

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

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, 23 November 2010

9 (The hearing starts in open session at 2.43 p.m.)

10 THE COURT USHER: All rise. The International Criminal Court is now in session.

11 Please be seated.

12 THE COURT OFFICER: Good afternoon, your Honours, Madam President. We are

13 in open session.

14 PRESIDING JUDGE STEINER: Good afternoon. Please could the court officer call

15 the case.

16 THE COURT OFFICER: Yes, your Honour. Situation in the Central African

17 Republic. In the case of The Prosecution versus Jean-Pierre Bemba Gombo. Case

18 reference ICC-01/05-01/08.

19 PRESIDING JUDGE STEINER: Thank you very much. I think we should at least

20 today start as we started yesterday, asking please Prosecution, legal representatives

21 and then the Defence team to introduce themselves since I see that there were some

22 changes in the composition of the teams.

23 MS BENSOUDA: Thank you, Madam President, your Honours. The Office of the

24 Prosecutor is represented today by senior trial lawyer, senior trial lawyer Petra

25 Kneuer, trial lawyer Massimo Scaliotti, trial lawyer Ibrahim Yillah, associate trial

26 23.11.2010

Page 1

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 lawyer Thomas Bifwoli and case manager Frédérique Besse. My name is Fatou

2 Bensouda, I'm leading the team.

3 PRESIDING JUDGE STEINER: Thank you very much. Legal representatives.

4 MS DOUZIMA-LAWSON: (Interpretation) My name is Maître Marie-Edith

5 Douzima-Lawson. I am the legal representative for victims in these proceedings.

6 MR ZARAMBAUD: (Interpretation) Maître Zarambaud Assingambi, and I am also

7 a legal representative for the victims.

8 MS YAZJI: Your Honours, Maria Victoria Yazji, counsel for the Office of Public

9 Counsel for Victims, along with Orchlon Narantsetseg, legal officer. Thank you.

10 PRESIDING JUDGE STEINER: Thank you. Defence team.

11 MR LIRISS: (Interpretation) Madam President, the Defence team is represented by

12 the usual individuals, Maître Kilolo, Mr Peter Haynes, Mr Nick Kaufman, Mr Jean

13 Jacques Kabonga, the case manager, and Mrs Kate Gibson, and myself, Mr or Maître

14 Nkwebe Liriss, principal counsel.

15 PRESIDING JUDGE STEINER: So today the Chamber will hear the first witness to

16 be called by the Prosecution in this case but, before doing so, the Chamber has

17 prepared an oral decision in relation to the Prosecution's list of evidence related, more

18 specifically related to Witness 221.

19 On 25 October 2010 the Chamber informed by email to the parties and participants

20 that, in accordance with Article 64(2) of the Statute, it did not wish to receive the

21 additional supplementary information related to Witness 221 that the Prosecution had

22 offered to provide to the Chamber at the status conference held on 21 October 2010.

23 On 1 November 2010 the Prosecution submitted its communication of incriminatory

24 evidence disclosed to the Defence on 26 October 2010, this was filing 985, in which it

25 notified the Chamber that, contrary to the specific instructions of the Bench, it has

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

disclosed to the Defence eight items of incriminatory evidence, all the same additional supplementary information related to Witness 221.

On 12 November 2010, in its decision 1008, the Chamber, while regretting that the Prosecution had disobeyed an instruction of the Chamber and disclosed new items of incriminatory evidence without applying to the Chamber for leave to do so, it decided that the material had to be reclassified as disclosed pursuant to Rule 77 of the Rules.

In this decision, the Chamber specifically decided that the Prosecution was not allowed to rely on any of this material at trial.

In the decision 1022, on the admission into evidence of materials contained in the

Prosecution's list of evidence, issued by the majority of the Chamber on

19 November 2010, the Prosecution was ordered to file a revised and updated list of

evidence. It requested that the updated list of evidence should include expert

witnesses and their respective reports, disclosed inter partes.

On 22 November 2010, the Prosecution submitted its updated list of evidence, filing

1027 with Annexes A and B. The Prosecution again disregarded the Chamber's

instruction and included in its updated list of evidence documents 4 to 7 of the

updated list, Annex A, the material related to Witness 221 that had not been timely

disclosed to the Defence and which the Chamber had specifically prohibited the

Prosecution to rely on.

In view of the abovementioned, and in accordance with Articles 64(2), 64(6)(f),

64(8)(b), 64(9)(a), 67(1)(b), 69(4) and 71 of the Statute, Rules 76, 77 and 171 of the Rules

of Procedure and Evidence, and Regulation 54 of the Regulations of the Court, the

Chamber orders the Prosecution to immediately expunge from its list of evidence to

be used at trial (filing 1027, Annexes A and B) the materials included as numbers 4, 5,

6 and 7; orders the Registry not to assign an EVD-T number to the materials included

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 as number 4, 5, 6 and 7 of the Prosecution's updated list of evidence.

2 THE INTERPRETER: Presiding Judge is kindly asked to slow down for the
3 interpretation.

4 PRESIDING JUDGE STEINER: So, having dealt with the matter and before the
5 witness is brought into Court, the Chamber would like to remind the parties and the
6 participants that protective measures have been granted to this witness. So the
7 Chamber would like to remind the parties that protective measures have been
8 granted for this witness, including the use of pseudonym, image and voice distortion
9 and partial private session testimony.

10 In this regard it is incumbent on all parties and participants, whether Prosecution or
11 Defence, or if allowed to do so, legal representatives, when questioning the witness to
12 ensure that their questions are asked in a way so as to not elicit identifying
13 information from this witness or to minimise the risk of identifying information being
14 referred to by the witness.

15 In the event that the witness does mention something in open session that may
16 publicly identify the witness, other witnesses or other persons from whom protective
17 measures have been granted, the court officer is to prepare immediately an order for
18 redaction for me, as the Presiding Judge, to sign. This will prevent the information
19 concerned from being broadcast outside the courtroom and public gallery.

20 Finally, the Chamber expects the questioning of witness, this witness and the
21 following ones, to proceed without unnecessary interruptions and does not encourage
22 objections from the parties. In the event that the party considers it must raise an
23 objection, it should be as brief and succinct as possible and not used as an opportunity
24 to make substantive submissions to the Chamber.

25 Bearing in mind that the witness is waiting, and unless there is anything that the

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 parties need to raise with the Chamber concerning this specific witness, I would ask
2 that we briefly go into closed session for a few minutes only in order for the court
3 usher to bring the witness into court.

4 So, please, let's go into closed session, and court officer is authorised, as soon as we
5 are in closed session, to bring the witness into court. The blinds will be lowered for a
6 while.

7 *(Closed session at 2.56 p.m.)Reclassified as Open session

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

9 (The witness enters the courtroom)

10 PRESIDING JUDGE STEINER: Good afternoon. The witness is now in court.

11 THE WITNESS: (Interpretation) Good afternoon.

12 PRESIDING JUDGE STEINER: And thank you very much for coming. Witness, as
13 you will have been explained during the familiarisation process, the Chamber has
14 granted protective measures to protect your identity from the public, including giving
15 you a pseudonym in place of your real name. You will therefore be referred to as
16 Witness 38 throughout your whole testimony.

17 At the same time the Chamber has granted you voice and image distortion, which
18 means that only the persons inside the courtroom will see your image. Outside the
19 courtroom, your image will be distorted as well as your voice. These are the
20 protective measures granted for your testimony.

21 We shall now go into public session so that the witness can take the oath. Court
22 officer, could you please order the blinds to be raised.

23 (Open session at 2.59 p.m.)

24 THE COURT OFFICER: We are in open session, your Honours.

25 PRESIDING JUDGE STEINER: Thank you very much. First, I will ask the court

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 usher to facilitate the witness taking the oath by showing the witness the printed card
2 containing the words of the oath as provided for in the Statute.

3 You have the floor, please. Stand up and if you could read aloud, please.

4 WITNESS: CAR-OTP-PPPP-0038 (Sworn)

5 (The witness speaks French)

6 PRESIDING JUDGE STEINER: You may sit. Thank you very much. Now that
7 you have taken the oath, the Chamber would like to confirm that you understand
8 what the oath means.

9 THE WITNESS: (Interpretation) I understand the meaning of this oath quite
10 clearly.

11 PRESIDING JUDGE STEINER: That it means that you must give answers to
12 questions asked to you that are true and accurate, to the best of your knowledge and
13 belief?

14 THE WITNESS: (Interpretation) Yes.

15 PRESIDING JUDGE STEINER: Witness 38, have you been given the opportunity to
16 read, or have read to you, the statement or statements that you made previously to
17 the Court?

18 THE WITNESS: (Interpretation) Are you talking to me?

19 PRESIDING JUDGE STEINER: (Interpretation) Yes, I'm addressing you.

20 THE WITNESS: (Interpretation) I haven't understood that very clearly.

21 PRESIDING JUDGE STEINER: During the familiarisation process, have you had the
22 opportunity to read your statements, or someone read to you your statements?

23 THE WITNESS: (Interpretation) Yes, I read my statement.

24 PRESIDING JUDGE STEINER: At the time you gave such statements, did you do so
25 voluntarily?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 THE WITNESS: (Interpretation) Yes, that's right.

2 PRESIDING JUDGE STEINER: And you confirm that the information you provided
3 in your statements are true and accurate, to the best of your knowledge and
4 understanding?

5 THE WITNESS: (Interpretation) Yes.

6 PRESIDING JUDGE STEINER: Thank you very much. Then pursuant to the
7 Chamber's decision of 19 -- to the majority's decision of 19 November 2010, filing 1022,
8 the statements of Witness 38 are admitted as evidence in the case.

9 The Prosecution then -- since this is a witness called by the Prosecution, the
10 Prosecution in accordance with the decision on the conduct of the proceedings will be
11 the first one to question the witness. I just remind you once again, Prosecution, to
12 inform the Chamber that, whenever a decision that implies on confidential
13 information to be given, the Chamber is informed about that subject. Thank you.

14 MS BENSOU DA: Thank you, Madam President.

15 PRESIDING JUDGE STEINER: Madam Bensouda, you have the floor.

16 MS BENSOU DA: Thank you.

17 QUESTIONED BY MS BENSOU DA:

18 Q. Mr Witness, my name is Fatou Bensouda and I will be leading your testimony in
19 Court today for the -- on behalf of the Prosecution. I see that you are doing very well
20 already, but I would ask that when answering the questions that I pose to speak
21 slowly and into the microphone and try to pace your answers to allow for
22 interpretation of the -- into the other languages. If there is any question that you
23 wish to ask, or which you do not understand, you please ask me to repeat and I will
24 do so.

25 I saw that you were able to read the oath by yourself, and I will be asking you during

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 the course of your testimony to assist us with the spelling of the names of individuals
2 and places that you mention in the course of your testimony, if that is okay with you?

3 Before going on into my questions, a while ago, Mr Witness, in answer to the
4 Chamber's question, you confirmed that the statement which was shown to you
5 was -- I mean, the statement mentioned to you was yours. Do you object to the
6 Court admitting your statement into evidence and giving it an EVD number?

7 MS BENSOUA: Madam President, if I may apply to --

8 THE INTERPRETER: The witness said yes.

9 MS BENSOUA: Madam President, if I may apply for the statement of the witness
10 to be given an EVD number.

11 PRESIDING JUDGE STEINER: Yes. Madam Bensouda, before that I would like to
12 ask you, please, to rephrase the question put to the witness since apparently it was
13 not really well understood.

14 MS BENSOUA: Very well, Madam President. I'll put it again.

15 Q. Witness, your statement has been admitted into evidence. Do you object to the
16 statement being given an EVD number? Do you consent?

