I left the
8 hospital and I went back to our place of business, I did not find anything. The rebels
9 had taken everything away.

10 PRESIDING JUDGE STEINER: Maître Zarambaud, I'm sorry to interrupt you again.
11 I'm sorry, another clarification from the victim. When you talk about "the rebels,"
12 you are saying that you went back to your place of business. You did not find
13 anything. The rebels had taken everything away. Who are these rebels you are
14 referring to?

15 THE VICTIM: (Interpretation) I was referring to the Banyamulengues who were
16 deployed in Bangui by Jean-Pierre Bemba. These people are rebels in Zaire and they
17 are well-known for their bad behaviour and for the atrocities they have perpetrated in
18 Zaire.

19 MR ZARAMBAUD (CAR): (Interpretation)

20 Q. You have just stated that after you left the hospital you have been living by the
21 grace of God. Can you tell the Chamber briefly - very briefly - what you mean by
22 "living by the grace of God"?

23 A. Well, I mean that it is difficult for me to obtain food. There is no one to come
24 to our assistance. As for the Catholic hospital chaplain centre, sometimes we receive
25 rice and cooking oil from them.

1 Even at that, at one particular point we were turned out of the rented house that we
2 were living in, and when I went to the centre of town I ran into Mr N'Zala, who told
3 me that Mr Zarambaud needed to meet with me for this trial before the ICC. Once I
4 met with him he gave me 10,000 francs, which allowed me -- which allowed me to
5 pay the rent, and that is why I am saying that all these events are really the work of
6 God and that is why I am saying it is by God's grace that I am still alive.

7 Q. You said a few moments ago that at the time of the events your oldest son was
8 two years old. Now, the events occurred ten years ago. Here in the Central African
9 Republic one has to pay to send one's children to school, so are your children going to
10 school and, if so, who is paying for all their school fees?

11 A. I registered my children, my two children, at the Saint Françoise School, which
12 is close to the compound of the nuns. Our Lady of Africa is the name of their order,
13 and I was able to get assistance from a nun who helped me pay the school fees.
14 Now the end of the year has come, and I am having tremendous difficulty paying for
15 the last school fees so that I can obtain the report cards and the various books for my
16 children.

17 Q. Now, before going directly to one particular concern, I would like to hark back
18 to the question of your artificial leg. Now, an artificial leg eventually wears out and
19 generally speaking you have to get a new one from time to time. Has any
20 organisation promised to provide you with a replacement prosthesis, as necessary?

21 A. In Bangui there are only three places where these prosthesis are made and they
22 are expensive. As I told you, it is only through God's grace that I was able to get this
23 artificial leg. The white man who provided me with this artificial leg has gone back
24 to his country. This is the one that I'm currently wearing. If ever it is damaged,
25 well, I don't know how I would get another one.

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1 I'm telling you that I am here in this hearing room and, if I had an opportunity to
2 remove my clothes and show you this artificial leg that I have to wear, you would see
3 that I am suffering. I am suffering with this artificial leg that I am currently wearing.
4 I have no one to help me. That is why I am begging the Judges. I beg you, please
5 help me get a new artificial leg, or help me have a repair done to this artificial leg that
6 I currently have.

7 THE INTERPRETER: Message from the Sango booth: Could someone please ask
8 the victim to speak more slowly?

9 PRESIDING JUDGE STEINER: Yes, Maître Zarambaud, just to ask you to remind
10 the victim to speak a little bit slower.

11 THE INTERPRETER: Many thanks from the interpreters.

12 MR ZARAMBAUD (CAR): (Interpretation) Thank you, your Honour. A few
13 moments ago I gestured to the witness - correction, the victim - and he himself -- and
14 he himself has understood what you have just said, your Honour.

15 Q. Mr Victim, I would now like to ask you whether you received any
16 compensation for the goods that you lost, as well as for the goods of your mother that
17 were lost, and perhaps were you compensated for the loss of --

18 THE INTERPRETER: Inaudible.

19 MR ZARAMBAUD (CAR): (Interpretation)

20 Q. -- and the loss of your leg?

21 THE INTERPRETER: Correction from the English interpreter: The question also
22 included whether the victim received compensation for the loss of his mother.

23 THE VICTIM: (Interpretation) No one gave me anything at all in Bangui. I
24 received no assistance, no compensation.

25 MR ZARAMBAUD (CAR): (Interpretation)

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1 Q. Thank you. Now, you are not a witness here. You are a victim and you are
2 appearing in that particular capacity; namely, your status is one of a victim. You
3 have been asked to relate your views and concerns to the Court. More specifically,
4 I'd like to ask you this question: What concerns you at the present time?

5 A. My concerns are as follows: You realise at this time I wear an artificial leg and
6 I need another one. I need a new one.

