

Trial Hearing
Witness: CAR-OTP-PPPP-0038

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and
6 Judge Kuniko Ozaki
7 Trial Hearing
8 Wednesday, 24 November 2010
9 (The hearing starts in open session at 2.35 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 in
13 open session.
14 PRESIDING JUDGE STEINER: Good afternoon. Could, please, the court officer call the
15 case.
16 THE COURT OFFICER: Yes, Madam President. Situation in the Central African
17 Republic, in the case of The Prosecution versus Jean-Pierre Bemba Gombo, case reference
18 ICC-01/05-01/08.
19 PRESIDING JUDGE STEINER: Thank you very much. I'm not going to ask again the
20 teams to introduce themselves since I think we have the same ones, but please don't take
21 this as a lack of courtesy on the part of the Bench.
22 It's just in our view unnecessary, but in any case I would like to welcome the Prosecution's
23 team; legal representatives, I see that Maître Zarambaud is not yet in the courtroom, but
24 probably will be soon; I would like to welcome the Defence team; and of course
25 Mr Jean-Pierre Bemba Gombo.

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1 The Chamber would like to remind first the Prosecution that, in accordance with the
2 Prosecution's filing 975 of 26 October 2010, the estimated length for questioning Witness
3 38 is seven hours. The Prosecution yesterday used about three hours and ten minutes,
4 approximately half the time estimated, and at this stage of course the Chamber is not
5 going to be too strict on the timing for questioning, but it will also not tolerate estimated
6 length to be extended too much.
7 Therefore, the Chamber reminds the Prosecution first that the witness statements are
8 already tendered into evidence, pursuant to Chamber's majority decision of 19 November
9 2010, filing 1022, and therefore the Prosecution is expected to complete its questioning of
10 Witness 38 today.
11 I assume that the parties have not asked to raise anything through the court officer, or the
12 focal point for the Judges, so we'll continue hearing the evidence of Witness 38 that is still
13 being questioned by the Prosecution.
14 I ask, therefore, the court officer please to -- for us to go briefly into closed session in order
15 for the witness to be brought in the courtroom.

16 *(Closed session at 2.38 p.m.) Reclassified as Open session

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

18 (The witness enters the courtroom)

19 WITNESS: CAR-OTP-PPPP-0038 (On former oath)

20 (The witness speaks French)

21 PRESIDING JUDGE STEINER: Good afternoon, Witness 38. Welcome.

22 THE WITNESS: (Interpretation) Thank you, Madam President. Good afternoon.

23 PRESIDING JUDGE STEINER: Witness, before resuming your evidence in public
24 session the Chamber would like to reassure you that, should you need a moment during
25 your questioning, there is no problem in doing so, so you can ask the Chamber at any

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1 moment. You may indicate if you would prefer a short break in order to compose

2 yourself. Please feel at ease to ask the Chamber.

3 So, court officer, could you please go back into open session.

4 (Open session at 2.41 p.m.)

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

6 PRESIDING JUDGE STEINER: Thank you, court officer. So following on from

7 yesterday the Chamber will continue hearing the evidence from Witness 38, who is still

8 being questioned by the Prosecution. The Chamber would like to remind you, Witness,

9 that you are still under oath.

10 (Trial Chamber confers)

11 PRESIDING JUDGE STEINER: Madam Bensouda, if you allow the Chamber, Judge

12 Joyce Aluoch would like to put some questions to the witness before you restart your

13 questioning.

14 MS BENSoudA: Very well, Madam President.

15 PRESIDING JUDGE STEINER: Judge Joyce Aluoch.

16 JUDGE ALUOCH: Thank you, Madam President. I am simply seeking a clarification

17 from the witness. Yesterday, he gave evidence about the arrival of the Banyamulengue

18 soldiers. They arrived on foot, according to your evidence, and thereafter they arrived in

19 vehicles which you said were army vehicles, and your further evidence was that on the

20 first day they settled down, they simply settled down, but it was not until the early hours

21 of the following day, about 5 a.m., that you heard sounds of gunshots. Now, my

22 question is about what the Deputy Prosecutor called weaponry. From that, from all that

23 evidence, I didn't get to know whether on arrival they were already carrying what you

24 described as sophisticated weapons. It's much later in evidence, on the transcript which I

25 have, unfortunately you don't have, which I have at page 44 where you answered -- you

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1 made the following answer to Madam Deputy Prosecutor, "They were new weapons,
2 Madam Prosecutor. The rockets and the rockets launchers were still in their casings,
3 especially when they arrived ..." -- "... they were in their casings, especially when they
4 arrived in the evening."

5 What I want you to clarify is, please, Mr Witness, when you saw the soldiers arriving on
6 foot, one-by-one at the beginning and subsequently in army vehicles, were they already
7 carrying these new sophisticated weapons? Just clarify that for our records, thank you.

8 THE WITNESS: (Interpretation) Yes. When they arrived our locality at PK12, they
9 were already carrying weapons. That is why yesterday I told you that there was a young
10 boy of about 14 or 15 years who had a gun slung over his shoulder and the barrel was
11 touching the ground. So they were already carrying new weapons at the time of their
12 arrival in that neighbourhood.

13 JUDGE ALUOCH: Thank you, that's all I needed to know. Thank you.

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

15 MS BENSOUDA: Thank you, Madam President.

16 Q. Good afternoon, Mr Witness. I hope you rested well.

17 A. Good afternoon, Madam Prosecutor. Yes, I rested well.

18 Q. Mr Witness, we're going to continue with our questions this afternoon, and I just
19 want to remind you again before we start to remember to speak slowly and pace your
20 answers, just as you did yesterday, and as Madam President has said, you're testifying in
21 open session, so please remember not to divulge any information that would identify you
22 to the public.

23 I want to first go back to our testimony, your testimony of yesterday, for some
24 clarification before moving on to other questions. Yesterday, you told the Court, and I
25 will quote, "I remember that lieutenant -- that lieutenant, that soldier, Coup-Pour-Coup

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1 was his name, and he was extremely cruel." And then you went on to say, "He was one
2 of the lieutenants amongst the rebels of Bemba."
3 Your Honours, I am referring to yesterday's unedited transcript at page 21, lines 6 and 7
4 and lines 18. My question is, Mr Witness: Why do you say that Lieutenant
5 Coup-Pour-Coup was extremely cruel?

6 A. Yes Madam Prosecutor. I said that because where he was positioned, it was very
7 difficult to pass. Everyone passing was intercepted by that lieutenant and maltreated.
8 That was his method. I told you that I myself, I was threatened with death when I
9 wanted to cross the cordon to take the boy and take him to the hospital. He threatened
10 me, but fortunately I had the presence of mind to turn and go back, because if I had
11 insisted he would have shot me. So his activities at the level of that position were such
12 that he could only be described as cruel. And to further prove that, when he was
13 interviewed in Sibut, he himself talked about his war exploits. He described how he had
14 fought and driven off the rebels. So, he introduced himself as such and for him that was
15 a positive point. This is why I told you yesterday that he was cruel.

16 Q. Thank you for that, Mr Witness. Sir, you also testified yesterday about the
17 weaponry which you just talked about again this morning that came to Begoua. Could
18 you clarify for the Court, did the civilians in Begoua at the time carry weapons? civilians?
19 Your Honours, I'm referring to the same transcript pages I just mentioned.

20 A. No, the civilians, the inhabitants of Begoua, did not carry weapons, no.

21 MS BENSOUA: Thank you. Your Honours, I'm now moving to page 24, lines 20 to
22 23.

23 Q. Sir, when describing the points of entry of Mr Jean-Pierre Bemba's rebels into the
24 Central African Republic, you told the Court that the second point of entry was the
25 Bangui M'Poko air base, and you said -- this is what you said: "Those rebels were taken

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1 further inside DRC by plane and they were dropped directly at the air base." Sir, it is not
2 clear to me what you mean by this. Could you please explain this answer. Where did
3 the plane drop the Banyamulengue rebels?

4 A. Yes Madam Prosecutor. I said that because we followed up those events from the
5 beginning to the end. We have to be honest. There were soldiers who did not support
6 President Patassé at the time, so they told us precisely what was happening in military
7 circles. So, this was information that they gave us and we thought was correct. I do
8 believe that some of those soldiers were airlifted, because these were young air force
9 soldiers who were telling us the information.

10 Q. Sir, could you just clarify, sir, where exactly you said they were airlifted to? Where
11 were they dropped?

12 A. According to the information that we received, the first group of Banyamulengues
13 who came through the naval base were those who were not very far from the border with
14 the Central African Republic, and when the time came for reinforcements they needed to
15 go further inland, and so to expedite the arrival of the reinforcements they had to airlift
16 those soldiers and drop them at the air base to enable them to go into the country.

17 Q. Thank you, Mr Witness. Your Honours, I'm still on the same page, lines 19 to 20.
18 You also told the Court yesterday that you know -- you talked about the two points of
19 entry, the naval base and the air base, because -- and then you said, and I'm quoting you,
20 "There were other people who came and gave us information." Sir, who are these other
21 people who came to give you this information?

22 A. It is true that that is not very clear, but I was talking about military circles. It was
23 from the military that we received that information. At that time our soldiers were not
24 worth anything, they did not play their role and some were dismissed. So they could not
25 keep the military secrets, so some of them exposed those secrets. To further enlighten

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1 the Court, I would add that those soldiers were neglected and considered worthless, in
2 favour of Bemba's soldiers who were tacitly in support of the current President Bozizé.

3 MS BENSOUDA: Your Honours, I'm moving to page 63, lines 16 to 18.

4 Q. Sir, you also told the Court that one of the Bemba commanders who was
5 commanding a base at Begoua was Mapao, and this is what you said. You said, "This
6 person had been introduced to us as the small brother of Bemba." My question is who
7 introduced Mapao as the small brother of Mr Jean-Pierre Bemba?

8 A. The same sources, Madam Prosecutor. The same military sources. As you are
9 aware, at that time we had all the information as if we were sourcing it from the internet.
10 The fact is when the Banyamulengues were coming to Begoua that evening it was known.
11 We were aware and measures were taken in order to watch them arrive. Maybe I will
12 explain later even about the arrival of President Bozizé. We were told that something
13 was going to happen. There are things like that that we were aware of and which, in the
14 final analysis, turned out to be true. So, it is on the basis of that information that I gave
15 you that testimony.

16 Q. When you were told that Mapao was the small brother of Mr Bemba, what did you
17 understand "small brother of Bemba" to mean?