17 A. I consent.

18 PRESIDING JUDGE STEINER: Yes, though I was just asking -- about to ask you to
19 explain what an EVD number is, because maybe it is the problem that the witness was
20 having difficulty in understanding. But, if I may, I understood that you don't object
21 that your statement is used as evidence in the case? Is that correct, Mr Witness?

22 THE WITNESS: (Interpretation) I'm a bit confused by the question from the
23 Presiding Judge, but I believe I have understood what the Prosecution has told me.

24 PRESIDING JUDGE STEINER: Thank you very much. So the statement is to be
25 given an EVD-T number. You can proceed, Madam Bensouda.

Trial Hearing
Witness: CAR-OTP-PPPP-0038

(Private Session)

ICC-01/05-01/08

1 MS BENSOUDA: Thank you, Madam President. Madam President, may I ask that
2 we move into closed or private session, as I will be asking information that would
3 identify the witness?

4 PRESIDING JUDGE STEINER: I think we could go into private session. I don't
5 think closed session is necessary. Court officer, please.

6 *(Private session at 3.08 p.m.) Reclassified as Open session

7 THE COURT OFFICER: We are in private session, your Honour.

8 MS BENSOUDA:

9 Q. Mr Witness, we are now in private session. This means that whatever you say
10 here will not be heard by the public and will remain as confidential information
11 which the public will not have access to. Do you understand that?

12 A. Yes, I do.

13 Q. Could you tell the Court your full names?

14 A. My name is (Redacted)

15 Q. And could you tell the Court your age and your date of birth, please?

16 A. I'm (Redacted). I was born on (Redacted).

17 Q. Sir, are you married?

18 A. Yes, I am. Yes, I am married.

19 Q. Do you have children?

20 A. Yes, I have (Redacted) children. Yes.

21 Q. Sir, if I may request that you wait for the interpretation so that we can -- how
22 many children do you have in total?

23 A. I have (Redacted) children in total.

24 Q. Are you currently working?

25 A. (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0038

(Private Session)

ICC-01/05-01/08

1 (Redacted).

2 Q. (Redacted)?

3 A. (Redacted)

4 Q. Could you explain briefly what you mean by (Redacted)?

5 A. (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. How long have you been working in this role?

9 A. I've been working in this role for about – (Redacted)

10 (Redacted)

11 Q. When you say (Redacted), where are you referring to?

12 A. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. Thank you for that, Mr Witness. Where are you currently residing?

20 A. I currently reside in my neighbourhood (Redacted)

21 Q. Between October 2002 and March 2003, where were you living?

22 A. I was living in Begoua; in the Begoua (Redacted).

23 Q. And who were you living with in Begoua at the time?

24 A. I'm sorry, I didn't hear that?

25 Q. Who were you living with at Begoua at the time in October -- from October to

Trial Hearing
Witness: CAR-OTP-PPPP-0038

(Private Session)

ICC-01/05-01/08

1 March 2003?

2 A. I was living with my family, with my wife and with my children.

3 Q. I know that you have already explained briefly (Redacted)

4 (Redacted) in 2002. Is that still the case currently?

5 A. Yes, the structure is still the same.

6 Q. You mentioned (Redacted)

7 (Redacted)

8 A. Yes.

9 Q. Do you recall how old -- can you give us his name first?

10 A. His name is (Redacted)

11 Q. Did you know his age in 2002, October to March?

12 A. I have no idea, but (Redacted)

13 Q. When you say (Redacted)? Can you give us an

14 approximation of how old you think he was?

15 A. He must be about (Redacted).

16 Q. You have also mentioned briefly (Redacted). Can you give us

17 in greater detail what exactly his role was as a (Redacted)?

18 A. (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. You also say that you are (Redacted) In October 2002 to

22 March 2003, did you have (Redacted)?

23 A. Yes.

24 Q. During this period that I have mentioned, October to March, where were you in

25 Begoua? You said you were living there, but where were you?

Trial Hearing
Witness: CAR-OTP-PPPP-0038

(Private Session)

ICC-01/05-01/08

1 A. (Redacted)

2 (Redacted)

3 MS BENSOUA: Madam President, I believe we have exhausted for now the
4 identifying information and we may move into open session.

5 PRESIDING JUDGE STEINER: Court officer, please.

6 (Open session at 3.18 p.m.)

7 THE COURT OFFICER: We are in open session, your Honour.

8 PRESIDING JUDGE STEINER: Mr Witness, we are now in open session, meaning
9 that the public can listen to your answers. So I would ask Madam Prosecutor to
10 reiterate the need for keeping names, mainly names, not revealed in order to avoid as
11 much as possible the need for redactions. Thanks.

12 MS BENSOUA: Thank you, Madam President.

13 Q. Mr Witness, we are now in open session and I will continue with my questions,
14 but as Madam President has said this means that the public will be able to hear
15 everything that you are saying and, because the Court has granted the request and
16 given these protective measures, we will be careful not to ask questions which will
17 divulge your identity. Also the identity of victims is protected from public
18 information, and we ask that when you're answering these questions to avoid
19 mentioning the names of victims. In the event that you feel that any of the questions
20 or any of the answers to the questions I will put to you may identify you or any of the
21 victims, please inform the judges accordingly and we will come back to those areas
22 later in a private session. Do you understand this?

23 A. Entirely.

24 Q. Mr Witness, what is your nationality?

25 A. I am from the Central African Republic.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 Q. And what is your ethnicity? From what ethnic group are you?

2 A. I belong to the Zandé ethnic group.

3 Q. What languages do you speak?

4 A. I speak French, Sango, which is my language, Zandé, a little bit of English.

5 Q. So, apart from English, you are fluent in all the other three languages; is that
6 correct?

7 A. Yes.

8 Q. Mr Witness, please don't consider this as an obvious question or answer, but
9 what is the capital of the Central African Republic?

10 A. It is Bangui.

11 Q. Sir, I would now like to go back a little bit in time, a period I've already asked
12 you of October 2002 to March 2003, and I will ask you some questions about events
13 which may have taken place during this period. Can you tell us again where Begoua
14 and PK12 is located in relation to Bangui?

15 A. Bangui is at the north exit, in comparison with the capital Bangui; that is to say,
16 you have Begoua and it is where the roads cross, and so you can go either towards
17 Damara or towards Boali.

18 Q. Just to remind you to speak slowly. You can go ahead.

19 A. Begoua is 12 kilometres from the north exit of our capital Bangui.

20 Q. Do you recall the size of the population residing in PK12 in Begoua between
21 October 2002 and March 2003?

22 A. It would be difficult to give you the exact number of inhabitants. Before, I had
23 a estimate but ever since the events, the whole capital, everyone has moved towards
24 Begoua. So it's difficult to say how many people there are, ever since the events of
25 1996. But it has now become a large community and the census has not been

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 updated, but -- it was underway, but I'm not aware of the number of inhabitants now
2 in Begoua.

3 Q. I believe my question was for the period of October 2002 to March 2003. Can
4 you recall whether the population of Begoua increased or decreased prior to these
5 events?

6 A. The population had increased.

7 Q. Do you know whether there was any reason for that?

8 A. The increase in the number of people, in the population? I was saying earlier
9 that it was due to the population flows after the events of 1996. The military and
10 political events until Patassé was in the zone, people thought they would be safer so
11 they left the capital and the other neighbourhoods to go towards Begoua. Initially,
12 Begoua was more of a tourist kind of place, but since that time it has begun, really
13 practically a large city. Nearly all the ethnic groups, all the different classes in
14 society, all the levels of society are present.

15 PRESIDING JUDGE STEINER: May I interrupt you for a while? Mr Witness, I'm
16 sorry. We are having some problems with the interpreters. We have interpretation
17 from and to English and French and Sango. So I ask you, please, whenever Madam
18 Prosecutor asks you a question, you count to five before you start answering, and
19 please slow down a little bit in order to help our brave interpreters that are here
20 trying to help us. Thank you very much.

21 THE WITNESS: (Interpretation) Certainly.

22 MS BENSOUDA:

23 Q. Mr Witness, do you recall the ethnic composition of Begoua at the time?

24 A. The population of Begoua initially was made up of the Ali ethnic group, with
25 some Banu (phon,) but ever since the events of 1996 the population has increased

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 considerably and one finds all the ethnic groups, all the ethnic groups of our country
2 there. The Batta. There's a -- we find all the various ethnic groups there, all mixed
3 up so to speak.

4 Q. What about the language or the languages spoken in Begoua, was it just one
5 language or many?

6 A. At one time, a long time ago, there was Ali people. That was spoken. And
7 now Sango is spoken, is the main language. Everyone listens to Sango, but each
8 person or each group, each person speaks his own language, so there is no one
9 specific language in Begoua today.

10 Q. Would you say that the dominant language spoken in Begoua at the time was
11 Sango?

12 A. Yes, entirely.

13 Q. In your response earlier on, you talked about the events of 2002, October to
14 March 2003. What, if anything, was happening during this period in the Central
15 African Republic?

16 A. Between 2002 and 2003, indeed. Our current president rebelled against the
17 regime of President Patassé. That was the greatest event of that period of time.

18 Q. Who was the then president of the Central African Republic?

19 A. It was President Patassé. He was the president at that time.

20 Q. You say that the current president rebelled against the then president, Patassé.
21 As a result of this, did anything happen in Central African Republic? Can you
22 explain what happened?

23 A. Yes. When President Bozizé rebelled, after several fights or combats rather, the
24 President called in the MLC troops of Mr Bemba. They came to help him out, to
25 drive out these rebels from the capital, from the republic - correction.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 Q. When you say the rebels of Mr Bemba, do you mean Mr Jean-Pierre Bemba?

2 A. Yes, Mr Jean-Pierre Bemba.

3 Q. Were the rebels of Mr Jean-Pierre Bemba referred to by any other name at the
4 time?

5 A. Yes, we would call them the Banyamulengue.

6 Q. When you hear the term "Banyamulengue," do you understand it to mean
7 anything? Is there any more details that you can give about this term
8 "Banyamulengue"?

9 A. I don't know whether there's special terms. For us Banyamulengue is -- well, it
10 means the rebels of Bemba.

11 Q. How did you come to know that the rebels of Mr Jean-Pierre Bemba were
12 referred to as Banyamulengue?

13 A. Well, after, when the rebellion began, after four or five days of fighting, people
14 started to tell us President Patassé had called upon the rebels of Jean-Pierre Bemba, so
15 the day that the rebellion of Mr Bozizé was resisting, or withdrew from PK12, that
16 same evening, at about 6 or 7 in the evening, a whole cohort of soldiers arrived, and
17 they had a particular aspect and they were not Central African. They were not from
18 our country. They had come to help out President Patassé, to assist him.

19 Q. Did you see these soldiers yourself, or did you just hear about them coming into
20 Central African Republic?

21 A. Myself, I saw them. I can say that, out of curiosity, I remained along the road
22 to see exactly who these Banyamulengue were, because we were told that they were
23 subhuman, less than pygmies, so out of pure curiosity I wanted to see those men. So
24 I was by the road that night. I saw them myself. I remained along the side of the
25 road.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 Q. Did you hear any of the soldiers themselves, any of them refer to themselves as
2 Banyamulengue?

3 A. Yes, that was later, later after the atrocities, when they had arrived. I think I
4 did hear about the lieutenant of Bemba who said on the radio that -- they said, "We
5 are Banyamulengue. We have arrived. We have driven out the soldiers of Bozizé."
6 So it was an interview that was broadcast on the radio. So they introduced
7 themselves. They had described the soldiers from the other side as Banyamulengue.

8 Q. And do you recall which radio station you heard this?

9 A. On the -- on Radio Centrafrique, the Central African Radio network.

10 Q. Do you know whether the lieutenants or lieutenant of Bemba who was what
11 making this announcement over the radio, Central African Republic Radio, whether
12 he identified himself as who? Do you recall whether the person or the persons
13 making this announcement that they were Banyamulengue, do you recall whether
14 they identified themselves?