7 The second thing is that the mother of my children has passed away and I have no
8 home, no house. I find myself living in the street with my children. I have learned
9 that some of the victims have come before the Court, and we have also learned that
10 an NGO within the Court takes care of funds. It is the funds for victims. We are
11 asking the Court to keep these funds, to be entrusted with these funds, and that these
12 funds be used to help the victims. So this is what we expect from the Court. We
13 would also like for these funds to be disbursed as quickly as possible, as we await the
14 outcome.

15 Q. Thank you. I would now like to ask you a question that was put earlier by the
16 Presiding Judge -- well, you see, a question that the Presiding Judge asked another
17 victim earlier. The question is as follows: Now, at this time, since the Chamber has
18 allowed you to come before them to express your views and concerns and now that
19 you have set out these views and concerns, how do you feel now? What are you
20 feeling?

21 A. After presenting my views and concerns, I am asking for God the almighty to
22 give the necessary strength to the Judges so that they can do their job, as they must do,
23 and I hope that all turns out for the best because we are all awaiting things from the
24 Court; more specifically, compensation.

25 THE INTERPRETER: Correction from the interpreter: Reparations.

1 MR ZARAMBAUD (CAR): (Interpretation) Thank you very much. Those are all
2 the questions that I had for you, and I thank the Chamber, the Presiding Judge, your
3 Honours. Thank you for this opportunity to speak before you. I have finished.

4 PRESIDING JUDGE STEINER: Thank you very much, Maître Zarambaud.
5 Judge Aluoch would like to pose some questions to Mr Victim.
6 Judge Aluoch.

7 JUDGE ALUOCH: Thank you.

8 QUESTIONED BY JUDGE ALUOCH:

9 Q. Mr Victim, just a few moments ago, on page 31 of the transcript, you were
10 asked about your concerns and you gave your concerns in some order. The second
11 concern caught my attention particularly, when you said, "The mother of my children
12 has passed away." When was this, do you remember?

13 A. It wasn't the mother of my children who died. I was talking about my mother.
14 My mother died. She was shot by the Banyamulengue.

15 Q. Thank you for that clarification, because I did get your earlier statement that it
16 was your mother who died, but the transcript reads, "The mother of my children has
17 passed away."

18 Now, I have one more question concerning the death of your mother. This death
19 occurred in your presence. You were right there when your mother was shot.
20 How did it affect you then, or now? That's really the question I had, until I read the
21 transcript, about the death of your own mother, yes.

22 A. When my leg was amputated, I was taken to the morgue so I could view her
23 body. I can tell you now that God is almighty, and it is thanks to the religious
24 activities that I was able to find the strength. And thanks to the support of Father
25 Adelino, who was in charge of the Catholic chaplain centre, that priest was able to

1 encourage me and provide me with support.

2 Q. Thank you. Yes, what I wanted to know is how it affected you? How did this
3 death that occurred in your presence -- if she was shot right in your presence, how
4 did it affect you then, or does it continue to affect you today?

5 A. I was the first one to be hit by a bullet, and then my mother also was hit by a
6 bullet and she died right then and there. In light of what happened to me, I couldn't
7 get to the hospital. I could have died right there. That is why I am saying that God
8 is glorious. It was God who protected me. I was about to die, but if it had not been
9 for the grace of God I would have died there with her, but God spared me from death
10 because my mother was shot dead and I survived, all of this because of God's grace.

11 PRESIDING JUDGE STEINER: Thank you very much, Mr Victim. I have one last
12 question. How are you feeling right now after telling us your story?

13 THE VICTIM: (Interpretation) I feel a sense of joy. After expressing my views
14 and concerns, I am feeling quite satisfied. I am coming towards the end of my
15 testimony, and I am waiting for the Court to do something to help me get another
16 artificial limb. I am waiting for good-hearted people to help me and find me a house
17 that I can live in. So there you have it. That is everything that I am expecting from
18 the Court.

19 PRESIDING JUDGE STEINER: Thank you very much, Mr Victim. This now
20 concludes the presentation of your views and concerns before this Chamber. I want
21 to express the thanks of the Judges for your time, for your willingness to come to
22 appear before this Chamber in an open session in order to present your views and
23 concerns.

24 (The witness is excused)

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

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1 assistance. I thank very much Madam Jasmine Toumaj, that is the court officer in
2 the room in Bangui in which this hearing -- from which this hearing is being
3 transmitted. I would like to thank very much the Prosecution team, the staff of legal
4 representatives, the Defence team, Mr Jean-Pierre Bemba Gombo. I would like to
5 thank very much our interpreters and court reporters.
6 We will now adjourn this hearing and, if we follow the calendar, we will resume
7 mid-August with the beginning of the Defence presentation of evidence.
8 This hearing is therefore adjourned.
9 THE COURT USHER: All rise.
10 (The hearing ends in open session at 12.27 p.m.)