18 A. I cannot be certain about their family relationship but, as you know, Madam
19 Prosecutor, the African family is large, so if you have the child of your father, or a
20 stepbrother or sister, you're going to call that person your brother or sister. It is true that
21 we were being told that this was Bemba's junior brother, but there was no further
22 clarification. We only knew that there was a family relationship.

23 Q. Thank you, Mr Witness.

24 Your Honours, I'm now referring to page 50, lines 18 to 19. Sir, when describing the
25 numbers of Banyamulengue in your neighbourhood, you told the Court that you were

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1 able to penetrate into the bases and you said -- this is what you said, "So I was able to see.
2 I was even surprised myself at what I saw." What did you see, sir, which surprised you?

3 A. First of all, the very high number of Banyamulengue rebels, as well as the quality of
4 weapons that were stored in their armories. I mentioned the DCAs yesterday, as well as
5 the douze septs or 12-7s. I am not an expert in military weaponry, so I do not think I can
6 give you that information.

7 Q. That's okay, Mr Witness. Your Honours, I am now referring to pages -- to page 51,
8 lines 14 -- lines 11 to 14. Sir, the question posed to you at the time in Begoua, when the
9 Banyamulengue had set up their bases as you have described yesterday, "Was the Central
10 African Republic army also there?", and you answered, you know, which appears on the
11 record as, "No, the army was inexistent or nonexistent at the time." This is what you said.
12 Sir, could you just clarify this answer, so that we can understand clearly if the army
13 was -- what you meant? I just want to understand what you meant by the army was not
14 inexistent.

15 A. Madam Prosecutor, I believe that at that time President Patassé felt that he had been
16 betrayed by his army and that is why he had called on the Banyamulengue rebels of
17 Mr Bemba. So, in my opinion, I believe that he no longer trusted his army, so he gave the
18 rebels of Mr Bemba all the leeway to act. This means that the rebels were sort of like the
19 leaders of our own army.

20 MS BENSOU DA: Very well. Madam President, I will move to page 60, lines 17 to 22.

21 Q. Sir, when you were describing the violence against the civilians of Begoua you said
22 the following, "There were acts of robbery, persecution, beatings, cases of rape." Sir, can
23 you explain what you mean by acts of persecution?

24 A. In the case of the people who were not physically beaten, Ma'am, but
25 psychologically they were attacked by Bemba's rebels. I will take the example of the

1 young person. The soldier asked him to take out his penis and then he poked at the
2 person's genitals with his -- the barrel of the gun. He wasn't physically assaulted, but he
3 was psychologically assaulted, or persecuted. There were several such incidents, Ma'am.

4 Q. You also, in response to my question, talked about on several occasions how the
5 civilians were beaten, and you described that they would beat a person 15 times, 20 times,
6 or as many times as they wanted. Can you describe what, if anything, the
7 Banyamulengue were using to beat the people with at the time?

8 A. Ma'am, they had whips. They had pieces of wood like this, and at the end of them
9 they had attached bits of rubber or leather, strips of leather, and they would use these
10 instruments to hit the Central African civilians. And then as well they had these rotan
11 reeds, that that they used, and even canes. Amongst them, well, some of the soldiers
12 were of lower rank, corporals or -- they would have spears - spears - but they would use
13 them like canes. It was a sign of royalty, of being a chief, so when someone had to be
14 beaten they would take the handle of the spear and beat the civilian with that.

15 MS BENSOUDA: Madam President, my last quotation was page 60, lines 17 to 22 and
16 line 21 on page 62, page 64, lines 15 to 19, when I mentioned several occasions. I am now
17 moving to page 67, lines 3 to 8.

18 Q. Sir, you talked about the incident with an old man who was shot in the head at point
19 blank range and that you said that his brains came out, because someone wanted to take
20 his duck and he was resisting. Can you tell us who wanted to take his duck and he was
21 resisting this and who shot the man in this way?

22 A. It was the Banyamulengue rebels of Jean-Pierre Bemba who did that.

23 Q. Also, on the same page, you described to the Court an incident when a man said
24 that he was going to complain and they tied him up and engaged in group rape of his
25 daughter. You said "they". Who are you referring to when you said "they", who tied

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1 the man and raped his daughter?

2 A. Mr Bemba's rebels, the Banyamulengue.

3 Q. Mr Witness, do you know what this man was going to complain about before he
4 was tied up and his daughter raped?

5 A. I don't really understand your question, Ma'am.

6 Q. I will rephrase. In your answer yesterday, or even just now confirming, you said
7 that the man was going to complain when he was tied up and his daughter was raped.
8 Do you know what he was going to complain about and to whom he was going to
9 complain?

10 A. He was going to complain about the kidnapping, or the abduction, and then also the
11 earlier gang rape of his daughter.

12 Q. Sir, do you know how old his daughter was when she was gang raped?

13 A. She would have been rather young, rather young. Under 18 years of age, I would
14 say.

15 Q. And do you know if anything happened to the girl after this incident?

16 A. Not in particular, but what I do know is that her father had begun procedures to get
17 reparations. At least I do know that. I believe he did even join an organisation that
18 defends the rights of victims and he is an activist with that group.

19 MS BENSOUDA: Madam President, I now want to start from page 68 of the transcripts.

20 Q. Mr Witness, I want to take you back to your testimony of yesterday when you
21 described the rapes that were taking place at the school; the area behind the school. First
22 of all, could you explain to the Court what the term "rape" means to you?

23 A. Rape means having sexual relations with someone without their consent. That's
24 what I think.

25 Q. Thank you, Mr Witness. You described that it was a place behind the school, and I

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1 am going -- I am quoting what you said at page 68, lines 7 to 11. You said, "Orgies were
2 held because the people who stayed, they would go and engage in heavy voyeurism and
3 see how the Banyamulengue would rape the girls. It was horrible," you concluded.

4 What do you mean by "orgies were being held"? Can you explain to the Court?

5 A. I think there's a problem with the interpretation at the end of your question.

6 Q. Would you like me to repeat?

7 A. Yes.

8 Q. Yes. You described that it was a place where, "Orgies were held because the people
9 who stayed, they would go and engage in heavy voyeurism and see how the
10 Banyamulengue would rape the girls. It was horrible," and my question is, sir, what do
11 you mean by "orgies were being held"?

12 A. Orgies? I didn't say that word, I don't believe so. Perhaps it's the interpretation,
13 but I talked about gang rapes.

14 Q. Very well. Very well, we will stick with gang rapes. It's fine. So can you just
15 explain what you mean by gang rapes?

16 A. A gang rape is when they would take a girl, without her consent, and it's almost all
17 the people present would sleep with her, one after another. That's what I call a gang
18 rape.

19 Q. And you said people would go to watch what was taking place. Who were these
20 people who would go to this place behind the school to watch this gang rape taking place?

21 A. In my statement yesterday I told you that the neighbourhood was nearly empty, but
22 some people had remained and they were much younger. So that was the group, these
23 young people. They were the ones who were the voyeurs who would go.

24 Q. Sir, did you yourself witness these gang rapes?

25 A. During the first gang rape, the young people came and told me. It was like a

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- 1 surprise. They came and told me about it. I went and I stayed and the -- and I
2 inspected the school and I couldn't keep on. I was revolted. I turned away. I realised
3 (Redacted), "This won't do. Not just thefts, but now rapes."
4 And he said, "Yes," but I couldn't keep on watching. It was not a very nice thing to
5 watch.
6 Q. And did any of the Banyamulengue commanders you named yesterday know that
7 these rapes were happening and that they were being committed by the Banyamulengue
8 soldiers?
9 A. (Redacted)
10 (Redacted)
11 (Redacted) So they were entirely informed of everything that was going on at
12 Begoua.
13 Q. Sir, you mentioned the young captain. Who are you referring to?
14 A. I'm talking about all the captains, the young captains and lieutenants, relatively
15 young, but I'm making a distinction between (Redacted)
16 (Redacted). I described him as having (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 If you don't mind, just so I don't forget, I believe that another time - it wasn't mentioned in
21 my statement - but another time we went a little bit closer towards the market, and that
22 young captain I'm talking about, he was there, and I went to him, towards him, and I
23 talked to him about the problem, and he said to me, "There is an international law that
24 says that -- something about Geneva, that when a soldier takes control of a place, that he
25 can do what he wants with it." I forgot about that, but I'll mention that; I'll remind you of

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1 that.

2 Q. Thank you for that, Mr Witness. Do you remember over what period of time these
3 gang rapes behind the school continued, for what period?

4 A. Ma'am, that base remained operational until the end, until the arrival of President
5 Bozizé on 15 March. All that time the base remained and stayed operational.

6 Q. And Mr Witness, do you know whether it was only females who were raped there?

7 A. To my knowledge, yes.

8 Q. Did you come to know the number of girls who were raped there?

9 A. No, Ma'am. The exact number, no, I couldn't tell you. The atmosphere was such
10 that you couldn't take time to count the number of people. It was a banana republic,
11 Ma'am.

12 Q. Thank you, Witness. So those were the issues that I just wanted to clarify from
13 your testimony of yesterday, and I now want to continue with the questions from the
14 point where we ended yesterday. You were telling the Court about the incident when
15 the 22 or 23 year old boy was shot by the rebels, and when he tried -- that's when he tried
16 to intervene, when they were vandalising his father's house.

17 PRESIDING JUDGE STEINER: Sorry, Madam Bensouda. We need just to suspend for a
18 few minutes. I apologise to the Prosecution, Defence and legal representatives; for five
19 minutes.

20 MS BENSOU DA: Very well, Madam President.

21 THE COURT USHER: All rise.

22 (The witness stands down)

23 (Recess taken at 3.17 p.m.)