15 A. I remember that lieutenant; that soldier, Kuporu (phon). Coup-Pour-Coup was
16 his name and he was extremely cruel. His name was Coup-Pour-Coup.

17 Q. Mr Witness, may I ask you to spell Coup-Pour-Coup?

18 A. C-O-U-P-C-O -- C-O-U-P.

19 Q. You have just mentioned that he was, I think you said a very -- did you say
20 wicked man? Did you say a very wicked man? Or am I missing that? Yes, you
21 said he was a very cruel man. Do you know who he was in amongst Mr Jean-Pierre
22 Bemba's rebels? By that I mean what position, what status he had amongst the
23 rebels of Mr Jean-Pierre Bemba.

24 A. He was referred to as my lieutenant - lieutenant - so he was one of the
25 lieutenants amongst the rebels of Mr Bemba.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 Q. In your response earlier on you said that President Patassé called Mr Jean-Pierre
2 Bemba to assist him in this rebellion. Do you know -- how do you know that?
3 How do you know that President Patassé called Mr Jean-Pierre Bemba to come and
4 assist him with the rebellion?

5 A. President Patassé himself made that statement on the radio, that Jean-Pierre
6 Bemba was his son. I believe that -- could I put it this way? Well, he said if the -- if
7 the something was burning next door at your neighbour's house, that you couldn't
8 just do nothing. He was calling upon him because the Central African Republic was
9 in flames. So he was calling upon Bemba. He even said so on the radio.

10 THE INTERPRETER: Message from the English booth: Could someone please ask
11 the witness to slow down.

12 MS BENSOUDA:

13 Q. Mr Witness, I'm going to ask you again to please slow down. The interpreters
14 are having difficulty to interpret what you're saying. I know you speak English and
15 you're able to understand what I say straightaway, but since you have opted to speak
16 in French, I would please ask that you wait for the French translation and then, when
17 you are responding, you do that slowly. Thank you. Do you know why President
18 Patassé called Jean-Pierre Bemba and his rebels to come and assist him? Why, do
19 you know?

20 A. Yes, because the current president, Bozizé, was dissenting. He was rebelling
21 against President Patassé.

22 Q. Where were President Bozizé's rebels based before the rebels of Mr Jean-Pierre
23 Bemba came into the Central African Republic?

24 A. They were based at PK12. Basically, PK12.

25 Q. And from PK12, were they moving from their base into any particular

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 direction?

2 A. During the fighting, they were moving towards the capital because they wanted
3 to take, they wanted to bring down the capital. And when they were leading the
4 fighting they would always go back to PK12. That was their base.

5 Q. Mr Witness, I'm going to ask you how do you know this?

6 A. As I was telling you, (Redacted) and I know that
7 they were there. They had made that place their base.

8 MS BENSOU DA: Madam President, I don't know whether what the witness has
9 just said shouldn't be redacted. "I am so-and-so." Yes, thank you, Madam President.

10 Q. You indicated that there was a rebellion and a fighting. Do you know for how
11 long this went on, the fighting between Bozizé's rebels and the government?

12 A. It continued until the beginning of the rebellion of Bozizé, and from 5 October to
13 15 March, in the evening.

14 Q. You said earlier on that President Patassé announced on radio that he was
15 calling in Mr Jean-Pierre Bemba's rebels for assistance. Did you yourself hear this,
16 hear this announcement?

17 A. Yes.

18 Q. And do you recall which radio station this was broadcasted over?

19 A. On the Central African Radio.

20 Q. You also said that earlier on you saw the rebels of Mr Jean-Pierre Bemba coming
21 into the Central African Republic. Do you know from where they were coming
22 from?

23 A. Well, we always knew that Mr Bemba's rebellion came from the other side; the
24 other side from the RDC. Up until now --

25 THE INTERPRETER: Correction, the DRC.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 THE WITNESS: (Interpretation) Up until now, well, we used to refer to that
2 country as Zaire, but they came from the other side, from the Democratic Republic of
3 the Congo.

4 Q. Just for the records, I want you to tell this Court when exactly they came into
5 the Central African Republic in terms of dates, if you can, please?

6 A. I think from 25 October they came in about five days after the fighting started,
7 something like that.

8 Q. And I'm just going to ask you some specific questions. I know you've already
9 touched on it briefly, but I would want you to tell the Court what or where was the
10 point of entry of the forces of Jean-Pierre Bemba into Central African Republic?

11 A. What we know is that there were two points of entry: First of all at the naval
12 base, this is a military base which is right opposite Congo; and the second entry point
13 was the air base of Bangui M'POKO. So there were soldiers who were flown in,
14 others came through the river, but there were other people who came and gave us
15 information. Those other rebels were taken further inside the DRC by plane and
16 they were dropped directly at the air base. So there were two points of entry for the
17 Bemba rebels.

18 Q. Without disclosing your -- any identifying aspect of your -- where you reside,
19 can you tell us where you were when the rebels - Mr Jean-Pierre Bemba's
20 rebels - came into Bangui -- came into Central African Republic?

21 A. (Redacted), so when we heard
22 about the arrival of Bemba's rebels I left my house and went to the roadside. I was
23 there and I saw them arrive through the Damara road, mainly. That is where they
24 came from. (Redacted)

25 (Redacted)

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 Q. Mr Witness, if I may remind you to please not talk about your house, or your
2 residence. I know it may be difficult, but these are things that we are using to
3 protect you, so please don't talk about the location of your house. If you want to, we
4 can go into private session for that. Madam President, perhaps that's information to
5 be redacted. Thank you.

6 Mr Witness, what did the Banyamulengue, or the rebels of Mr Jean-Pierre Bemba, do
7 when they entered Bangui?

8 A. When they came in after the departure of Bozizé's rebels, when they came in in
9 the evening there was no problem that evening. They simply arrived and settled
10 down. We were there, and the following morning at about 5 a.m. we woke up with
11 the sound of gunshots. So there were general disturbances in Begoua town. We
12 thought that Bozizé's rebels had come back to Begoua and were engaged in another
13 skirmish, but when we opened the door we realised that the Begoua neighbourhood
14 was full of all Bemba's rebels. They were breaking everything. They were stealing
15 everything. It was terrible to see. So every house in Begoua was broken into and
16 they took everything they could see: Radio sets, cell phones and everything that
17 they could see. It's if as though that is what they were coming to look for in Bangui,
18 so they started stealing and I believe that was the day following their arrival.

19 Q. Mr Witness, how could you distinguish that these rebels - these
20 soldiers - causing these problems that you have just talked about were Mr Jean-Pierre
21 Bemba's rebels and not President Bozizé's soldiers? How do you know that?

22 A. Madam Prosecutor, we know the way our soldiers dress, our uniforms. We
23 know that our regular army had their uniforms, they had the berets and their insignia,
24 but these soldiers, even though they were in camouflage, they had a peculiarity.
25 They were wearing different types of boots. They did not have Ranger boots in

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 leather like the other armies in the world. And then there was another specificity.
2 Some of them were wearing green berets, some black berets, some red berets. There
3 was a whole mixture. It was only those who seemed to be the commanders who
4 were wearing Rangers, but they did not have any insignia on their shoulders. Then
5 there were also their physical features. They did not look like Central Africans.

6 Q. Thank you for that. But coming to the boots, you said they were not wearing
7 the Ranger boots like normal soldiers. What kind of boots were they wearing?

8 A. They were wearing rubber boots, which I would refer to as farming boots.
9 These are long boots that you would wear almost up to the knees and then their
10 trousers were tucked into the boots.

11 Q. Just to take you back a little, did the Bozizé rebels ever come to PK12, do you
12 know?

13 A. Which period are you referring to, please? After they retreated, or before?

14 Q. I'm referring to just before the Banyamulengue came to Central African
15 Republic in 2002.

16 A. Yes, I had told you that the rebels were there. The rebels of the current
17 president, Bozizé, they were in PK12.

18 Q. And can you remind us how long they stayed in PK12?

19 A. I have no idea. I cannot remember the time.

20 Q. That's all right. It's no problem. Can you tell us whether there was any
21 fighting during this period in PK12? Did any fighting take place in PK12?

22 A. Fighting in PK12, no, because PK12 was the base of Bozizé's rebels, and they left
23 PK12 to advance towards the capital because they wanted to take the capital and they
24 would advance towards the residence of President Patassé.

25 Q. You've also -- you've just described the Banyamulengue coming into Bangui.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 Did they ever go to PK12, the Banyamulengue?

2 A. The Banyamulengue? Yes, they came to PK12. I said it was about four or five
3 days of fighting. They came to PK12 and this was while Bozizé's rebels were
4 retreating.

5 Q. Apart from PK12, did they go anywhere else?

6 A. Yes, the day after they arrived PK12 they went on to PK22, and that is
7 when -- that is where Bemba's rebels actually engaged in fighting with Bozizé's rebels.

8 Q. Again you may have answered this question, I'm sorry I don't recall, but just to
9 be careful where were you when the Banyamulengues came to PK12?

10 A. I was in PK12 itself.

11 Q. Do you recall the date? If you don't it's fine, but do you recall what date this
12 was?

13 A. I cannot give you a precise date. I have no idea about the dates. I remember
14 the events, but not the dates.

15 Q. That's no problem. You talk about the arrival in Bangui and also the arrival in
16 PK12. Do you recall how many days between their arrival in Bangui and
17 PK12 -- and their arrival in PK12? Do you remember how many days in-between?

18 A. No. I believe that Bozizé's rebels must have been aware of the arrival of
19 Mr Bemba's rebels, so when that rebellion retreated from PK12 Mr Bemba's rebels
20 immediately came into PK12. So I have no idea how long they stayed before coming
21 to PK12, but it takes a very short time to travel from the town to PK douze -- PK12,
22 but I think it was the same day in any case.

23 Q. And for how long did they stay in PK12?

24 A. They stayed there until the evening of 15 March.

25 Q. 15 March of which year? What year are you referring to, 15 March?

Trial Hearing
Witness: CAR-OTP-PPPP-0038

(Open Session)

ICC-01/05-01/08

1 A. 15 March 2003.

2 Q. Can you tell us what was the importance of PK12, if any, at this time?

3 A. As I have said before, I do not know -- are you talking about administrative,
4 touristic, commercial importance? Because the PK12 became a major trading centre.
5 It was the cross-roads; that is, the roads from Cameroon, the roads from Chad, they
6 meet at PK12, so it is important.

7 Q. You said you were present at PK12 when Mr Jean-Pierre Bemba's rebels arrived.
8 Can you describe to the Court briefly how the Banyamulengue rebels, how they
9 entered PK12?

10 A. They entered on foot. They entered on foot and in Indian file.

11 Q. Can you explain what you mean by "Indian file"?

12 A. It means in a line, one after the other. They didn't come in a vehicle.

13 Q. And did they just come on that very day? Was that very day the complete
14 deployment of the Banyamulengue or on subsequent days as well?

15 A. It also happened on the following day. The following days, especially after the
16 fighting at PK22, reinforcements arrived and that's how come their numbers grew.
17 They set up a base there.

18 Q. I will come to the setting up of the base in a moment, but did they all the time
19 come on foot or did they also use other means of transportation?

20 A. They arrived on foot the first few days and then the next time they were
21 brought in by vehicle.

22 Q. What type of vehicles were these?

23 A. These were the vehicles of our army. They were Sovamags which would bring
24 them. They were vehicles, the type of vehicles that we saw in German films, large
25 lorries with -- with the steerings on the right. And then there were also other

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 vehicles that were used to transport them, bell-type (phon) vehicles.

2 Q. Do you know -- well, I think you said "The vehicles of our army." How do you
3 know that the vehicles belonged to your army and what army are you referring to?