24 *(Upon resuming in closed session at 3.32 p.m.) Reclassified as Open session

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

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- 1 PRESIDING JUDGE STEINER: So, the Chamber again apologises for this interruption.
- 2 And Madam Bensouda, before we proceed, on behalf of the Chamber, I would like to have
- 3 a clarification or information coming from the Prosecution.
- 4 There has been many, many information given by the witness in relation to (Redacted).
- 5 (Redacted) In the view of the Prosecution,
- 6 this is the kind of information that could be, or not, be known by the public in general.
- 7 MS BENSoudA: I do not think that it is information, at least some of it, that would be
- 8 known by the public, Madam President, but if you allow me, I can just consult with my
- 9 team to give you an appropriate answer.
- 10 PRESIDING JUDGE STEINER: I would appreciate because this could help the Chamber
- 11 avoiding so many redactions in the transcripts.
- 12 MS BENSoudA: In fact, Madam President, I was going to request that we go into
- 13 private session briefly, to just deal with the next part of the questioning, and then -- if that
- 14 is fine with the Chamber.
- 15 PRESIDING JUDGE STEINER: I think that maybe it's a better solution.
- 16 MS BENSoudA: Thank you. Thank you, Madam President.
- 17 PRESIDING JUDGE STEINER: Thank you, Madam Prosecutor.
- 18 MS BENSoudA: Yes, Madam President, I still request for a brief private session.
- 19 PRESIDING JUDGE STEINER: So, could you please, court officer, introduce
- 20 the -- reintroduce the witness into the courtroom. Maître. Maître Liriss, you want to
- 21 get the floor?
- 22 MR LIRISS: (Interpretation) Yes, please. (Redacted),
- 23 everyone has heard this. (Redacted) was repeated yesterday in public
- 24 session. (Redacted) is something that he said yesterday in public session.
- 25 (Redacted), he said yesterday in open session. What is there that

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1 the public shouldn't know about this meeting? We read what we know, what we heard
2 yesterday, when we read these statements; what shouldn't be known? I think there is the
3 right to a public trial, and this plays a key role in a fair trial. I don't see what could
4 endanger the safety of the witness, who has quoted these names and said what they had
5 to say. In the Defence's opinion, there is absolutely nothing that needs to be concealed.
6 Thank you.

7 PRESIDING JUDGE STEINER: Thank you, Maître Liriss. I just wanted to remind the
8 Defence that the Chamber has granted protective measures to the witness. These
9 protective measures include, but are not limited to, any identifying information in relation
10 to his name, his identity, where he lives, and other information like that.
11 It is an obligation of the parties, but as well of the Chamber, to protect witnesses. The
12 information sometimes given by a witness that is known by the Defence, in order not to
13 cause any prejudice to the Defence, in order to be compatible with the rights of the
14 Defence, is an information that not necessarily can go into public knowledge, in order to
15 protect the identity of the witness.

16 So, although the witness sometimes mentions his name or information (Redacted)
17 (Redacted), this information is being redacted from the public transcript of the
18 hearing. So, the Presiding Judge is authorising redaction, and a notification about these
19 redactions was sent to all parties and participants this morning.

20 So, I would like your understanding by the fact that the Court needs to comply with its
21 obligations to protect witnesses.

22 So, for this moment, we go first into closed session, please, court officer -- open, and then I
23 will announce the private.

24 (The witness enters the courtroom)

25 THE COURT OFFICER: Yes, your Honour. Just for the record of the case, since we

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1 resumed after the break until now, we are in closed session.

2 (Open session at 3.40 p.m.)

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

4 PRESIDING JUDGE STEINER: Thank you court officer. Yes, I understand that there
5 was a correction in the transcript because I said, "Let's go into closed session," and we
6 were already in closed session.

7 Madam Bensouda, if you can start and you announce when you want to go into private
8 session.

9 MS BENSOU DA: Madam President, I just have a few questions and which, in order to
10 avoid the redactions and perhaps the likelihood of divulging the witness's identity, I
11 would request that we go into private session for those questions.

12 PRESIDING JUDGE STEINER: Court officer, please, go into private session.

13 *(Private session at 3.41 p.m.) Reclassified as Open session

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

15 MS BENSOU DA: Thank you, Madam President.

16 Q. Mr Witness, yesterday, we stopped at a point where you explained that (Redacted)
17 (Redacted), and I want to continue

18 from there. Were there other Banyamulengue soldiers around at this moment, when you
19 said (Redacted)?

20 A. Yes, there were Banyamulengue all around. That's what I said. There were a lot
21 of Banyamulengue.

22 Q. Can you just remind me, Mr Witness, whether -- how you came to know the name
23 of Colonel Moustapha?

24 A. Well, Colonel Moustapha, I believe that after all these operations, we'd come to
25 know who Colonel Moustapha was. We had to known who he was because the first

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1 information was about what came from the military, the soldiers. They said -- well,
2 Colonel Moustapha was, in fact, very popular; he was well-known. Everyone knew that
3 this person who was in command was called Colonel Moustapha.

4 Q. Can you described to the Court how he was dressed (Redacted)?

5 A. (Redacted), he was wearing fatigues. He had military trousers.

6 He had boots. He had taken off his -- the top part of the uniform, but he was in a
7 pullover. He was wearing a pullover. Because American soldiers went for training in
8 our country and they had these pullovers of military green colour. So, that is the clothes
9 he was wearing (Redacted).

10 Q. And do you recall whether he was holding anything?

11 A. Yes. He had a cane, Madam, a cane, because later we realised this was a symbol of
12 command; important leaders had such canes.

13 Q. And apart from the cane, did he have anything else with him?

14 A. No, not as a weapon. He had this cane, but when we left the base -- when he left
15 the base, he was escorted by four aides-de-camp, by four bodyguards.

16 Q. Witness, I'm sorry if you have answered this question, I cannot readily recall, but do
17 you -- did you come to know the position that Colonel Moustapha held amongst the
18 Banyamulengue soldiers?

19 A. He was the most important leader, Madam. He must have been, given the respect
20 he was shown, because (Redacted) and so on and so forth, well, they
21 respected him. He issued orders more than anyone else. He was more respected than
22 others, so immediately one realised that he was the Chief of Staff. And above all if you
23 saw his escort, when he moved around he was escorted by four bodyguards, but (Redacted),
24 (Redacted) well, there was a huge security detail (Redacted) whose task it was to guard him.

25 Q. Yesterday, you said you (Redacted). Where did you (Redacted)

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- 1 (Redacted)
- 2 A. (Redacted)
- 3 Q. You also started explaining to us yesterday what happened when (Redacted)
- 4 (Redacted). Can you tell us what happened when (Redacted)?
- 5 A. Yes, Madam Prosecutor. (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted) so that he could say that they had come to
- 11 liberate us, to protect us, to say that we had nothing to fear any more. He said that he
- 12 was going to take the necessary measures to protect the neighbourhood.
- 13 Q. (Redacted)
- 14 A. (Redacted)
- 15 (Redacted)
- 16 Q. And where did you go (Redacted)? Did you go anywhere (Redacted)
- 17 after this?
- 18 A. (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 Q. (Redacted)
- 23 (Redacted)
- 24 A. (Redacted)
- 25 (Redacted).

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1 MS BENSOUDA: Madam President, perhaps this is a point where we can go into open
2 session. I'm just going to move into the -- when they got to (Redacted).

3 Perhaps --

4 PRESIDING JUDGE STEINER: Please, court officer, could we turn to open session.

5 (Open session at 3.49 p.m.)

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

7 MS BENSOUDA:

8 Q. Mr Witness, we are now in open session, so please be careful of any information that
9 would show your identity. What happened at the group chief's house when Colonel
10 Moustapha arrived there?

11 A. When we arrived there, as he spoke French and most of the (Redacted)

12 (Redacted)

13 (Redacted) nothing would

14 happen to them any more. His men wouldn't do anything to them. They had come to
15 liberate the population, they hadn't come to harm them and he said he was going to take
16 the necessary protective measures.

17 Q. At the group chief's house at this time, do you remember approximately about how
18 many people were present?

19 A. 100, perhaps 150. 100, or 150. Not more than that. The neighbourhood had been
20 abandoned by its population.

21 Q. And these people who were there at the group chief's house, did they say anything
22 to Colonel Moustapha?

23 A. Yes, they cried out in anger. They expressed their anger. They made him realise
24 that there had been cases of rape, of theft and they told him that they were fed up.

25 PRESIDING JUDGE STEINER: Mr Haynes?

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- 1 MR HAYNES: In the light of your recent comments, I'm a little concerned at us being in
2 open session at the moment. This does seem to be information which leads to the
3 identification of the witness.
- 4 PRESIDING JUDGE STEINER: Thank you, we will reread that transcript. Madam
5 Bensouda?
- 6 MS BENSOU DA: Thank you, Madam President. Should we then move back into
7 private session, because I was thinking that with over 100 people present it is still not -- it
8 is still all right that perhaps the witness's identity would not come out.
- 9 PRESIDING JUDGE STEINER: Let's try to all be attentive in case I realise that many
10 redactions are needed.
- 11 MR HAYNES: Yes, I was only concerned that he identifies himself (Redacted)
12 (Redacted).
- 13 MS BENSOU DA: Thank you. I think that's a good point, yes. Sorry.
- 14 PRESIDING JUDGE STEINER: Thank you very much, Mr Haynes. Madam Bensouda?
- 15 MS BENSOU DA: Madam President, we are in private session?
- 16 PRESIDING JUDGE STEINER: We are in open session.
- 17 MS BENSOU DA: Very well, let me try.
- 18 Q. Mr Witness, you were at a point where you were saying that the people were sort of
19 protesting to Colonel Moustapha, and what exactly were they saying? Can you give us
20 more details?
- 21 A. (Redacted)
22 (Redacted)
- 23 MS BENSOU DA: Madam President?
- 24 PRESIDING JUDGE STEINER: Madam Bensouda, I would recommend that we go into
25 private session.

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1 MS BENSOUDA: Thank you, Madam President.

2 *(Private session at 3.55 p.m.) Reclassified as Open session

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

4 MS BENSOUDA:

5 Q. Mr Witness, after this meeting at the group chief's residence, with people
6 complaining to Colonel Moustapha and him, you said, promising to take steps and to stop
7 the crimes, had -- did he to your knowledge do anything about it, as he has promised that
8 he would do?

9 A. That day when he went to the group chiefs, well, he then left, (Redacted)
10 (Redacted) he had come to
11 put into place, or rather to deploy, military policeman. And I believe he must have had a
12 meeting at his base, because we saw a result and in fact they came to deploy these military
13 policeman at the entrance, or rather at the Damara road at the entrance to the hospital, just
14 in front of the road that leads to the group chief's house.

15 Q. And apart from sending these police, as you describe, do you know whether he took
16 any other action regarding the complaints that he received?

17 A. As for other measures, no, I am not aware of any. He deployed these policemen,
18 who in my opinion weren't very efficient because the looting continued and the acts of
19 robbery continued. It's true that the situation was a little calmer in the chief of group's
20 area, but the Banyamulengue then had the opportunity to go further afield, because a
21 kilometre or two away it was calmer, as there were a lot of events in our area and there
22 was the police there, but they went to the slum areas where the man with the duck had
23 been killed, so they went in that direction. It was a little calmer over there before but,
24 given our activities in this area, they went further afield to where these people were.

25 Q. You also told the Court yesterday -- and I will quote from page 74, lines 12. You

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1 said, "When he left, the acts of violence resumed all the worse." What did you mean by
2 that?