4 A. All inhabitants of Bangui can recognise the vehicles of our army. There is the
5 colour to begin with. It is almost a camouflage colour, green camouflage and others,
6 and I believe those vehicles could be clearly identified.

7 Q. You also said that when they came, they set up a base. Where did they set up
8 their base?

9 A. Right at the intersection, there's the road from Damara, the road from Boali and
10 then the road to Bangui. There's a weighbridge there right at the cross-roads. That
11 is where they set up their headquarters.

12 Q. Mr Witness, I'm going to ask you to spell Boali and Damara, as you have
13 just -- the names you've just mentioned.

14 A. Boali is spelt B-O-A-L-I. Damara is D-A-M-A-R-A.

15 Q. You told us where they set up. Can you describe to the Court how they were
16 set up?

17 A. When they arrived, all around the weighbridge there were small shops, small
18 stores; but when they arrived, they emptied everything, they destroyed everything.
19 Everyone fled. So all the small buildings and bars were destroyed, and most of the
20 troops came and settled there right at the cross-roads. They covered the entire
21 cross-roads, the road to the market, and the chief was on the other side in front of the
22 bar that we call today Tossa 2002. So there was a small base where the commander
23 was settled. It was close by.

24 Q. Do you -- I'll repeat the question. Do you know the name of the commander
25 that you just mentioned?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 A. Yes, because later on after the events I came to know his name. He was known
2 as Colonel Moustapha. I believe he was the one who was the commander of the
3 base.

4 Q. Mr Witness, just for the understanding of the Court, you talked about how they
5 were -- they were set up in this area, the cross-roads of Boali and Damara. You also
6 say that they set up, I believe, cordons. Maybe not.

7 Now, let me ask, Mr Witness, I just want you to describe in greater detail, if you can,
8 how they set up in this place. We have time, we can listen to you, so that the Court
9 can understand what exactly you mean.

10 A. After they arrived, they placed two cordons on both sides of the road, on the
11 Damara road and on Boali road. Also, they set up cordons there, right up to the
12 Begoua school. At the level of the cross-roads, there was a base for -- with every
13 military facility. There was a kitchen, and so on and so forth. But with regard to
14 the commander or the chief, they went up and set up a small room which was
15 considered his house. And next door you had the aide de camps, and so on. So in
16 all the small roads that were around the cross-roads, there were soldiers everywhere
17 on the roads into the neighbourhoods. So it was a whole group of soldiers who were
18 there in the entire area.

19 Q. Can you tell us approximately how many soldiers you are talking about?

20 A. (Redacted)

21 (Redacted) there were many of them. I can estimate the number at that time at
22 800 or 1,000.

23 Q. You also said in your statement, in your testimony earlier on, that when they
24 came they emptied everything. What do you mean by "they emptied everything"?

25 A. The next day at 5 a.m., when they went into the neighbourhoods they

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 systematically broke into every house and took out everything they could find, and
2 they took the mattresses, radio sets. Everything that could be taken away they took
3 away, and they left only useless things that they could probably not carry, like large
4 tables and so on. They even took the cushions on the chairs. They took all of those.
5 There was something very strange which I did not tell you in my statement. I saw
6 one Banyamulengue who went to a place where small bricks had been stored for
7 construction. So he took his bag and he started putting the bricks into his bag. That
8 seemed to me very strange. I didn't understand that.

9 Q. Thank you, Mr Witness. Apart from the base you just described, are you
10 aware of any other bases that were set up when they came?

11 A. Yes, indeed. The cross-roads, I referred to it as the headquarters, but next door,
12 since Colonel Moustapha was there I also referred to that as a base, but further on, on
13 the Damara road, there was another base commanded as someone known as Mapao,
14 and this person had been introduced to us as the small brother of Bemba. On the
15 other side, on Boali road, when the fighting intensified and the troops were pursuing
16 Bozizé's rebels, Moustapha left from the staff headquarters and went about 500 to 600
17 metres away on Boali road to set up another base there near the school. So the
18 headquarters at the cross-roads was still manned by soldiers but Moustapha was now
19 set up at the base near the school.

20 Q. Thank you, Mr Witness, I'm now a little bit confused in terms of numbers of
21 these bases. How many in total are you talking about? How many bases did they
22 set up?

23 A. There was Mapao's, there was Moustapha's bases and there was a bases behind
24 the school. I believe there were three or four bases, if I remember correctly, there
25 were such bases.

Trial Hearing
Witness: CAR-OTP-PPPP-0038

(Open Session)

ICC-01/05-01/08

1 Q. And were all these bases within Begoua?

2 A. Yes.

3 Q. You mentioned now already once or twice Mapao. Can you spell that?

4 A. M-A-P-A-O.

5 Q. You also mentioned Bar Tossa. Can you spell that, please, Bar Tossa 2002?

6 A. It's the Bar Tossa 2002. It was a bar because the owners left and it was turned
7 into a base. It was a bar called Tossa 2002, which is still there.

8 MS BENSOUA: Madam President, just for our understanding, I am suggesting
9 to -- if the witness is able to, just give him a piece of paper to perhaps give us a sketch
10 of all these bases that he was talking about, if it's possible, for our understanding, if
11 that's fine with the Bench.

12 PRESIDING JUDGE STEINER: Maître?

13 MR LIRISS: (Interpretation) I have no objections, but not a small strip of paper, as
14 we saw in the filings, but perhaps we could have a sort of sufficiently large frame so
15 that we can understand this because the Defence fails to understand what's going on,
16 and the Prosecution doesn't understand either.

17 PRESIDING JUDGE STEINER: Is that what you're suggesting, Madam Prosecutor?

18 MS BENSOUA: Yes, Madam President, I do understand what I'm talking about.
19 I just want for the better understanding of everyone that the bases that he mentioned,
20 that were located within Begoua, if he can have the opportunity to sketch it out for the
21 Court. This is -- it can be a board or a bigger paper, it doesn't matter. I just want
22 the locations to be shown clearly by the witness.

23 PRESIDING JUDGE STEINER: It can be done if the witness agrees, but in a way that
24 the paper can be shown to the Defence as well.

25 MS BENSOUA: Yes, yes, of course, Madam President. It will be for the Defence

Trial Hearing
Witness: CAR-OTP-PPPP-0038

(Open Session)

ICC-01/05-01/08

1 understanding as well.

2 PRESIDING JUDGE STEINER: Court officer, could you please provide the witness
3 with paper and pen.

4 MS BENSOUA:

5 Q. Mr Witness, you're going to be provided --

6 PRESIDING JUDGE STEINER: One question, Madam Bensouda. Would it be a
7 sketch similar to one CAR-OTP-0010-0308, which is already a document on the case
8 file?

9 MS BENSOUA: Madam President, let me just check on that. Madam President,
10 why that particular sketch is not being used now is because I believe the witness
11 indicates his residence and this is why, to protect him, I do not propose to use that
12 sketch. But I understand there are some technical things that can be done and we
13 can see it on the board; I'm not very familiar. But senior trial lawyer Petra Kneuer
14 can explain to the Court how that can be done without using a piece of paper. But
15 the technical --

16 PRESIDING JUDGE STEINER: One question: Court officer, if this document is
17 displayed now, it can -- Madam Prosecutor, I'm informed that we have two options to
18 display the document that is already part of the case file only for -- inside the
19 courtroom, not for the public. The second option is that the witness draw something
20 and it will be displayed also inside the courtroom. So whatever option.

21 MS BENSOUA: Madam President, if I may consult my team.

22 PRESIDING JUDGE STEINER: Sorry, Maître?

23 MR LIRISS: (Interpretation) Yes, thank you. While the Defence is conferring, the
24 Defence would like the witness to re-draw this as was said because the document we
25 were shown, it quite simply is not comprehensible, and the Prosecution fails to

Trial Hearing
Witness: CAR-OTP-PPPP-0038

(Open Session)

ICC-01/05-01/08

1 understand it too.

2 MS BENSOUA: Madam President, in fact, that is our preference, that the witness
3 draws the different bases and perhaps some other two places that I will put to him.

4 PRESIDING JUDGE STEINER: I'm sorry for this. The Chamber is informed of so
5 many technological options that in the end too many options can make everything
6 more difficult. But let's give the witness the time he needs for the drawing. Yes,
7 Maître?

8 MR LIRISS: (Interpretation) Madam President, I agree with you but so that we
9 don't do unnecessary work, could we also ask the witness to draw the church. I'm
10 referring to the former church, the chief's house, the hospital, the Bar Tossa 2000, the
11 Mapao base, the bridge, the Begoua school, the football field that he also spoke about.
12 For the moment he can't do everything unless he knows what the Defence desires and
13 what the Court desires in fact.

14 PRESIDING JUDGE STEINER: Maître Liriss, I think for the time being the witness
15 will sketch what is asked by the Prosecution, and of course you have the opportunity
16 to ask the witness to complete its sketch when it's time for your questioning.

17 MS BENSOUA: Madam President, in fact I did mention that I would ask him to
18 add one or two other places, and they include in fact what the Defence is suggesting,
19 so that's fine.

20 PRESIDING JUDGE STEINER: Problem solved.

21 MS BENSOUA: Madam President, I just wanted to remind the witness not to
22 include his house.

23 PRESIDING JUDGE STEINER: Madam Bensouda, I'm informed by the court officer
24 that we have eight minutes left before we have to go to a break, since the tape is about
25 to end, so what I would suggest maybe is as soon as the witness finishes the sketch

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 that we go -- we have to go to a break. So the sketch could remain in the custody of
2 the court officer, if the Defence so agrees, because we have to go to a break.

3 MS BENSOUDA: Very well, Madam President.

4 MR LIRISS: (Interpretation) No objections, your Honour.

5 PRESIDING JUDGE STEINER: Witness, thank you very much. We have to go into

6 a break right now, because of our interpreters and of course you also are entitled to

7 rest for a while, so we are going to suspend this session for half-an-hour. We will

8 resume at 5-past-5, and then you will be able to show your sketch to Madam

9 Prosecution and to the Defence. For the time being, the sketch remains in the hands

10 of the court officer.

11 First we are going, please, into closed session in order to allow the witness to leave

12 the room. Court officer.

13 *(Closed session at 4.34 p.m.) Reclassified as Open session

14 (The witness stands down)

15 THE COURT OFFICER: We are in closed session, Madam President.

16 PRESIDING JUDGE STEINER: So the Chamber will resume at 5-past-5. The

17 session is suspended.

18 THE COURT OFFICER: All rise.

19 (Recess taken at 4.36 p.m.)

20 (Upon resuming in open session at 5.11 p.m.)

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

22 THE COURT OFFICER: Madam President, your Honours, we are in open session.

23 PRESIDING JUDGE STEINER: We are resuming this hearing, but before we call the

24 witness in I've been informed that Madam Prosecutor would like to raise a

25 procedural issue. So you have the floor.

Trial Hearing
Witness: CAR-OTP-PPPP-0038

(Open Session)

ICC-01/05-01/08

1 MS BENSOUA: Thank you, Madam President. This actually relates to the
2 witness statement, and I just meant to clarify that I requested for the statement to be
3 put into evidence - to be admitted and put into evidence - in the context of Rule 68(b)
4 of the Rules of Procedure and Evidence which, with your permission, I will read: "If
5 the witness who gave the previous recorded testimony is present before the Trial
6 Chamber and he or she does not object to the submission of the previously-recorded
7 testimony and the Prosecutor, the Defence and the Chamber have the opportunity to
8 examine the witness during the proceedings."

9 And, Madam President, it was in fact in the light of this rule that I requested for the
10 statement to be -- for his consent first and the statement to be admitted and given an
11 EVD number.

12 PRESIDING JUDGE STEINER: Thank you, Maître Bensouda. The
13 Chamber understands, being this the first time in which such procedure is adopted
14 by a Trial Chamber, it may raise some concerns or difficulties in implementation.
15 What the Chamber could address, at least at this point in time, in order not to take
16 part of the time we have to listen to the witness, is first that we -- our decision 1022
17 issued by the majority's decision issued on 19 November 2010 has no therefore, as a
18 legal basis, Rule *68(b). This is not considered -- the filing of the statements as
19 evidence is being proceeded upon as it is in Pre-Trial phase. It is the simple filing of
20 statements as part of the case file, therefore, evidence of the case. And that's why the
21 Chamber ordered the filing of all statements and that all of them and related
22 documents should be given EVD-T numbers.

23 So they are already evidence admitted prima facie as evidence, unless any of the
24 parties decide to challenge admissibility in accordance with the Statute and the Rules.
25 It's not exactly Rule *68(b) since we are not considering the written statements as

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 prior-recorded testimony. We understand that what the drafters meant by
2 prior-recorded testimony to be filed as evidence in lieu of oral testimony is a
3 completely different situation.

4 So, we are trying to adopt in Trial Chamber III the same system of admitting into
5 evidence all documents of the Prosecution list of evidence and of the Defence list of
6 evidence prima facie admissible unless the Chamber proprio motu or any of the
7 parties challenge the admissibility of the document.

8 This attempt of the majority of the Chamber aimed at reducing the time of
9 questioning a witness and allowing the parties just to focus on the main issues
10 brought by the witness in its statement. So it's an attempt of the Chamber to ensure
11 expeditiousness to the proceedings. I don't know whether I explained myself with
12 sufficient clarity.

13 MS BENSOUDA: Very well, Madam President. If I may just consult and come
14 back.

15 Thank you, Madam President. I think we can proceed with the witness for the
16 moment.

17 PRESIDING JUDGE STEINER: Thank you very much. So I will ask please, court
18 officer, for the time necessary for the witness to be brought into the courtroom just to
19 turn the session into closed for a short period of time.

20 *(Closed session at 5.17 p.m.) Reclassified as Open session

21 THE COURT OFFICER: We are in closed session, Madam President.

22 (The witness enters the courtroom)

23 PRESIDING JUDGE STEINER: Witness, welcome back.

24 Court officer, please raise the blinds. We'll start in open session. Only if it's
25 necessary, Madam Prosecution will inform the Chamber.

Trial Hearing
Witness: CAR-OTP-PPPP-0038

(Open Session)

ICC-01/05-01/08

1 (Open session at 5.19 p.m.)

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

3 PRESIDING JUDGE STEINER: Court officer, just to confirm that we continue with
4 the protective measures, voice and image distortion. Madam Bensouda.

5 MS BENSOU DA: Thank you, Madam President.

6 Q. Witness, have you completed the sketch that you were drawing just before the
7 break?

8 A. Yes, I did a sketch, just a sketch, which I provided. Can I say now that I
9 finished? Am I to add anything in light of questions to be asked? If so, I can do so.
10 You must note that I'm not much of an artist. I hope that the Court won't hold it
11 against me that I'm not much of an artist. My sketch isn't very good.

12 PRESIDING JUDGE STEINER: This sketch needs to be displayed, please, and only
13 for the courtroom.

14 MS BENSOU DA: Madam President, just if I may ask the witness to make -- the
15 markings of the different bases of the Banyamulengue rebels in Begoua, maybe as
16 base A, base B, base C, or --

17 Q. Can you do that, please.

18 A. Yes. On the photograph, I placed 2002, Bar 2002, I put Moustapha and I also
19 marked the various points and Mapao at the entrance of the hospital. I did some
20 stripes like this and on the other side, I put Moustapha 2. I was saying a few
21 moments ago, this is Moustapha 1. Moustapha was first.

22 Q. For the moment what I just want you to do without explaining, because you
23 will have an opportunity to explain once it is displayed for everyone, but I just want
24 you to now mark the bases first and I also want you to identify the hospital, indicate
25 the hospital, the Begoua school, if you can, the football field.

Trial Hearing
Witness: CAR-OTP-PPPP-0038

(Open Session)

ICC-01/05-01/08

1 A. Yes.

2 Q. The Damara road direction - the direction of the Damara road - and the Boali
3 road.

4 A. Yes.

5 Q. I am now going to request that it be displayed so that you will have the
6 opportunity to explain it to the Court and the parties and participants.

7 THE COURT OFFICER: It's ready -- if I may, it's ready in the screens of everybody.
8 Just you have -- you just have to press in the remote control next to your screens in
9 Document Cam Witness.

10 MS BENSOU DA: Thank you, Madam President. I believe we already have it on
11 our screens.

12 Q. Mr Witness, you started explaining the bases when I stopped you. Can you
13 please now explain to us the different bases of the -- of Jean-Pierre Bemba's rebels that
14 were set up in Begoua?

15 A. On the map here, I put towards Bangui, and they left from Bangui and went
16 towards PK12. They left from Bangui and they went towards PK12. I was
17 speaking earlier about the weighbridge. When they arrived, they went into this area
18 here, all this area.

19 Q. Witness, when I do this, I mean you just slow down. Then we can understand
20 your beautiful sketch.

21 A. Thank you. When they arrived from Bangui, they moved in into all of this
22 sector, all of this area. I can say that all of this area was invaded, all of this was
23 invaded by the Banyamulengue. Now, the weighbridge was here. A few moments
24 ago, I was talking about the market. The market was here. The hospital is here.
25 And here, this is the place where they set up the base, where Moustapha remained

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 before he went over here; that is to say, after the fighting, once they started,
2 when -- when the troops went towards the front, Moustapha went from here and
3 went to this base here, base 3. Now here we see Mapao's base, I was speaking of
4 him earlier, and this is where Coup-Pour-Coup was always staying, close to the
5 hospital.

6 A few moments ago you were asking me to indicate the church. The church was
7 here, right here, right behind the school and I put base 4 because there was no room
8 on the sheet of paper, so I just did an arrow indicating that in this direction there was
9 also a base controlled by the Banyamulengue chiefs. All this to say -- well, I forgot
10 to put here the PK barrier. So this part was kept by the police officers of our country,
11 but from the barrier up until here it was controlled by Mr Bemba's rebels, all this
12 sector here. I don't know whether you have any questions. I could --

13 Q. Mr Witness, I see that you have mentioned -- I see in your sketch about four
14 bases; four. Was that the total number of bases set up by Mr Jean-Pierre Bemba's
15 rebels when they came to Begoua?

16 A. I am referring to those black spots as bases, because that is where the chiefs or
17 commanders were permanently stationed; otherwise, the headquarters was based
18 there, in that area of the weighbridge. But you could have a commander here and
19 another one there, but the best-known chief of them, the best-known chiefs amongst
20 them, would be found in the areas that I have covered in black.

21 MS BENSOU DA: Madam President, I don't know whether -- perhaps we may go to
22 open session for this, because I see that there is no -- we are in open session? Thank
23 you.

24 PRESIDING JUDGE STEINER: Sorry, we are in open session, but the sketch has not
25 been displayed, as far as I know, for the public.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 MS BENSOUA: Okay. That's what I mean, that we can display this sketch
2 because there's no identifying information, as such, regarding the witness.

3 PRESIDING JUDGE STEINER: Is that possible? So the sketch will be displayed.
4 You can continue, Madam.

5 MS BENSOUA: Thank you, Madam President.

6 Q. Mr Witness, I see that you have the name of Moustapha 1 in base 1, and then
7 you also have Moustapha 2 near base 3. Can you explain that for our
8 understanding?

9 A. A short while ago I was saying that when they arrived and positioned soldiers
10 here, there and on all the roads, Moustapha came and set up base here. There were
11 many more soldiers here than on the other side, so he set up a base here. He was the
12 commander of that base.

13 Now, subsequently, when the bulk of the troops went to the front, he kept some
14 soldiers here, but he himself moved to this other base and it was there that he
15 remained until 15 March. So Moustapha 1, he was here, and after that he went to
16 base 3. That is why I put Moustapha 2 to explain his mobility.

17 Q. Prior to the setting up of the bases by the Banyamulengue, what were these
18 locations before, and I would want you to go base after base to explain what these
19 locations were prior to the arrival of Jean-Pierre Bemba's rebels?

20 A. Before the arrival of Jean-Pierre Bemba, when you crossed the road-block
21 somewhere there, there was a bar here known as Tossa 2002, and there was a series of
22 bars next door. There were cafes and small drinking places there. Now, at the
23 market, those were all kiosks, so after the bars on the Damara road, you had kiosks or
24 small stores --

25 Q. I'm sorry, Mr Witness, I will have to ask you to please slow down, please. But

Trial Hearing
Witness: CAR-OTP-PPPP-0038

(Open Session)

ICC-01/05-01/08

1 go ahead, but slowly, please.

2 A. I'm sorry, but that is a weakness of mine. So as I was saying, before the arrival
3 of the Banyamulengue, there was the Tossa bar and a series of two or three drinking
4 places on that side of the road. Can I continue?

5 Q. Go ahead. Just slowly, but go ahead.

6 A. Very well. Here you had stores, small traders who were operating there, and
7 there were other traders on that other side and up to the hospital there were traders
8 all over the place. And similarly, on the other side of the road, there were traders all
9 along that road. So as I was telling you, those were all stores and PK12 has now
10 become a trading centre or a business centre, so this entire area was made up of small
11 stores, shops and kiosks.

12 Q. What about the second base, base 2? I see that the -- I don't know whether it is
13 the one that has Coup-Pour-Coup, but I would want to know what was there prior to
14 the arrival of the rebels?

15 A. Is it base 2 where I have indicated Mapao?

16 Q. Yes.

17 A. On the Damara road, right at the hospital, the stores ended. So this was the
18 village itself. Near Mapao's base it was the village. There was, there were not
19 stores. It was the neighbourhood. This means that he set up base in a house that
20 had been abandoned because of violence. He set up a base amongst the inhabitants.

21 Q. What about base 3?

22 A. Regarding base 3, I said a short while ago that when the troops left, Moustapha
23 went there to base 3; that is, near the football field. Where there is a black -- the
24 black square, there was a house. That is where they stored all the stolen items and
25 property. So he was living right next to the football field and there was a house

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 there where they stored stolen property.

2 Q. And the fourth base, what was that location before they came?

3 A. I said that the fourth base was situated almost in the valley. It is a
4 neighbourhood at the bottom of the slope and there was no major road there. They
5 set up a base there and those two bases, the base -- the fourth base and the base at the
6 school were really specialised in the rapes of women because they were a bit
7 concealed; they were not really visible. So those were the bases where the troops
8 were specialised in the collective rapes that I spoke about in my statement.

9 Q. Does the name Judge Mbata mean anything to you?

10 A. Yes, he is a magistrate. Base 2, that is Mapao's base, was very close. Mapao's
11 base, that is the second base, was located in front of the residence of Magistrate Mbata.
12 That is about 100 metres away from them. In that area, there was another base, there
13 were other soldiers. Mr Mbata's house had been broken in. Some soldiers were
14 positioned there and soldiers occupied Mr Mbata's house. I did not indicate where
15 this house was located because in the sketch there was no space left for me to do so,
16 and I forgot.

17 Q. So was Mr Mbata's residence therefore a base for the Banyamulengue rebels?

18 A. Yes, it was a base, because they had set up small positions, such as those, so as
19 to better control the town. It was a base.

20 Q. I know you have briefly talked about this partially, but can you just tell the
21 Court whether there were commanders assigned to help these bases, if you know?