3 A. When he left, Madam, in fact the soldiers thought perhaps that it was a betrayal.
4 He left, but before the policemen were deployed they committed terrible acts of violence,
5 Madam. There was a meeting in the morning, so between the meeting in the morning
6 and the evening they took terrible vengeance throughout the night, because it was only
7 the following day that they came to deploy the Military Police. And it was at that point
8 in time that the situation calmed down in our area, but in other areas near the school, near
9 the base I mentioned, it was worse, the base that I mentioned with regard to Moustapha 2
10 in my sketch, so in that area it was worse because Bemba's rebels had taken the entire area
11 near the main road, but further afield, behind that area, it was somewhat calm, but given
12 the activities near the main road the situation grew worse again.

13 Q. And you also said, and I am referring to page 74, lines 11 to 19, you also told the
14 Court that after the Military Police were set up, and I quote, you said, "They looked
15 (Redacted) there were many problems." What do you
16 mean by that?

17 A. Can you kindly repeat?

18 Q. Yesterday, when you said - and I've quoted the transcript, you said that that after
19 the Military Police were set up, you said, "(Redacted)
20 (Redacted) there were many problems." I did not understand this myself. Perhaps you can
21 clarify.

22 A. I believe that yesterday what I wanted to say is that they had been positioned
23 (Redacted). This means that (Redacted) the positions of
24 those Military Police, and even though things were calm, there were still minor acts of
25 violence. People were still being arrested, and this did not seem to be protecting the

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1 population. That is what I had in mind when I told you that yesterday.

2 Q. You have already now said several times that Mr Jean-Pierre Bemba's men were
3 committing these crimes against the civilians. Do you know whether the victims of these
4 crimes were able to identify their assailants as Mr Jean-Pierre Bemba's men? Do you
5 know?

6 A. Yes, absolutely, Madam. Each victim (Redacted) it was Mr Bemba's
7 soldiers who had raped them, or beaten them. They were indeed capable of identifying
8 their assailants.

9 Q. And do you know how they were able to identify their assailants?

10 A. I have spoken at length about the cruelty and bestiality of those people. The
11 citizens of Central African Republic are naturally calm, they are not brutal. Even Central
12 African Republic soldiers are not brutal, but on the other hand, the rebels could be
13 recognised by their uniforms and even by their physical features. So, there were many as
14 of identifying them, Madam Prosecutor.

15 MS BENSOUDA: Madam President, I'm looking at the clock. Should I continue, or
16 is -- it's not time for a break?

17 PRESIDING JUDGE STEINER: No, not yet. My question is whether we are going to
18 (Redacted) again, or could we open the session?

19 MS BENSOUDA: Madam President, I think we can go into open session, but -- yes, I
20 think we can go into open session. It will depend on how he responds to these questions,
21 but I'll try not to make him respond in a way that will allow him to do that. But I guess
22 we can go into open session then.

23 PRESIDING JUDGE STEINER: You want to say something, Witness? Please.

24 THE WITNESS: (Interpretation) Yes, I must admit to the Court that I am passing
25 through an exceptional lesson, because there are facts which require me to mention myself

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1 and (Redacted) and the formula that I've been asked to use leads me to lose
2 myself sometimes in the explanations, so I have to use coded words and make sure I'm
3 not identified, so that is a bit disturbing to me. That is the concern that I wanted to make
4 the Court aware of.

5 PRESIDING JUDGE STEINER: That means, Witness, that you think for you it's difficult
6 to answer questions without giving elements that could lead to your identification?
7 You're facing difficulties in doing so?

8 THE WITNESS: (Interpretation) Not absolutely but, Madam President, I believe that
9 when you need to explain something to clarify the truth, I am spontaneously compelled,
10 since this is something that I personally experienced, then I spontaneously mention a
11 name, and this obviously leads to redactions. and that is why I'm proposing that an
12 appropriate solution be found.

13 PRESIDING JUDGE STEINER: Maybe the witness will feel more comfortable in
14 continuing in private session. So the Chamber agrees that maybe it's more appropriate if
15 we continue for a while in private session, meaning that you can say whatever you want,
16 without the need of taking care with your words, if that's what makes you feel more
17 comfortable.

18 THE WITNESS: (Interpretation) I think it is a bit unpleasant for the public, but in order
19 to really get into the crux of the trial, I believe it is necessary.

20 MS BENSOUDA:

21 Q. Thank you, Mr Witness, for letting us know. We will now go ahead. We are in
22 private session, so you can speak freely. Mr Witness, did you ever see Mr Jean-Pierre
23 Bemba between October 2002 and March of 2003?

24 A. I saw Mr Bemba once during that period, and the second time I saw Mr Bemba was
25 yesterday, in this courtroom.

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1 Q. Can you tell us the circumstances under which you saw Mr Bemba for the first time?

2 A. Yes, Madam Prosecutor. As I have been saying throughout my testimony, we lived
3 through a difficult period. At one point rumours started circulating that Mr Bemba was
4 going to come to Begoua, maybe to boost the morale of his troops. I said a short while
5 ago that in our country, one should not neglect rumours, and it was on the basis of
6 rumours that we learnt about the eminent arrival of Mr Bemba. The morning he was
7 supposed to arrive, the atmosphere changed. Mr Bemba's rebels had organised a parade
8 on Boali road near the school. There was a march past. They were singing like all
9 soldiers who are preparing themselves, and we understood that an important event was
10 indeed about to happen.

11 A short while later, we were told that Mr Bemba would arrive by helicopter. In the
12 meantime, (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted). And I believe it was around 10 o'clock when Mr Bemba

16 arrived, but he did not arrive by helicopter. He arrived on board a vehicle and he

17 was -- he took Boali road and went to the football field; that is at the base of

18 Mr Moustapha, where the troops were. There was a military parade, as if waiting for a

19 head of state. And, indeed, at that time Mr Bemba had that authority of a leader and

20 even of a head of state. And when he arrived, when (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted). When the families had fled, there were a few families
11 that had stayed back, and some small children who were also left in the neighbourhood,
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 At that time it was our soldiers, those who were (Redacted)
17 (Redacted). They were very kind and gentle with us but, because of
18 their attitude, (Redacted).
19 It was about 30 or 45 minutes later that the convoy left to come back through at high
20 speed. That is how we understood that it was a strategy, (Redacted)
21 and our own soldiers had also agreed to that. It was only later that we realised that they
22 (Redacted). So the convoy came and passed, and
23 there was the gendarmerie commander at that time who arrived in a Toyota VX.
24 (Redacted)
25 (Redacted)

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1 (Redacted). If you

2 have any further questions, Madam Prosecutor, I am ready to answer them.

3 Q. Thank you, Mr Witness. Just a few more questions for you to clarify. You said
4 that "We mounted the military -- the military parade was mounted." Who mounted the
5 military parade before the arrival of Mr Jean-Pierre Bemba?

6 A. But that was the strategy of the rebel group. It was the Chief of Staff, his
7 commanders, and the other units. That was an internal organisation of the rebels. Our
8 own soldiers were only moving about, they were only circulating in the area, but they
9 were not doing anything. There was no collaboration between the two groups. They
10 were simply moving around the area, particularly since a Central African delegation was
11 going to accompany Mr Bemba, and that is why they had to have that presence.
12 They carried out this small reconnaissance tours and (Redacted)

13 (Redacted)

14 Q. Mr Witness, you said you (Redacted)

15 (Redacted)

16 (Redacted)

17 A. (Redacted)

18 Q. Also, about how many of you were there that (Redacted) the convoy of
19 Mr Jean-Pierre Bemba?

20 A. (Redacted), no more than that.

21 That is just an approximation. It could be slightly higher. In any case, (Redacted)
22 (Redacted). This is just an estimate. It could be higher
23 or lower.

24 Q. Mr Witness, do you know why Mr Bemba came to Begoua?

25 A. It is not possible for me to know, Madam Prosecutor. He must have had his

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1 reasons, maybe strategic reasons, I cannot know that because after he left nothing changed.

2 On the contrary, the population continued to suffer.

3 Could I say that it was to calm things down in our area? Well, I cannot say that because
4 if that had been the case then there would have been peace and security. The soldiers
5 would have stopped committing atrocities against the population but, on the contrary,
6 after he left, everything started all over again.

7 PRESIDING JUDGE STEINER: Madam Bensouda, in your view, the following questions
8 are of this nature?

9 MS BENSOU DA: Yes, Madam President, I believe we can move into open session.

10 PRESIDING JUDGE STEINER: We can move then into open session. Court officer.
11 (Open session at 4.19 p.m.)

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

13 MS BENSOU DA: Thank you.

14 Q. You said Mr John Pierre Bemba came in a vehicle, in a convoy. Can you describe to
15 us the kind of vehicle that Mr Jean-Pierre Bemba was riding in?

16 A. He was in a 4-wheel drive Mercedes car, metallic grey. It was almost like a Patrol.
17 I cannot tell you the exact make of that vehicle, but we had German corporation officers in
18 our country at the time, so these were Mercedes pick-ups that had been given to the
19 presidency of the Republic.

20 Q. Mr Witness, how far were you from the vehicle of Mr Jean-Pierre Bemba to be able
21 to know that it was him?

22 A. Not in the vehicle but, rather, at the base, where he had gone to boost the morale of
23 the troops, so I was about 50 or 60 metres away from there. That is quite close to the
24 hospital.

25 Q. And do you know approximately how many vehicles were in the convoy that he

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1 came in?

2 A. At that time it was not possible for me to know the number of vehicles, but I know
3 that it was a very large delegation.

4 Q. You also said that he went to address his troops. Where exactly did he address his
5 troops?

6 A. It was on the football pitch. That is the Begoua football field.

7 Q. And how was he dressed, Mr Jean-Pierre Bemba, at this time?

8 A. We were a bit far away. The troops were there, but we could still see Mr Bemba.
9 He was dressed as a dignitary, not in a military uniform. Almost like he is now.

10 Q. And, Mr Witness, could you hear what Mr Jean-Pierre Bemba was saying to his men
11 when he addressed them?

12 A. It was not possible for me to hear because of the distance, so I couldn't hear what he
13 was telling his troops.

14 Q. Do you know whether he was holding anything in his hand, Mr Jean-Pierre Bemba?

15 A. Yes, I said it a short while ago. I believe that he had a cane, a sort of command
16 baton, similar to the ones that were carried by his military commanders.

17 Q. And from what you were able to see could you describe how Mr Jean-Pierre
18 Bemba's troops were positioned, how his men were standing, when he was addressing
19 them?