22 A. To my knowledge, at the first base there was Colonel Moustapha; he was
23 known as colonel. Then there was Mapao; I do not know his rank but he was quite
24 influential. He was respected by a good number of the rebels but I do not know his
25 rank. At the third base, it was Mapao who occupied that base, but all I know is that

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 all those military commanders had lieutenants and captains who were their
2 subordinates, and who were there carrying out duties and they, in turn, had their
3 own subordinates. So you had to know that these people were high-ranking. You
4 had the colonels who had aide-de-camps. Then you had their deputies who also
5 had their aide-de-camps and so on. So when you saw someone accompanied by two
6 or three soldiers, you knew that he was a chief or a commander, but it was not
7 possible to know their ranks. However, I know that Coup-Pour-Coup was a
8 lieutenant, because he was called a lieutenant; Moustapha was a colonel, because he
9 was referred to as colonel; and Mapao, I do not know his rank. He was never
10 referred to by rank. He was simply called Mapao. He was a gentleman, and he
11 was widely known by this name, this nickname.

12 Q. And in these bases that you describe, as a civilian, could one move in and out
13 freely in these bases? How was it -- in other words, how was it manned?

14 A. If a civilian went into one of those bases he wanted to die. Mapao was a bit
15 different, so there were very few people who had the courage to go up against that
16 rebellion. It was exceptional. I'm sorry, I'm a Christian, but today I think God
17 wanted it to be so, for the truth to finally come out after these atrocities. Honestly, I
18 do not know where I got the courage to rebel against that rebellion and (Redacted)
19 (Redacted) The fact is that the civilians kept away from those bases.

20 Q. Thank you for that. And you may have answered this, and I'm sorry if I'm
21 asking again, but where amongst those bases was the headquarters?

22 A. The headquarters was next to the weighbridge. This entire area was the
23 headquarters, because the bulk of the troops were positioned here. It was from there
24 that soldiers were dispatched, this entire area, but the Chief of Staff at the
25 headquarters was here, his office was there, and in order to see him you had to go to

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 this location.

2 MS BENSOUDA: Thank you, Madam President.

3 Q. You also earlier on in your testimony gave us an estimation of -- of the soldiers,
4 the Banyamulengue soldiers, as between 800 to 1,000. How were you able, or how
5 are you able, to make that estimation?

6 A. Madam Prosecutor, you said a short while ago, or rather I said a short while ago
7 that (Redacted), so I was able to see. I was even
8 surprised myself at what I saw. That is how come I was able to give that estimate.

9 Q. Thank you. Thank you very much for that. And what was the gender
10 composition of the -- of the rebels; of the Banyamulengue rebels?

11 A. Most of the troops were men and small children. Regarding women, I think in
12 my humble opinion I counted six women. I believe I saw six different
13 Banyamulengue women, and one of them had a baby, but she was a soldier. To
14 clarify, when Bozizé's rebellion entered, they captured that woman and they made
15 her a prisoner and they produced her at that weighbridge. That woman had a baby
16 and she was stationed at base 3. That is near the football field.

17 Q. Just to take you back a little for clarity, when the Banyamulengue -- and please
18 pardon me if this may sound not so clever on my part, but I just want it to be clear.
19 When the Banyamulengue came and had their bases, as you have just described, was
20 the CAR - the Central African Republic - army also there? Were they also there?

21 A. No, the army was inexistent, or nonexistent, at that time.

22 MS BENSOUDA: Madam President, I think I have exhausted the questions with
23 regard to the sketch that the witness has drawn, and may I apply that it be admitted
24 into evidence and be given an EVD number?

25 PRESIDING JUDGE STEINER: Court officer.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 THE COURT OFFICER: Yes, your Honour. If I may, the Registry is in the
2 procedure -- in the process of attributing EVD numbers to implement the decision
3 1022 ordered by the Chamber, and the next available EVD-T reference will be
4 EVD-T-OTP-00596 and it would be attributed to this sketch and this document would
5 be classified as public.

6 PRESIDING JUDGE STEINER: Thank you very much. You can proceed,
7 Madam Bensouda.

8 MS BENSoudA: Thank you, Madam President.

9 Q. Witness, earlier on you described the Banyamulengue soldiers and how they
10 were dressed. You went at length into what they wore, the boots, and you even
11 talked about their headgear. Do you -- do you know whether the berets, which you
12 said that were an assortment, do you know whether they were assigned according to
13 units, or it was just randomly worn like that?

14 A. As far as we know, before going into PK12 they had started committing acts of
15 violence. They were going into houses and even into the houses of Central African
16 Republic soldiers. If they went into the house and saw a beret, they considered it as
17 war booty and they would wear those berets randomly. That is why you could have
18 the berets of customs officers, berets of the presidential guard, the black berets of
19 another unit. It was a whole assortment of berets. Regarding whether it was by
20 units I cannot tell you how it happened but, as far as we know, it was an assortment
21 of berets.

22 Q. That's all right. Thank you. Coming back to the uniforms, do you know who
23 provided the uniforms to the soldiers?

24 A. Madam Prosecutor, what I observed was that when they arrived they were
25 wearing new uniforms and I believe they were wearing those uniforms for the first

Trial Hearing
Witness: CAR-OTP-PPPP-0038

(Open Session)

ICC-01/05-01/08

1 time that day, according to me. And later on, during discussions, there were
2 soldiers that we talked to. They left Congo in civilian dress and others were actually
3 in rags, but when they arrived at the naval base they were given new uniforms.
4 That is the information that we received. So the uniforms did not look like uniforms
5 that had already been worn during combat. They were new uniforms. So in my
6 humble opinion it must have been the government of our country who gave them
7 those uniforms, because it was that government that had called them in to fight
8 against the rebels of current President Bozizé.

9 PRESIDING JUDGE STEINER: Madam Bensouda, may I ask whether you are still
10 going to use the sketch prepared by the witness?

11 MS BENSOU DA: I don't think so, Madam President, but I am assuming that
12 perhaps the Defence will want to use it at some point, but for the purposes of my
13 examination I do not think I will need -- use it again.

14 PRESIDING JUDGE STEINER: It's just because I'm informed by the court officer
15 that it would be better if the witness can go back to its seat, because that facilitates for
16 him to be closer to the microphone.

17 MS BENSOU DA: Absolutely, Madam President.

18 Q. Thank you, Mr Witness. You talked about the soldiers and their bases, where
19 they were stationed. I want to ask you about weaponry. Do you know whether
20 these soldiers had any weaponry?

21 A. Yes, Madam Prosecutor, they had very sophisticated weapons. They had AKs,
22 weapons known to everyone. They even had DCAs and 12-7s. What intrigued me
23 was that those DCAs, or weapons of mass destruction, were used by -- - at least the
24 one I saw was being operated by a small boy of maybe 15, 16, or 14 years. So the
25 gun was on a tripod and the weapon was being fired, and the person who was firing

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 it was a small boy of 15 years old and this was a surprise for everyone.

2 Q. You have talked about AKs, which I don't know what it means and so maybe
3 you can clarify or describe what are AKs? You also talk about DCAs and 12-7s,
4 I think you said. If you can please explain to the Court and describe what these
5 weapons are?

6 A. As you know, we -- our country has had a lot of political and military
7 disturbances, so that has helped us to familiarise ourself with military weaponry. So
8 AKs are machine guns, specifically known as AK-47. The doucettes (phon) are
9 weapons that have -- that have bullets over the shoulders, so you have rocket
10 launchers. There were also French guns known as SAMAS (phon). There were
11 also machine guns. They are known as FAMAS. If you go to Bangui, every
12 inhabitant of Bangui can give you a list of the various weapons used by the armies.

13 Q. Would you say that the weapons as you saw them were new, or old?

14 A. They were new weapons, Madam Prosecutor. The rockets and the rocket
15 launchers were still in their casings, especially when they arrived in the evening. It
16 was probably the following morning that they unwrapped all those weapons and
17 began to operate them. Those were new weapons. I didn't see any old weapon.

18 Q. Mr Witness, just please excuse my ignorance, but would you say these were
19 simple weapons, or sophisticated weapons, or how would you describe them in those
20 terms?

21 A. By sophisticated weapon, well, particularly if they are new, when you see those
22 weapons it is not the MAS-36 rifle of the First World War. Those are very
23 technologically advanced weapons that I'm referring to.

24 Q. Thank you. Do you know -- do you know where the Banyamulengue got these
25 weapons from?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 A. In my humble opinion, as I said a short while ago, I believe that the
2 Banyamulengues were provided with those weapons by the Central African
3 government led by President Patassé at the time.

4 Q. And talking about the weapons, did you see individual soldiers with weapons
5 during that period?

6 A. Yes, Madam Prosecutor. Each soldier had a weapon, in my opinion,
7 depending on his rank in the army. There were those who had the rocket launchers,
8 those who had the AKs, but there was something specific. In the evening, there was
9 a small child who had a gun, a rifle, slung over his shoulder but the gun barrel was
10 actually touching the ground because it was too long for the small boy. This was not
11 something pleasant to see.

12 Q. And you've also talked about the uniforms and how they were dressed. Do
13 you know whether throughout the period of October 2002 to March 2003 they were
14 all the time dressed in uniform, or they wore other, different kind of clothes?

15 A. In any event, they were always in uniform, but I'll just say the following. The
16 leaders, sometimes they would take off their clothes and they would just remain in
17 their T-shirts. That was the case for Moustapha (Redacted)
18 He was wearing a pullover - a pullover - a green one, and once they felt they had
19 settled down they would relax and occasionally they would take off their combat
20 fatigues and they would remain in T-shirt or shirt, but they'd still have their -- the
21 lower part of their uniform on, their trousers and their boots, their rubber boots.

22 Q. Thank you. What language did Jean-Pierre Bemba's soldiers speak?

23 A. They spoke Lingala, Madam, the language that is spoken in the DRC. But the
24 leaders, well, Madam Prosecutor, they were intellectuals. They spoke French
25 without an accent. They spoke French very well. Mapao spoke French well, the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 young captain, too. The leaders spoke French well. It was, after all, quite
2 organised, Madam.

3 Q. How were you able to recognise that the language they spoke was Lingala?

4 A. Madam, our country neighbours this country. Lingala, is a language -- well,
5 how shall I put it? It's a language for music in Africa. It's a Bantu language.

6 That's the second thing. And then we are neighbours. If a Central African goes to
7 the Congo, everyone will know that he is from Central Africa. If a Congolese comes
8 here, he'll speak Lingala and we'll know immediately. So we can understand each
9 other. We know some words. I know a few words in Lingala.

10 Q. Was Lingala a language that is spoken or even understood in Central African
11 Republic, or let's say PK12?

12 A. Yes, Madam. A certain ethnic group along the river understands Lingala
13 perfectly. I can tell you the names of these groups, if you like. The Bansere (phon),
14 the Buraka, the Monzombo, the Yakoma, the Sango, the Langbashe, all these -- the
15 Zandé, all these local groups along the river, along the Bangui river, speak a bit of
16 Lingala. So these ethnic groups do speak Lingala, or at least understand Lingala,
17 even in the interior of the country. It's because of the music that one knows that
18 someone is speaking or singing in Lingala.

19 Q. So it was a language that you could easily recognise.

20 A. Absolutely, absolutely, Madam.

21 Q. In Central African Republic, is it a language that is normally used to be -- for
22 communications amongst Central African Republic citizens?

23 A. No, Madam.

24 PRESIDING JUDGE STEINER: Ms Bensouda, I see that the Defence is asking for the
25 floor. Maître Liriss?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 MR LIRISS: (Interpretation) Thank you, your Honour. We have a real problem
2 with the transcript here, at least with the French transcript. The last question that
3 the witness answered doesn't appear. I believe this can be corrected -- I don't know
4 if it can be corrected later. I would rather it were corrected immediately. Thank
5 you. It's from page 63 as of line 3.

6 PRESIDING JUDGE STEINER: Maître Liriss, I think we -- we have some doubts
7 here because you mentioned page 63 and we don't have page 63, even in the English
8 transcript.

9 MR LIRISS: (Interpretation) I'm not sure. It's page 62 in the French version, in
10 the French transcript. In the French transcript, it is page 63.

11 PRESIDING JUDGE STEINER: You're better than I, because I have only to 58.

12 Maître Liriss, can you confirm that now everything is fine, please. I'm informed that
13 it is already fixed.

14 MR LIRISS: (No interpretation)

15 THE INTERPRETER: The interpreter did not hear Maître Liriss, microphone was
16 off.

17 MS BENSOUDA:

18 Q. Mr Witness, earlier on you told us that it was easy for you to distinguish
19 between the Central African Republic army and the soldiers of Mr Jean-Pierre Bemba.
20 That is correct?

21 A. (No interpretation)

22 Q. Do you know whether --

23 THE INTERPRETER: The interpreter did not hear the witness's answer.

24 MS BENSOUDA:

25 Q. Witness, I'm going to repeat the question. The interpreter did not hear your

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 answer, so if you can answer again. I asked whether -- or I requested from you to
2 confirm what you said earlier on, that you could easily distinguish between the
3 regular army of Central African Republic and the Banyamulengue of Mr Jean-Pierre
4 Bemba.

5 A. Yes.

6 Q. Do you know whether the two, the two groups, were working together whilst
7 they were in Begoua? Do you know?

8 A. The Central African army and the Banyamulengue? No, they never worked
9 together.

10 Q. Thank you for that. I'm now going to focus in another area, and this is first to
11 ask you about the reaction of the civilian population. What did they do, the civilian
12 population of PK12, once the Banyamulengue entered into the neighbourhood?

13 A. Madam, the population at PK12 was exasperated, revolted. They were
14 astonished by the behaviour of the Banyamulengue. The attitude of the population
15 was one of hostility with regard to the Banyamulengue rebels under Mr Jean-Pierre
16 Bemba.

17 Q. And whilst the Banyamulengue were there, did the civilian population stay or
18 did they leave?

19 A. When the acts of violence commenced on the following day after they had
20 arrived, there were very few who were courageous. The vast majority of the
21 population left. Some young people remained, some elderly people remained as
22 well. I was (Redacted) at the time, but people of my age had to be quite courageous to
23 support this. The population mostly fled Begoua.

24 MS BENSOUA: Madam President, I think the reference to the age should probably
25 be redacted. I don't know -- the witness did mention his age at the time. Just to be

Trial Hearing
Witness: CAR-OTP-PPPP-0038

(Open Session)

ICC-01/05-01/08

1 absolutely sure that we don't have anything identifying here. Thank you, Madam
2 President.

3 Q. And you said that some left and only a few stayed. Can you explain to the
4 Court why they left?

5 A. Because the acts of violence was such that it was necessary to have a rare form
6 of courage to remain in Begoua. There were acts of robbery, persecution, beatings,
7 cases of rape. It was so bad that there were few who could support living in such a
8 situation.

9 Q. What about the movement of the civilian population, was it possible for them to
10 be able to move freely about under the circumstances?

11 A. No, Madam Prosecutor, it was really difficult. It was necessary to find
12 solutions, pathways, to get out of town. But to go away freely wasn't really possible.
13 To take the road freely wasn't really possible.

14 MR LIRISS: (Interpretation) Thank you, Madam. I think the Defence has been
15 quite patient, given that no objections have been made, and we have been following
16 your guidelines, but there are too many leading questions that are being put. After
17 having asked the previous question, the question is put again as to why the
18 population fled. What other sort of answer can one expect from the witness? We
19 have shown considerable patience, but next time I would not like to hear such leading
20 questions. Thank you, Madam.

21 PRESIDING JUDGE STEINER: So your comment is on the record, Maître Liriss, but
22 I'm reading the previous question and I cannot see any leading or any suggestion on
23 it. So -- but your comment is on the record. Madam Prosecutor will take care.

24 MR LIRISS: (Interpretation) Madam?

25 PRESIDING JUDGE STEINER: Maître Liriss?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 MR LIRISS: (Interpretation) I apologise. I will no longer take the floor. I want
2 to read out the question in French. He said that some had left and very few
3 remained. Could you explain to the Court why they left? And the witness says
4 because the acts of violence were such that they could not have the courage to remain.
5 There were beatings, there was rape, and then you ask him whether the population
6 could move around freely, but what is the witness going to say after having said that
7 there was beating, rape, cases of assassination, murder, what is the witness going to
8 say?

9 PRESIDING JUDGE STEINER: The witness, Maître Liriss. Ms Bensouda, you can
10 proceed.

11 MS BENSOU DA: Thank you, Madam President.

12 Q. You said that some of the civilian population were trying -- were leaving. Do
13 you know whether anything happened to them whilst they were trying to leave?

14 A. Madam, I can't know that because they left.

15 Q. I understand that you said they left, and my question is: In trying to leave
16 PK12 were they able to do so freely or did anything happen to them whilst they were
17 trying to leave? That's my question, not after they left, whilst they were trying to
18 leave?

19 A. Those who tried to leave -- well, it was a calvary for them. Those who were
20 leaving could go towards Bangui via Pindo (phon) but those who fell into the hands
21 of the Banyamulengue, they were stripped of their possessions; they would be beaten.
22 They would be beaten. When they left with their possessions, they would be beaten,
23 but when they met the Banyamulengue while fleeing, yes, they were singled out by
24 Bemba's rebels immediately.

25 Q. Earlier on in your testimony you mentioned about -- you mentioned that when

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 the Banyamulengue entered Begoua they started going house after house and
2 committing atrocities. How did you know this?

3 A. Madam, I said that (Redacted)

4 (Redacted)

5 Q. Please don't talk about yourself just, yes, explain what and how you know, if
6 you can.

7 A. Everyone could know this. I myself was a victim, Madam. I myself was a
8 victim. The neighbours were victims. Everyone around me was a victim.
9 Everyone was a victim. Even further afield. No one was saved, or no one was
10 spared, rather, everyone was affected by the acts of the Banyamulengue. Everyone,
11 without exception. Even those in charge of the sector were affected. There were no
12 exceptions to the rule, Madam.

13 Q. And you will excuse me if this question also sounds -- but the things that they
14 took from these people who were trying to flee, or from the civilian population, did
15 they have the consent of those people to take it? And as I said, I'm sorry if it sounds
16 stupid.

17 A. It's not stupid, Madam President; it's a wise and intelligent question. All the
18 items that were taken from the Central Africans were taken without their consent. It
19 was extorted from.

20 Q. I also just want you to give perhaps the Court, if you can, a more vivid picture
21 or description of how these properties were taken from the civilian population. You
22 mentioned already that they went from house to house, but you also mentioned that
23 they were taken from people personally on the road. Can you just describe in a little
24 bit more detail, you know, how this took place in Begoua?

25 A. Apart from the belongings taken from houses, when people passed down roads,

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 when someone took to the road, a Banyamulengue would come out and intervene,
2 speak to the person in Lingala. The person was called. They said, "Pesambongo,
3 give your money." If the person had no money, then the person was asked to take
4 his or her clothes off. When this was done, the clothes would be taken, the shoes
5 would be taken, because the person had no money. And sometimes the person
6 would be allowed to leave in his or her underwear. And if the clothes were not
7 good enough to be taken away, then the person would be placed on the ground and
8 beaten, and then the person who was beating the victim would hit the person as
9 many times as he wanted, 15 times, 20 times, when -- they wouldn't stop hitting the
10 victim. It didn't matter how hard the beating was, it was necessary for the person to
11 hit the victim as many times as he wanted to. So that's what happened.

12 Well, if someone was on a motor bike, for example, the person would be stopped,
13 threatened with a weapon and would be asked to leave or abandon the motor bike,
14 and the motor bike would then be left. Cars were also taken. Cars were also taken.
15 You'd tell the person to get out of the car and they would take the car. There were
16 drivers amongst these people, you know. One would get into the car immediately
17 and the person would just drive away.

18 Q. Perhaps you have also answered this - and I'm sorry if I am asking you
19 again - but how soon after they entered Begoua did this start, this taking of people's
20 properties, both on the road and in their houses, how soon did this start?

21 A. The following day, Madam. They arrived in the evening and around 5 o'clock
22 the next day the population in Begoua woke up and could hear gunshots and houses
23 being broken into.

24 Q. Apart from the extortion of properties of the civilian population, as you call it,
25 did anything else happen to them in the days that followed?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 A. Yes, Madam. I remember that one day - I believe it was the third or fourth
2 day - a woman (Redacted) who was eight or nine years old, who had
3 been raped. You know, it was very difficult to support this. It was a small girl,
4 eight years old, and I saw that this girl was pregnant, Madam. What could I do
5 when I was faced with such a situation? She was bleeding. I just said make an
6 effort to go to the hospital or to the gendarmerie. I don't know what happened to
7 this girl, eight or nine years old, Madam. She was raped. Adults like myself raped
8 her. It's difficult to support that.

9 PRESIDING JUDGE STEINER: Witness, would you --

10 THE INTERPRETER: Interpreter's correction --

11 PRESIDING JUDGE STEINER: Do you feel comfortable in continuing this -- to give
12 your testimony? Would you like to have some time to calm you down? Are you
13 feeling comfortable? Please inform the Chamber.

14 THE WITNESS: (Interpretation) We can continue, Madam.

15 PRESIDING JUDGE STEINER: Are you sure?

16 THE WITNESS: (Interpretation) I believe so, Madam. If necessary, I can ask for a
17 break.

18 THE INTERPRETER: The interpreter would like to make a correction. The witness
19 said that the young girl was bleeding, not pregnant.

20 MS BENSOUA: Thank you, interpreter. May I?

21 PRESIDING JUDGE STEINER: Yes. Just someone from VWU is on its way in
22 order the witness needs some kind of assistance, but you can continue, please.

23 MS BENSOUA:

24 Q. Mr Witness, I'm sorry to be asking you these questions but if you feel that you
25 are not in a position to continue, you're free to indicate that, and Madam President,

Trial Hearing
Witness: CAR-OTP-PPPP-0038

(Open Session)

ICC-01/05-01/08

1 their Honours, will give us a break. But just let us know, if you do not feel
2 comfortable, we can stop and have a break.

3 A. I can continue, and if necessary I can ask for a break.

4 Q. You were giving us this story about this young girl of eight, nine years old who
5 was raped and brought to you. Can you tell us was that the only incident that you
6 can tell this Court that you were aware of?

7 A. It's not the only incident, Madam. I referred to base 4 at the rear because of a
8 duck, Madam. There was someone -- something was done. There was a man of a
9 certain age. Someone wanted to take his duck by force. When he resisted, he was
10 shot in the forehead at point-blank range. His brain came out at the other end.
11 They spoke to me about this. There were people who were there. I couldn't go
12 to-and-fro. It was risky but, although I was overburdened, certain cautious
13 measures had to be taken. So we agreed on something, we asked some young
14 people to find a place where this old person could be buried, and it was difficult to
15 live through that period, Madam, very difficult.

16 Apart from this 9 year old girl, a little further down, a little time later, a gentleman
17 arrived. He said he was going to complain. I said, "How are you going to
18 complain and why are you going to complain?" They went towards him. He had
19 his daughter in the house. They tied him up, Madam, and they engaged in a group
20 rape of his daughter in his presence. We maintained contact. I asked him to do
21 what was necessary. I don't know if he's one of the victims, but it's not a happy
22 event. There were terrible situations. There were beatings. And then another
23 case, Madam, just in front of the bar, and they called and they hit him there and they
24 said he was a rebel because the kid had a cap and he put it this way. But they took
25 off his hat and they said, "No, you're an enemy," and, you see, he -- they could see the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 shape and he had taken off the cap and they said, "No, no, you're an enemy." And
2 do you know how they shot him? They -- they put him on the ground and they shot
3 him from behind, and the -- the bullet went through his anus and went through his
4 head. After, the Red Cross came and --

5 THE INTERPRETER: Inaudible.

6 THE WITNESS: (Interpretation) So things like that happened. There were
7 beatings, and the school it became a place where orgies were held, because the people
8 who stayed, you see, at some times, at 8 -- at 6 p.m. they would go and engage in
9 voyeurism and see how the Banyamulengue would rape the girls. It was horrible,
10 Ma'am, to explain another person, but to experience such things, Ma'am.