20 A. You had the security cordon, which had been set up there, and then there was a
21 formation of rebels and then -- and honour guard, so this is something that happens
22 during important military occasions. So they were well in line, standing in formation,
23 and listening to what he was saying. So there was a guard of honour.

24 Q. And how were they dressed?

25 A. I said that he was dressed the same way he is right now, in a suit.

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1 Q. Sorry, Mr Witness, you didn't get my question. I mean the soldiers, the people he
2 was addressing, how were they dressed?

3 A. At that time, they were all wearing military uniforms, as well as their boots.

4 Q. Can you say approximately how many of them were present on that day when he
5 addressed them?

6 A. It would be difficult for me to give you an approximation, but there were quite a
7 good number of them; very many of them.

8 Q. That's all right. Also, can you know how many people were with Bemba himself?
9 Not the soldiers, but how many people were with him, if there were people with him,
10 when he was addressing the soldiers?

11 A. It is not possible for me to know the number of people. All I can tell the Court is
12 that he was escorted. There were dignitaries of the country who were in the convoy.
13 Very senior personalities of the country. At that time only ministers in the country
14 owned vehicles known as Maximas, those vehicles had been assigned to the ministers,
15 and those vehicles were part of the convoy. And as I said about the gendarmerie
16 commanders, these were luxury vehicles, so this means that they were senior personalities
17 in the republic, who were part of the convoy.

18 Q. You have mentioned Colonel Moustapha and Mapao. Do you know where they
19 were during this time?

20 A. I did not personally see Mapao, but I saw Moustapha, when he realised that there
21 was a bit of a disturbance upon our arrival. We had posters, mango leaves and other
22 things, so he understood that something was going on. The population was
23 demonstrating so Moustapha left the reception area and came to meet us. I did not
24 personally see Mapao there on that day but, like all leaders, he absolutely had to be there,
25 at the base, because, for those types of occasions you need the commanders to be able to

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1 organise and direct the activities.

2 All their vehicles were there. That is the vehicles driven by Moustapha, and Mapao,
3 were all parked there, next to the school, so they must have been there. But, given the
4 way the occasion was organised, we were not able to go there and see who was there,
5 even though we intended to meet Mr Bemba, and tell us that we were fed up.

6 PRESIDING JUDGE STEINER: May I suggest that we have our break, we give our break
7 to our interpreters now? Is that fine with you?

8 MS BENSOUDA: Very well, Madam President. That's fine.

9 PRESIDING JUDGE STEINER: So we are going to have a half-an-hour break. We are
10 going to resume exactly at 5 o'clock sharp and, in order to allow the witness to leave the
11 courtroom, we are going, we are turning very briefly into closed session. This session is
12 suspended for half-an-hour.

13 *(Closed session at 4.30 p.m.) Reclassified as Open session

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

15 (The witness stands down)

16 THE COURT OFFICER: All rise.

17 (Recess taken at 4.31 p.m.)

18 *(Upon resuming in closed session at 5.06 p.m.) Reclassified as Open session

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

20 PRESIDING JUDGE STEINER: So we are resuming this, today's hearing, but before we
21 call the witness to the room, I would like to make a request to the parties, and this time
22 more specifically to the Defence team, that according to the practices of this Court and as
23 discussed during our information session on 12 November, whenever any of the parties or
24 participants intends to raise an issue related to redactions, it would be better to send an
25 email to the court officer or to the Presiding Judge, or to the legal officer of the Presiding

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1 Judge, instead of calling the attention for the issue to be redacted, because at the end we
2 have to redact what the witness said and what the parties said that should be redacted.
3 So, at the end, we call the attention of the public to the part to be redacted. So, I insist
4 with the parties and participants that whenever they think that any sensitive information
5 was disclosed by the witness, that they raise and inform maybe the -- only about the page
6 and paragraph that should be redacted, or send an email to the court officer, or to the
7 Presiding Judge.

8 MR HAYNES: Yes, thank you very much. I will observe that as best I can. We've had
9 significant and substantial technical difficulties over this side with things such as email
10 and, in my own defence, it wasn't a submission about a redaction. It was simply a
11 suggestion that we went into private session.

12 PRESIDING JUDGE STEINER: No, you mentioned that the sensitive part that where the
13 witness said that he was (Redacted).

14 MR HAYNES: Yes, of course.

15 PRESIDING JUDGE STEINER: And that was the information that in the end we had to
16 redact twice.

17 MR HAYNES: Of course. I'm sorry for that. If we could have done another way, we
18 would have done.

19 PRESIDING JUDGE STEINER: No problem, you don't have to apologise. It's just
20 sometimes we have to remind the parties and participants because the hearings are so
21 long and we are all under stress, so sometimes we just forget some details, but nothing
22 serious.

23 So I ask, please, the court officer to introduce the witness in the courtroom.

24 (The witness enters the courtroom)

25 PRESIDING JUDGE STEINER: Witness, Witness 38, welcome back to the courtroom.

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1 Can we proceed? Are you feeling comfortable? Can we proceed?

2 THE WITNESS: (Interpretation) Yes, we may.

3 PRESIDING JUDGE STEINER: Ms Bensouda, can we go into open session?

4 MS BENSOU DA: Yes, Madam President.

5 PRESIDING JUDGE STEINER: Court officer, please, open session.

6 (Open session at 5.11 p.m.)

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

8 MS BENSOU DA: Madam President, I realise that there is one question that I should
9 have asked in private, but I can come back to it later. Thank you.

10 Q. Mr Witness, welcome back.

11 A. Thank you.

12 Q. How long did the visit of Mr Jean-Pierre Bemba to Begoua last, the visit you were
13 describing just before we went on break?

14 A. Less than an hour.

15 Q. And do you know whether Mr Jean-Pierre Bemba met with the population of
16 Begoua during that visit?

17 A. No, Ma'am, he just met his troops.

18 Q. Do you know if Mr Jean-Pierre Bemba had seen the placards?

19 A. I am convinced -- I have the conviction that he must have seen those placards,
20 because it was quite a noisy demonstration. The commanders came towards us and
21 when we formed the hedge, so to speak, I think that he must have seen. He must have
22 seen that there was a number people moving about in that sector.

23 Q. And do you know if Mr Jean-Pierre Bemba came to know about the complaints
24 against his troops, that they were looting and killing and raping in Begoua? Do you
25 know?

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1 A. Madam Prosecutor, I believe that Mr Bemba must have been aware of everything
2 that was going on in our capital, because many people spoke out. Even on the radio,
3 Radio France Internationale, RFI, gave a lot of media coverage to what had happened in
4 Bangui, mainly in Begoua.

5 Q. Thank you for that. Just to come back a little bit about just before Bemba arrived in
6 Begoua. Can you just briefly describe if there were any preparations for -- by his troops
7 for his arrival?

8 A. Yes, I can confirm that. I said earlier that there was a parade. There was a parade
9 and that gave a different sort of atmosphere that confirmed the rumours that Mr Bemba
10 was going to come. The soldiers, it was the same thing. There was an earlier parade
11 and war songs were sung, if I could put it that way, and various security cordons were set
12 up. There was an entire series of measures put into place. Yes, preparations did occur
13 before he arrived.

14 Q. Sir, excuse me for asking this question, and you have already described that you
15 saw Mr Bemba address his troops. How can you be sure that that person you saw
16 addressing his troops in the convoy, the person who came, how can you be sure that it
17 was Mr Jean-Pierre Bemba?

18 A. I couldn't not know. No one could substitute himself for Mr Bemba and speak to
19 the troops. Logically, he was the one who was going to speak to the troops and perhaps
20 ask another high-level person to say some -- make additional remarks, and for the Court
21 I can state that the man that I saw on the football pitch is the man that I see here now in
22 this courtroom.

23 Q. Thank you, Mr Witness. Apart from this visit that you have described for us, do
24 you know if there were any other visits by Mr Jean-Pierre Bemba to PK12?

25 A. No, Ma'am. Other than that, I have no knowledge of any other visit paid by

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1 Mr Bemba to Begoua mainly. Perhaps, since he was a high-level figure at the time,
2 perhaps he might have come to meet President Patassé, I couldn't know about that, but
3 there were rumours before his arrival at PK12, there were rumours saying, "People, he
4 had arrived. He was at the villa, Villa 184," because there was no secrecy in the country.
5 The country was so divided. Everyone wanted to take something for himself.
6 So, you see, there were many rumours, but before his arrival in Begoua people said that
7 he had met Patassé, he had come for money, that he had come, and some people even
8 went even further saying that Patassé had agreed for so many billions. These were
9 rumours and so there were all kinds of rumours. It was a compilation of rumours. It
10 was very complicated and some of the revelations were true.

11 PRESIDING JUDGE STEINER: Madam Bensouda, sorry. I would like to remind the
12 witness that after each sentence you should give a pause before starting the following
13 sentence, because the interpreters and the court reporters are having difficulties in
14 following your pace. Thank you.

15 THE INTERPRETER: Many thanks from the interpreters.

16 THE WITNESS: (Interpretation) Thank you.

17 MS BENSOU DA:

18 Q. So, Mr Witness, we will try again, and please speak slowly. You were specific
19 about Mr Jean-Pierre Bemba not visiting Begoua again. Do you know whether he had
20 visited the Central African Republic again; are you aware?

21 A. After the time he went to PK12, I am personally not aware of his arrival, except that
22 before his arrival there we knew that he was coming and that he was supposed to meet
23 with President Patassé, but after his visit to Begoua, to up until now, I am not aware of his
24 returning to Bangui, except perhaps, perhaps in a very discreet low-key way.

25 Q. Mr Witness, did you notice any change in the behaviour of Mr Jean-Pierre Bemba's

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1 troops after he visited PK12?

2 A. A change? No, Ma'am. The acts of violence and abuse continued. The people
3 continued to suffer from harassment by the rebels of Mr Bemba. I was saying earlier that
4 there was a lull, but then they went deeper into the territory, and at the gulf, at the market,
5 PK13, at the bottom towards the residence of the sisters, it was an utter nightmare for
6 those segments of the population. And even on the road, the Damara road, there were
7 checkpoints and people would stop people and ask them for money, extort money from
8 that. That went on.

9 There was considerable, considerable veritable persecution and harassment by the
10 soldiers of Mr Bemba. Nothing had changed and I can add it was as if he had felt
11 betrayed.

12 PRESIDING JUDGE STEINER: Please, please, slow down.

13 THE WITNESS: (Interpretation) Thank you, your Honour. It was as if the soldiers --

14 PRESIDING JUDGE STEINER: Maître Liriss wants the floor.

15 MR LIRISS: (Interpretation) Your Honour, I would like to follow the instructions that
16 you have given us regarding leading questions leading to certain answers. We have
17 counted 13 so far and we wish to report this to you before we have to carry out further
18 cross-examination.