11 Q. I'm sorry, Mr Witness, that you're having to explain this again, but it's
12 important that we know -- we know the details of what took place. In your
13 explanation you said "they," you know, "They tied him up and they beat him."
14 When you say "they," who are you referring to?

15 A. I am referring to Mr Bemba's rebels, the Banyamulengue.

16 Q. I'm sorry to also come back to the 8/9 year old girl that you were describing that
17 was brought to you. Did the parent who brought the girl explain to you how that
18 girl was raped?

19 A. Yes, Ma'am. The girl was only 8 or 9 years of age, but she was of a certain size.
20 And when they arrived -- curvy, so to speak. They got into the house and they
21 grabbed the mother. They didn't rape the mother, because the young girl was still
22 fresh and they preferred the daughter to the mother. So they raped the daughter in
23 front of the mother in their house, and this time the mother said that they didn't tie
24 her up. She was there. She was stricken with fear. She could do nothing. It was
25 only after that she was able to take the girl and bring her to us.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 Q. Again, I will ask you this: When you say "They came, "They preferred the
2 daughter to the mother," "They raped her," who is "they"?

3 A. When I say "they," I'm always referring to the Banyamulengue. They were the
4 only people who were doing these acts of violence.

5 Q. You also referred to the school and also what was taking place at the school.
6 What school was -- are you referring to?

7 A. The Begoua school. I put it on the map a few moments ago.

8 Q. Apart from the shooting incident of the man who was wearing the cap, can you
9 recall any other incident, or shooting incident, that was reported to you or which you
10 were aware of?

11 A. Other cases? Other shootings of this nature? Well, we -- people talked about
12 such things, but there were no official reports that there had been killings here, or
13 there, or in the other place. It was not reported to me officially.

14 Q. Do you know -- with respect to the shooting incident that you have described
15 about this man, do you know how many of the Banyamulengue as you said were
16 involved in this incident?

17 A. I couldn't tell you the exact number, Ma'am, but what I do know is that such
18 incidents amused them so much, they were happy. Maybe they thought they had
19 reached a particular goal, or that they had achieved some kind of exploit.

20 Q. You've described the -- an incident regarding two girls already and a boy. Is
21 there any other incident that you witnessed, or that you were attempting to do
22 anything about?

23 A. Yes. Yes, Ma'am. Yes, Ma'am.

24 Q. Can you tell the Court about that incident?

25 A. That incident was on the second or third day. I had gone back to the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 neighbourhood and they tried to take the homes again. And they came to the house
2 of a customs officer and he and his family had fled, but one of the boys had stayed to
3 protect the house, to guard it. When they arrived, when they went through the
4 houses they came to that house and they started to vandalise the house and the boy
5 intervened and they shot him. When he saw that they were aiming their weapons at
6 him, he tried to flee. They shot, they ripped off his finger -- rather the bullet, the
7 bullet went in here and it came out on the other side over here, and he was --

8 THE INTERPRETER: Inaudible.

9 THE WITNESS: (Interpretation) So because of that incident I really began to revolt,
10 and when the boy yelled out in his language he was yelling out, "Mother, I am
11 dying." And so I saw what was happening, what was coming from our neighbours.
12 I had to go and see. I was -- if I was going to die, it wasn't a problem. I was ready
13 to make the sacrifice. I myself, my wife and a neighbour, we went to the spot, and
14 when we got there they had done the operation and they told me to go back home
15 and I said, no, I wasn't. Just imagine, (Redacted) because
16 someone --

17 Q. No mentioning of position, please.

18 A. Indeed. Thank you, Ma'am. So that is how it came to be that we went to the
19 place. When we got there the boy was on the ground, the two legs blown off, the
20 finger broken. We took him. We took off part of a door and we put that part of it
21 on a cart and we put the person on it, and we said to ourselves, "Now we have to
22 cross the area and take him to the community hospital," because the Begoua hospital
23 was no longer operating. It was the base. The doctors had fled.
24 So we took the boy and that's when (Redacted) for the
25 first time. Coup-Pour-Coup said (Redacted) "No, we see you everywhere. Go away."

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 And we insisted and he said, "If you insist, we will kill you." And he counted, "1, 2,"

2 and I said to myself, "If he counts to three, he will kill me. "

3 So I left again. (Redacted) I came back and he

4 said, "Let the women go by," and he put a boy available to me - a soldier - to take me

5 to see a (Redacted)

6 (Redacted)

7 (Redacted)

8 PRESIDING JUDGE STEINER: Madam Prosecutor, just one second. I'm sorry to

9 interrupt you. Just one second.

10 (Pause in proceedings)

11 PRESIDING JUDGE STEINER: You can proceed.

12 MS BENSOUA: Thank you, Madam President.

13 Q. Mr Witness, you were explaining. Please go ahead, but as I said what you are

14 saying is very important and we need to make a recording of what you are saying

15 and so just take your time and explain, please.

16 A. (Redacted)

17 (Redacted) We talked and he said to

18 me -- he said, "I want to see your leader." He said, "Why?" And I said, "Well,

19 enough is enough. These atrocities are going on, rapes, all kinds (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 PRESIDING JUDGE STEINER: I have to interrupt again. Since we are in such a

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 relevant part of the testimony, I would suggest, if Madam Prosecutor agrees, that we
2 go into private session because at this point in time the number of redactions is --

3 MS BENSOU DA: Very well. Very well.

4 PRESIDING JUDGE STEINER: So, if you agree. So, court officer, let's go into
5 private session, please. Just one second, Mr Witness.

6 *(Private session at 6.45 p.m.) Reclassified as Open session

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

8 PRESIDING JUDGE STEINER: Ms Bensouda, we are already in private session.

9 MS BENSOU DA: Thank you, Madam President.

10 Q. Mr Witness, we have gone back into private session to give you the opportunity
11 to explain freely without worrying about your identity. So, please go ahead with
12 your story, and what you say is not being heard by the public.

13 A. Thank you, ma'am. Yes. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0038

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted) the acts

7 of violence resumed all the worse, because not that but before, (Redacted)

8 (Redacted)

9 (Redacted)

10 And he came and he set up the military police, but, ma'am, please, despite the
11 military police being there, they looked towards our houses and from our houses
12 there were many problems, but behind, towards the -- by the school, things were very,
13 very bad by the school. If you went down the slope, it was even worse down there.
14 The rapes, we heard about them every day. The young people who were there, they
15 went and they were like voyeurs; they would watch the rapes at the school. In the
16 school of Begoua, Moustapha, facing the base on the other side, on the other side of
17 the major road in the area of the school, there were ditches that the soldiers had dug,
18 perhaps to protect themselves from something. And it was in the trenches where
19 they raped the girls. They would take their partner, if I could put it that way, they
20 would take the person to the trench, to the ditch, and do what they wanted with
21 them. It was -- it was very, very bad. One couldn't cross over from the route of
22 Damara. It was impossible. It was -- one could not -- have you any questions?
23 Q. You have already talked about the girls who were being raped. Who were
24 these girls, do you know?

25 A. Other than the ones who (Redacted)? Or the girls who were raped in

Trial Hearing
Witness: CAR-OTP-PPPP-0038

(Private Session)

ICC-01/05-01/08

1 the schools?

2 Q. The girls who were raped in the schools, in the trenches that you have just
3 described.

4 A. They were Central African girls, local girls, Central African girls who might
5 have been -- had had the misfortune to pass by that way, that's all.

6 Q. Do you know whether it was only the girls who, as you say, had the misfortune
7 of passing by that they were raping or they were getting girls from elsewhere, too, to
8 rape them there?

9 A. What girl could go? There were girls, local girls, who were raped or girls who
10 didn't know that there was the barricade and they might have come to see relatives,
11 despite the situation, and they were intercepted and raped. I'll tell you something,
12 ma'am, women, too. Amongst the six women whom I mentioned, they had their
13 share. (Redacted) They would intercept a boy of 30 years of age and say,
14 "Take off your clothes. We want to see your penis." And what madness. And
15 indeed, the fellow would have to take off his clothes, everything, and he would
16 remain there naked. And they would take the barrel of their gun and use it to poke
17 at his genitals and then let him go.

18 Q. And just to be clear, this was done by the women soldiers of Jean-Pierre
19 Bemba's forces?

20 A. Yes, yes.

21 Q. I just want to take you back a little bit to the boy who was shot. In describing,
22 you said, "The bullet went in here and came out here." Just for the record, and so
23 that we don't have "here," "here," can you tell us what part of the body it went and
24 what part of the body the bullet came out from? I saw you touch your -- but if you
25 can just tell us where -- what you were referring to when you said, "It went in here

Trial Hearing
Witness: CAR-OTP-PPPP-0038

(Private Session)

ICC-01/05-01/08

1 and came out of here."

2 A. Thank you, ma'am. I was telling you the bullet took the index finger, the
3 second finger, went through the first thigh, the right thigh, and went through the left
4 thigh and then the bullet went out the other end. So, both thighs were broken,
5 shattered.

6 Q. Do you know how old this boy was?

7 A. He was young, maybe 22 or 23 years, or he would have had that age at this time.
8 He was a boy who had grown up in the neighbourhood. He is no longer in the
9 neighbourhood.

10 Q. (Redacted)

11 (Redacted)

12 (Redacted)

13 A. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 MS BENSOUA: Madam President, I suspect we will be stopping at 7.00, and
21 I would like to start my next set of questions in the morning, if that is convenient for
22 the Court.

23 PRESIDING JUDGE STEINER: Not in the morning, tomorrow's session. Yes.

24 I was about to ask you exactly about that, since we have only less than five minutes
25 left. So maybe it's more appropriate if we suspend now the session, and we adjourn

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 for today and we continue tomorrow at 2.30.

2 So, first we need to -- you can open the session first. Yes, just to thank.

3 (Open session at 6.57 p.m.)

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

5 PRESIDING JUDGE STEINER: Thank you, court officer.

6 So, Madam Prosecutor requested to continue its questioning of the witness in

7 tomorrow's session that starts at 2.30. So, the Chamber thanks very much the

8 witness for its efforts. We had almost four hours testimony, which is not easy. We

9 wish to inform you that you have some assistance in that person of a representative of

10 the Victims and Witnesses unit, that is already present in this courtroom and will be

11 at your side in order to give whatever kind of assistance you need.

12 Before we go into closed session in order to allow the witness to leave the room, I just

13 want to thank very much the Prosecution's team, legal representatives of victims, the

14 Defence team, as always, our court interpreters and reporters. Just one second.

15 So this session will be adjourned, but before that let's go into closed session in order

16 to allow the witness to be escorted out of the courtroom.

17 Thank you very much again, Mr Witness.

18 THE WITNESS: (Interpretation) Thank you, ma'am.

19 *(Closed session at 6.59 p.m.) Reclassified as Open session

20 THE COURT OFFICER: We are in closed session, Madam President.

21 (The witness stands down)

22 PRESIDING JUDGE STEINER: So thank you very much, and this hearing is

23 adjourned.

24 THE COURT OFFICER: All rise.

25 (The hearing ends in closed session at 7.01 p.m.) Reclassified as Open session

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 RECLASSIFICATION REPORT

2 Pursuant to Trial Chamber III 's Second Order, ICC-01/05-01/08-2223, dated 4 June

3 2012, and the instructions in the email dated 9 October 2013, the version of the

4 transcript with its redactions becomes Public