19 The very last one was this last question: "Did you notice any changes in the behaviour of
20 the soldiers after the departure of Mr Bemba?" knowing very well that this question has
21 already been asked in the same way regarding the implementation of the Military Police.
22 That being said, I don't want to try your patience but, before our cross-examination, we
23 will be providing you with a list of at least 13 leading questions and you will be able to
24 rule thereon thereafter. I thank you.

25 PRESIDING JUDGE STEINER: Thank you, Maître Liriss. The Chamber is paying

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1 attention in order to remind the parties not to put leading questions. A different thing is
2 repetition of questions that maybe we could remind the Prosecution to try to avoid, but as
3 far as we can read on the transcripts, but I will pay more attention. Thank you for raising
4 the issue.

5 MS BENSOU DA: Thank you, Madam President. Perhaps we have a different
6 understanding with the Defence about what a leading question is, because I definitely am
7 taking very great caution not to lead the witness in any way. So I am -- if I may
8 continue?

9 Madam President, I believe we may need to go into private session for just these few
10 questions. I could have left it until last, but I think the witness may lose his trend.

11 PRESIDING JUDGE STEINER: Court officer, let's go to private session for a while,
12 please.

13 *(Private session at 5.24 p.m.) Reclassified as Open session

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

15 MS BENSOU DA: Thank you, Madam President.

16 Q. Mr Witness, in your testimony you mentioned (Redacted) several times. Did you ever
17 (Redacted) I believe you said so, but did you ever (Redacted)

18 A. Yes, I did (Redacted)

19 (Redacted). When the news

20 was (Redacted) he was going by in his luxury vehicle, his command vehicle. (Redacted)
21 (Redacted)

22 (Redacted) And so that is

23 how it came to be that (Redacted)

24 (Redacted)

25 He gathered the various troops who were there and (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted) he had an officer beaten, so he (Redacted) and

5 (Redacted) and he had him beaten, beaten up.

6 Q. (Redacted)

7 (Redacted)

8 A. (Redacted), Madam.

9 Q. And how was he dressed when (Redacted)?

10 A. He was wearing military clothing and wearing Ranger boots.

11 Q. You just said that (Redacted) and then you said

12 that he had the soldier beaten up. Do you know how the soldier was beaten up?

13 A. (Redacted) he was put face down on the ground and he was given a

14 number of blows; a number of blows were administered to him. There was a term that

15 the rebels used, namely, if they decided whether it would be ten or 20 blows or whatever,

16 they would say 10, 20 or 50 sans remise, which means without interruption, all at once,

17 and after the departure of the rebels it was popular to use that expression. It became an

18 expression amongst the people.

19 Q. You said he was given a number of blows. Just to understand, was anything used

20 to give these blows, or they just used their hands?

21 A. Ma'am, on that point, the particular form of correction given to the soldier, this is

22 information I received. I wasn't there to actually see how the person was struck. I

23 really couldn't answer your question on that particular point.

24 Q. Very well. It's no problem, sir. I'll just move on to another area.

25 Madam President, maybe after this first question perhaps we can go into public session.

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1 Sir, you told the Court that you were (Redacted)

2 (Redacted). Do you recall (Redacted)

3 (Redacted)

4 A. I can say that they occurred and, as of the day after, the day after their arrival when
5 they began the acts of violence, until they left, (Redacted)

6 (Redacted).

7 Q. You also talked about the rapes. Can you give us an approximation of how many
8 civilians were raped in your neighbourhood?

9 A. I couldn't provide you with a figure, Madam. If it's necessary to make a
10 mathematical calculation with regards to (Redacted) perhaps that would be possible. In
11 any event, at the time there was no administration that functioned. (Redacted)
12 (Redacted). It wasn't possible. I really couldn't
13 provide you with a precise figure. Perhaps an estimate on the basis of (Redacted)
14 (Redacted), perhaps such an estimate might give you an idea of the number of victims we
15 had in our sector, but I would also like to tell the Court that what I know, well, in other
16 areas there were cases of rape, of robbery, of persecution, and these cases weren't reported
17 to the public, made known to the public.

18 MS BENSOUA: Yes, Madam President.

19 PRESIDING JUDGE STEINER: We can go into public?

20 MS BENSOUA: I think for the next set of questions we can go into public session.

21 PRESIDING JUDGE STEINER: Court officer, please, let's go into public session.

22 (Open session at 5.32 p.m.)

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

24 MS BENSOUA:

25 Q. Mr Witness, you have already described the rapes at the school and other incidents

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1 that you have recounted here. Apart from those rapes, do you know whether there were
2 other incidents of rapes that were taking place besides the ones you've mentioned in your
3 neighbourhood?

4 A. Yes, Madam. In other parts, there were cases of rape, where the Banyamulengue,
5 in part, there were reports that they raped, that they looted when passing through the
6 neighbourhood. The village, the town that they occupied would automatically be
7 subjected to assaults carried out by Bemba's rebels. There would be cases of rape, of
8 looting, and other crimes would be committed.

9 Q. Apart from the location you have described, do you know whether rapes took place
10 in other locations?

11 A. Yes, Madam. They spoke out about it. In Moomba (phon) , in Bosamba (phon) ,
12 there were cases of rape, in Bossembélé, in Sibut, in Fehrer (phon) in Damara. We are
13 familiar with all of this. We didn't witness it ourselves, but having had our own
14 experiences in our own area, we received information that came from other localities and
15 we took it to be true.

16 Q. And perhaps you have answered this question - and I'm sorry, Madam President, if
17 I am repeating - but do you know whether it was only women and girls who were raped
18 by the Banyamulengue rebels in PK12?

19 A. As far as I know, yes, there were girls and there were women -- very young girls, I
20 would say. In fact, a girl is free, someone who is 16 or 17 years old is free, but I
21 mentioned young girls, I mentioned the 8 or 9 year old girl. There were young girls,
22 there were girls and there were women.

23 Q. Thank you for that. You also said that there were killings. You've talked about
24 that. Do you know how many civilians were killed in Begoua by the -- during this
25 period by the rebels of Mr Jean-Pierre Bemba?

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1 A. As far as I know, the crimes I mentioned in my statement are crimes that I saw. I
2 saw bodies. For example, I mentioned the old man, the young person who had been
3 killed, the person who was taken to be a rebel. So, these were the killings I was aware of,
4 but in other areas or in the slums, it was said Banyamulengue had killed. There was
5 another person who was killed, I think, in another neighbourhood with a knife. So, this
6 is information that we received.

7 Q. So, do you know how many in total were killed? Do you know?

8 A. I don't know whether I provided a number in my statement. The old man -- as far
9 as I know, what I know with regard to those who were killed, well, three or four, I would
10 say. There's the man who was killed for his duck; there's the young person who was
11 taken to be an enemy and who was killed; there was another person who was killed
12 because he resisted extortion and they were -- and he was killed; there was another person
13 who was killed. So what I can say is that there were four persons who were killed, as far
14 as I know, unless because of the fact that this happened a long time ago I have forgotten
15 certain cases.

16 Q. That's all right, Mr Witness. You have also told this Court that the rebels of
17 Mr Jean-Pierre Bemba were looting and they were stealing civilian property. Can you
18 describe to us how this was done? I know that you have already mentioned part of it,
19 but perhaps you can inform the Court in greater detail how the looting and stealing of
20 property took place in your neighbourhood.

21 A. First of all, there was robbery and rape in the houses. They would break in and
22 they would take everything they found: the radios, telephones, even the cushions, you
23 know, for beds, mattresses, foam mattresses for beds. They really appreciated such
24 things; the rebels appreciated such things. They would take the cushions or the foam,
25 they would attach it to themselves and they'd have their rifles with them too, and then

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1 they would carry these strange burdens.

2 On the main road, well, I can't say that they made a checkpoint, erected a checkpoint, but
3 they controlled the entire area, all the roads, and sometimes when someone passed
4 through, they would stop the person. As I said yesterday, they'd ask them to come
5 towards them, they'd do this in an authoritative manner. They would ask them for
6 money, first of all. If they had no money, they would strip the person. Sometimes
7 they'd leave the person in that person's underwear. If they had a cell phone, they would
8 take it, and they would take women's jewellery too. So it was a very unorthodox manner
9 of behaving, Madam.

10 Q. Mr Witness, you told the Court yesterday -- and Madam President, I'm referring to
11 page 47, lines 14 to 18. You said that Mr Jean-Pierre Bemba's rebels stored the property,
12 the civilian property they looted, in a house, and you even marked that house on the
13 sketch you drew yesterday; am I correct?

14 A. Yes, Madam, the house which is by the football pitch. That's where Mr Moustapha
15 went, or moved. Yes, there was a house there.

16 Q. Do you know what they did with the property that they looted and stored in that
17 house?

18 A. Madam, the government had placed at their disposal certain vehicles. That was the
19 first means they had. Then, secondly, they would forcibly seize vehicles from
20 individuals, buses above all because at the time bus drivers, taxi drivers, well, they were
21 forced to leave to -- or they were forced to have a certain commercial activity, so they
22 would take these vehicles by force. They would load them and they would leave with
23 their items, and this concerned individual or private vehicles too. Our authorities at the
24 time had become vile for Bemba's rebels. I remember that they arrested a vehicle -- they
25 stopped a vehicle, an administrative vehicle, of an individual I don't know, but the

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1 registration number was ABG. It was the vehicle of a high-ranking person from our
2 country, but they seized the vehicle to use to transport their goods. It was difficult to live
3 through all that, Madam Prosecutor.

4 Q. Mr Witness, you have just mentioned that it was the house, or the base, where
5 Moustapha moved. Do you know whether Colonel Moustapha was aware of this looted
6 property being stored to the base where he moved?

7 A. Yes, absolutely, that it was his base. It was his base. He resided in that house,
8 Madam. He was a high-ranking official. He couldn't sleep outside in a stand, in a
9 sentry box. He was in the house. Everyone knew that a lot of stolen goods were in the
10 house. When Bozizé came, well, I spoke about certain vehicles, but they'd parked these
11 vehicles at the entrance to the house, to load them with all these goods. The goods
12 almost amounted to the contents of a supermarket, Madam Prosecutor.

13 Q. You also said just now that "and then they loaded them on these vehicles and they
14 left." Do you know where they left to? Where did they take these goods?

15 A. Probably to their place on the other side, the DRC, Madam. We were even told that
16 others had loaded a raft or a boat to go towards Moomba and there there was a skirmish
17 with our soldiers. This was reported in the newspapers. They told us about their
18 itinerary in the newspapers.

19 Q. Mr Witness, are you aware, were you aware that other commanders apart from
20 Moustapha knew that this looted property was being taken away?

21 A. Madam Prosecutor, they didn't take these goods away in secret. They did it before
22 everyone. Everyone could see this in the light of day. Everyone is aware of this.
23 Today, those who have experienced the events in Bangui and Begoua can tell you how the
24 Banyamulengue loaded these vehicles with stolen goods to take them away. This was
25 done in open daylight in front of everyone, Madam Prosecutor.

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1 Q. Thank you, Mr Witness. Are you aware whether this looted property taken away,
2 do you know whether they were ever returned to the civilians from whom they were
3 taken?

4 A. I don't think that would be possible. These items were never returned, Madam
5 Prosecutor; I don't believe so.

6 Q. And do you know whether the civilians were ever compensated for the property
7 that they have lost?

8 A. I don't know whether they were compensated to date.

9 Q. Mr Witness, you have described already at least two occasions when -- Madam
10 President, if we may go briefly into private session?

11 PRESIDING JUDGE STEINER: Mr Court Officer, please, into private session.

12 *(Private session at 5.47 p.m.) Reclassified as Open session

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

14 MS BENSOUDA:

15 Q. Mr Witness, you have already described two occasions that you at least (Redacted)
16 (Redacted)

17 (Redacted). Apart from these occasions, did you (Redacted)

18 (Redacted)

19 (Redacted)

20 A. No.

21 Q. And also apart from (Redacted), are you aware whether
22 or do you know whether the commanders of Mr Jean-Pierre Bemba's rebels stationed in
23 PK12 were aware that their men were committing these crimes against the civilian
24 population?

25 A. They were perfectly aware of this, Madam. They were perfectly aware of this.

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1 They knew all about it. One had the impression that they had prepared for such
2 activities. Even if there was the beating that we mentioned, it was dissuasive; it was to
3 show that they were trying to impose order but in fact they were part of the organisation
4 of these acts of looting and of rape, Madam.

5 MS BENSOUDA: Madam President, I believe we can move back into open session.

6 PRESIDING JUDGE STEINER: Court officer, please.

7 (Open session at 5.49 p.m.)

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

9 MS BENSOUDA:

10 Q. Mr Witness, apart from the event you describe of the soldier being beaten, are you
11 aware, or do you recall any other occasion when soldiers were punished for crimes?

12 A. Apart from that occasion at Mapao's that I was told of, I am not aware of a
13 commander punishing anyone else, unless my memory fails me, but in any event.

14 Q. You have also described the one occasion when Military Police were stationed in
15 your neighbourhood. Apart from that -- first, how long were they there, the Military
16 Police?

17 A. The Military Police remained there not all the time, but when it was necessary to go
18 to the front, in the interior of the country, then the police were required to go to the front,
19 so they would then disappear, but we understood that it was because it was necessary for
20 everyone to go to the front line because very few people remained behind. That's why
21 Mr Moustapha left the HQ and went to the second base, in fact.

22 Q. Thank you for that, Mr Witness. I am actually referring to the time when, after a
23 complaint, the Military Police were sent to come and prevent the crimes from happening.
24 If you do not recall I can go back to the transcript. I am referring to that particular time.
25 How long did they spend there?

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1 A. Could you rephrase your question, please? I don't understand it.

2 MS BENSOUA: Madam President, I was avoiding to give greater details just to avoid
3 going into private session, but I think I may have to request for a private session.

4 PRESIDING JUDGE STEINER: Court officer, please.

5 *(Private session at 5.53 p.m.) Reclassified as Open session

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

7 MS BENSOUA: Thank you, Madam President.

8 Q. Mr Witness, just to remind you, you told the Court that after (Redacted) to
9 Moustapha, Colonel Moustapha, he sent Military Police to be stationed (Redacted)
10 (Redacted). This is why I am asking how long did those Military
11 Police stay (Redacted) after Moustapha sent them there in response to (Redacted)?

12 A. They stayed there for a certain stretch of time, three weeks or a month, but the day
13 that they had -- that the majority of the troops had to go to the interior, the police finished
14 their mission (Redacted), Madam, but as to know -- as to tell you the number of days that
15 they spent there, well, I couldn't really tell you the exact number of days they spent there.

16 Q. That's all right. And do you know whether, (Redacted), the Military
17 Police were assigned anywhere else (Redacted) just to stop the crimes that the
18 soldiers were committing?

19 A. No, Madam Prosecutor. The conditions in which the Military Police were
20 deployed (Redacted) were quite exceptional. It's because people from the
21 country had stood up to claim their rights to peace. It was quite exceptionable in any
22 event. It is as if these things had been organised and planned. In other areas, if there
23 were no reactions (Redacted), well, they couldn't deploy
24 anyone. It would have been obstructive to their mission.

25 MS BENSOUA: Madam President, I think we can move back into open session.

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1 PRESIDING JUDGE STEINER: Court officer, please.

2 (Open session at 5.56 p.m.)

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

4 MS BENSOUDA:

5 Q. Mr Witness, you told the Court that the rebels of Mr Jean-Pierre Bemba remained in
6 your neighbourhood until 15 March and, Madam President, I am referring to page 29,
7 lines 2 to 6. Mr Witness, I want you to tell the Court, if you know, how come the rebels
8 of Mr Jean-Pierre Bemba left PK12 on 15 March 2003?

9 A. I myself, I couldn't explain that, Madam Prosecutor. One thing is for sure: I spoke
10 to you a while ago about rumours, that one should treat carefully in our country. In the
11 morning they started telling us that Bozizé's rebellion had advanced and was 70
12 kilometres away. One of our places called Damara was where they were. We had
13 doubts because the name -- the number of the Banyamulengue who went to the front
14 didn't allow us to believe in the progress of President Bozizé's rebellion, and there was
15 also a fairly innocuous event in the morning, around 8 or 9 in the morning.
16 After 6 o'clock we heard that Bozizé's rebellion was making headway. Around 9 or
17 10 o'clock Banyamulengue rebels, with a knife or two in their hands, went from house to
18 house and on the night of the 15th it was said they were going to cut the throats of all the
19 men.

20 (Redacted) there is construction stones in bulk and they went to sharpen their knives.

21 Next to (Redacted) there are a lot of stones, rocks. They went there to sharpen their
22 knives. It was as if they were spreading propaganda throughout the area, Madam
23 Prosecutor. It was at that point in time that my courage started to fail me. I said it was
24 necessary to find a means of leaving before we were exterminated.

25 I had taken such a decision when around 1600 hours, 1500 or 1600 hours, we heard an

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1 explosion on the Boali road. There were cries of joy on the other side and we understood
2 that in fact Bozizé's rebellion had progressed and had had an effect. The Bozizé rebellion
3 had arrived. So it is true we had resisted, but on the morning of 16 March we changed
4 our options. I couldn't wait. If Bozizé didn't arrive, I believe between 1600 hours and
5 1800 hours, I would have had to leave (Redacted) with my family as best I could.

6 Q. Do you recall approximately at what time did the Bozizé rebels come into (Redacted)?

7 A. It was shortly before 4 p.m, between 3.45 and 4 p.m. At that time, the rebels had
8 started leaving. They were loading property in taxis and buses. The atmosphere was
9 such that we had understood that something bad was going to happen, and many of the
10 inhabitants had barricaded themselves in their houses. I was in my house. Everyone
11 was in their houses because the atmosphere did not inspire trust. So it was around that
12 time, 3.45-4 p.m., that President Bozizé came into (Redacted), and there was an explosion at
13 PK13 on Boali Road. We were very much afraid initially, but we then heard cries of joy
14 and then we realised that what we had heard had become a reality, and that is why we
15 had the courage to come out. Bozizé's men were there and they started chasing after
16 Mr Bemba's rebels.

17 Q. Just now you mentioned that they started loading goods and things into vehicles.
18 Who do you mean when you say "they"? Who was loading the properties and other
19 things on the vehicles?

20 A. I'm sorry for that lack of clarification, but I was still referring to the Banyamulengue
21 rebels of Jean-Pierre Bemba.

22 Q. You also said that when Bozizé's rebels came, they withdrew, or they chased them.
23 Can you just briefly describe to the Court how they were leaving, the Banyamulengues?

24 A. In the morning, they promised to kill us at night. At around 11-12 a.m., they
25 started loading the vehicles and leaving, so some of them left with the vehicles, while

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1 other rebels stayed behind. And when the Bozizé rebels arrived, it is as if the rest of the
2 troops were surprised. In front of (Redacted) there is a hill, and they were climbing that
3 hill just the same way they had come. Some of them were using the main road, and
4 some were very surprised. So I must say that when Bozizé's rebels arrived, they chased
5 them away. That is how you have to understand it.

6 Q. Should we -- okay, did all of the troops of Mr Jean-Pierre Bemba leave PK12 on that
7 day; all of them?

8 A. I would rather say that they fled. Yes, they fled, but Bozizé's rebels surprised some
9 of them, because on the 16th they presented the captured prisoners at the weighbridge,
10 either on their way here or to P -- or at PK12 and Bangui, because they had cut off the road
11 from the Bemba rebels who had not been able to cross. So, after the 16th, they brought
12 all the captured prisoners to the weighbridge. That is the former headquarters of
13 Mr Bemba's rebels.

14 Q. Just to be clear, Mr Witness, who were these captured prisoners?

15 A. These were Mr Bemba's rebels.

16 Q. And how do you know that they were Mr Bemba's rebels?

17 A. It was easy to know by their dressing, their boots, and they were still wearing the
18 uniforms that they had worn at the time of their arrival in Begoua. It was the same
19 people. They could easily be identified, and in fact they were presented as prisoners,
20 and if these had been normal people, they wouldn't be shown to us as prisoners. In fact,
21 one can only make someone a prisoner if he is the enemy.

22 MS BENSOUA: Thank you, Mr Witness.

23 Madam President, for the final questions that I have for this witness, if we could please go
24 into private session.

25 PRESIDING JUDGE STEINER: Court officer, please.

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0038

1 *(Private session at 6.07 p.m.) Reclassified as Open session

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

3 MS BENSOUDA: Thank you, Madam President.

4 Q. Mr Witness, we are back into private session, so please feel free to speak. You have
5 described the incidents of looting, of killings and rapes by the Banyamulengue in your
6 neighbourhood. Did anything happen to you, or to your family, during this time?

7 A. Yes. No one was spared by the Banyamulengues. When they arrived, I was also a
8 victim. I was even one of the first victims, because (Redacted)

9 (Redacted). They took my musical set, my television set. And then I was with my family and
10 my wife. There were three of them who came and they were making their rounds. I
11 have told you that I could understand a few words of Lingala. I approached them, we
12 spoke, we discussed and got to know each other a little bit, and even though I adopted a
13 friendly attitude, my wife was in the toilet and one of them left to go and try to rape my
14 wife. And my wife shouted and I was surprised and I was wondering what was
15 happening. I went there and I said this could not happen there, and he was all confused
16 and he left. So, he was going to rape my own wife right in front of me. Fortunately, I
17 thank God for the grace, because he did not succeed. I was also a victim myself.

18 Q. Mr Witness, was he the only one involved in this incident, and did you know his
19 name?

20 A. No, he was the only one. He left the rest of the members of the group. He was the
21 only one. It is not possible for me to know his name. They called him "ndeko na ngai,"
22 which means "my brother," and this was to try to calm down his murderous disposition,
23 and that is how I referred to him, but it was not possible for me to know his name.

24 During that period, one could not try to know the names of the rebels, except (Redacted) and
25 the others because these were high-ranking people who had a certain reputation within

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Witness: CAR-OTP-PPPP-0038

(Private Session)

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1 the rebel group.

2 Q. And did you take any measures after this incident to protect your family?

3 A. I took measures when things became extremely difficult. My wife (Redacted),
4 so I was compelled to take a room and sort of (Redacted) as a sort of shelter, so I
5 put (Redacted) against the wall, with an opening such that if things became very
6 difficult I would be able to hide my family, and if they came into the house they would
7 think that this was simply (Redacted) and they would leave without hurting my children.
8 So, the people I wanted to protect the most were my family and my children, and I was
9 thinking to myself that even if there is a problem with me, it wasn't that hard.

10 MS BENSOUA: Madam President, your Honours, we can move back to public -- open
11 session.

12 PRESIDING JUDGE STEINER: Court officer, please.

13 (Open session at 6.12 p.m.)

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

15 MS BENSOUA: Thank you, Madam President.

16 Q. Mr Witness, I know during the course of your testimony you've said this several
17 times, but I just want you to let the Court know in general terms the attitude of the
18 Banyamulengue soldiers towards the people of Begoua. Can you describe it in general
19 terms?

20 A. Generally speaking, their attitude was bestial. They were very aggressive, wicked
21 and bad. They were murderers, violent. There was nothing human about those rebels
22 of Mr Bemba at the time. There was no humanity. I'm sorry, but their attitude -- I really
23 do not want to insult them, but their attitude was close to the behaviour of animals. I'm
24 sorry that -- but I have to say that.

25 Q. And, if I may ask, during the time that the Banyamulengues were stationed in PK12,

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1 do you know whether girls and women who you said were raped, do you know whether
2 they reported these rapes as soon as it happened?

3 A. Personally, no. Reporting? Well, we simply heard about certain cases like that
4 because there were people or relatives who came to know about it, but the women
5 themselves reporting, that would be difficult. It is a question of honour. In our society,
6 there are certain things that are a taboo.

7 Let me tell you that there was a girl who was raped by Banyamulengues, but she did not
8 report, but however, she was infected with HIV, but it was towards her death that she
9 admitted that she said she was raped by the Banyamulengues.

10 And when tests were done and it was seen that she had HIV, her friend, her partner, said
11 that he had never cheated on her, so at the end of her life she admitted that she had been
12 raped by the Banyamulengue, and this was in Boali.

13 Her family could not stay there with her. That is why they transported her to Boali and
14 it was there that everything happened. It was a case of dishonour. It was a case of
15 stigmatisation and that is why she kept silent until the time of her death.

16 And I can also tell you that her husband is in a state that I can say she will not live very
17 long, because the Banyamulengue infected her, and they are both going to leave orphans
18 behind.

19 Q. And, sir, can you tell the Court the -- generally, the effect of the crimes that were
20 committed on the -- in PK12 by the Banyamulengue? How it has affected your
21 community?

22 A. I can say that this had a negative effect on our community and our community
23 continues to suffer from that, Madam Prosecutor. The effects of the occupation of the
24 Banyamulengue are still being vividly remembered by our community in general and, or
25 rather, in particular and the Central African Republic in general. The population is

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1 finding it difficult to recover from the effects of that occupation by the Banyamulengue.

2 MS BENSOUDA: Thank you, Mr Witness. Madam President, your Honours, I have no
3 further questions for the witness.

4 PRESIDING JUDGE STEINER: Thank you, Madam Bensouda. The Chamber has not
5 yet received any request from legal representatives in which they show their intent to
6 question the witness. May I confirm, Maître Douzima, Maître Zarambaud, that no such
7 request was sent to the Chamber?

8 MS DOUZIMA-LAWSON: (Interpretation) We thought that we could do so orally.

9 PRESIDING JUDGE STEINER: So would you like to then make such request right now,
10 but in any case the Chamber would like to receive the list of questions in advance. So
11 maybe we could grant legal representatives to communicate with the legal officer of the
12 Chamber their intent, together with the list of questions that you would like to put to the
13 witness in tomorrow's session. Is that agreeable to the legal representatives?

14 MS DOUZIMA-LAWSON: (Interpretation) That is fine.

15 MR ZARAMBAUD: (Interpretation) Madam President, my learned friend will have
16 questions to put, but personally I do not have any questions to ask the witness. Thank
17 you.

18 PRESIDING JUDGE STEINER: Maître Douzima, we ask you please tomorrow until
19 midday to send a message to the legal officer of the Chamber communicating your
20 intention and the list of questions you wish to put and, if possible, the estimated length of
21 your questioning.

22 MS DOUZIMA-LAWSON: (Interpretation) Understood.

23 PRESIDING JUDGE STEINER: So we are then adjourning a little bit earlier today.

24 Thank you very much for the Prosecution team, legal representatives of victims, for the
25 Defence team and we will resume tomorrow at -- please, Madam Bensouda?

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1 MS BENSOUA: I am sorry, Madam President, to interrupt. I just wanted to seek
2 clarification about the length of time that the Chamber has finally decided that the
3 Prosecution's -- the time that the Prosecution will have.

4 Earlier on today, Madam President, just before we started, you indicated the time that has
5 been allocated for -- to the Prosecution to finish our examination-in-chief but, Madam
6 President, in accordance with the filing, I think number ICC-01/05-01/08, filing 975 -- sorry,
7 Madam President, I will just read from paragraph 3 where we filed, and we said, "In
8 estimating the length of questioning the Prosecution proposes the concept adopted by
9 Trial Chamber II in the Katanga case in which only the actual time of questioning and
10 answers is calculated, excluding objections, legal arguments, questions posed by other
11 parties or participants, cross-examination, redirect examination and delays due to the
12 technical problems" et cetera, Madam President.

13 And in -- on 4 November 2010, filing number 996, the Chamber at paragraph 4 said, "The
14 Chamber notes the efforts made by the Prosecution to shorten the estimated length of
15 questioning witnesses. At this stage, the Chamber will refrain from setting a time limit
16 for the presentation of the evidence to be relied on by the Prosecution" and said,
17 "However, given the duty of the Chamber to set out in Article 64(2) of the Rome Statute to
18 ensure expeditiousness" et cetera, "that we would avoid unnecessary delays," but as far as
19 the Prosecution is aware no definite decision has been taken with regards to setting the
20 time limit, and we just wanted this to be clarified so that -- because it is going to affect our
21 other witnesses that are coming.

22 PRESIDING JUDGE STEINER: Thank you very much, Madam Bensouda. As a matter
23 of fact the Chamber decided not to allocate in advance any time and the Chamber is
24 allowing the Prosecution to use the time estimated in its filing -- in its filing exactly 975.

25 MS BENSOUA: Yes.

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- 1 PRESIDING JUDGE STEINER: So for the first witness the Prosecution itself estimated
2 length of questioning 7 hours, so -- and the Chamber in the beginning of the session just
3 reminded the Prosecution that in principle the 7 hours should be -- should be respected.
- 4 MS BENSOUA: Yes, thank you, Madam President, I appreciate that. I understand the
5 issue is that of the stopwatch method that was proposed.
- 6 PRESIDING JUDGE STEINER: We are not adopting such method, at least for the time
7 being.
- 8 MS BENSOUA: Very well, Madam President, it is clear. Thank you.
- 9 PRESIDING JUDGE STEINER: And just to inform that you haven't used your 7 hours.
10 It was a little bit less due to the break - the second break - that the Chamber had to do and,
11 but not strictly the same system as Trial Chamber II.
- 12 MS BENSOUA: Thank you, Madam President. My worry was just with the
13 upcoming witnesses and not this one in particular, but thank you.
- 14 PRESIDING JUDGE STEINER: Not necessarily, Madam Bensouda, we are going to
15 compensate, to provide you with a compensation. We are going to decide it in due time.
- 16 MS BENSOUA: Thank you, Madam President.
- 17 PRESIDING JUDGE STEINER: So first, the Chamber would like to thank very much
18 Witness 38. It was the second day of testimony and the Chamber very much appreciates
19 your efforts. Tomorrow we will continue probably with some questioning put by legal
20 representatives of victims and we will start with Defence questioning. So I hope you
21 have a very relaxed evening and that we can continue tomorrow our hearing on your
22 testimony.
- 23 So I please ask court officer for a while to turn the session into closed in order for the
24 witness to be conducted out of the courtroom.
- 25 *(Closed session at 6.28 p.m.) Reclassified as Open session

Trial Hearing

(Open Session)

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

2 (The witness stands down)

3 PRESIDING JUDGE STEINER: We can turn back to open session, please.

4 (Open session at 6.29 p.m.)

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

6 PRESIDING JUDGE STEINER: Thank you very much. So it is just again to thank very

7 much for the Prosecution team, the legal representatives of victims, the Defence team,

8 Mr Jean-Pierre Bemba Gombo, and our thanks for the interpreters and court reporters.

9 The Defence will be informed on time tomorrow about the time allocated to legal

10 representatives in order for the Defence to know the time that will be allocated in the

11 afternoon session for the Defence for starting your questioning.

12 Thank you very much and this hearing is adjourned.

13 THE COURT USHER: All rise.

14 (The hearing ends in open session at 6.31 p.m.)

15 RECLASSIFICATION REPORT

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

17 2012, and the instructions in the email dated 9 October 2013, the version of the transcript

18 with its redactions becomes Public