

Trial Hearing
Witness: CAR-OTP-PPPP-0108

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 2
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 Monday, 27 June 2011
9 (The hearing starts in open session at 10.38 a.m.)
10 THE COURT USHER: All rise. The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE STEINER: Good morning, everyone. Could, please, the court
13 officer call the case.
14 THE COURT OFFICER: Good morning, your Honours. This is the situation in the
15 Central African Republic, the case of The Prosecutor versus Jean-Pierre Bemba Gombo,
16 case reference ICC-01/05-01/08. Thank you, your Honours.
17 PRESIDING JUDGE STEINER: Thank you. Today we'll start with the testimony of
18 Witness 108. This testimony will be given by way of a video link, so I ask please court
19 officer to turn on the video feed.
20 Good morning, Felipe, court officer.
21 THE COURT OFFICER (CAR): (Interpretation) Good morning, Madam President.
22 Let me say that in order to be clear I am going to speak in French, which is the language
23 the witness will be testifying in.
24 PRESIDING JUDGE STEINER: It's fine with us. So before we bring the witness in, we
25 are going to turn very briefly into private session upon request from the Prosecution.

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1 THE COURT OFFICER: Madam President, we are in private session. Thank you.

2 *(Private session at 10.42 a.m.) Reclassified as Open session

3 PRESIDING JUDGE STEINER: Ms Kneuer.

4 MS KNEUER: Thank you, Madam President, your Honours. Before the witness will be
5 connected to us, I would like to briefly address a matter of witness protection. The
6 Prosecution is mindful of the Chamber's Decision 1507-Conf, and the Prosecution will, of
7 course, comply with the public testimony of Witness 108. To implement this decision of
8 your Honours is fairly easy.

9 The Prosecution is equally mindful of the Chamber's oral rulings, with regards to
10 protective measures of (Redacted), and here is the bigger challenge for the
11 Prosecution: Taking into account both decisions, or rulings, and taking into account that
12 (Redacted) testified mainly in public session about the circumstances of the
13 (Redacted), the Prosecution suggests that in order to protect (Redacted)
14 properly, some parts of 108's testimony needs to be in private session.
15 Basically, it's the topic around (Redacted). The
16 Prosecution carefully reviewed (Redacted), and we gave it a
17 lot of thought how to best implement your Honours' rulings to protect (Redacted)
18 (Redacted).

19 Whenever appropriate, the Prosecution will seek, with your leave, private sessions during
20 the course of the testimony of Witness 108, and again it's simply to avoid to undermine
21 your Honours' ruling on witness protection of (Redacted), not with regard to
22 Witness 108.

23 However, the Prosecution is seeking your Honour's guidance, because I have to advise the
24 witness not to mention (Redacted) and actually also (Redacted) in public session, because
25 this would relate to the story and this could then reveal the identity of (Redacted).

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1 But the practice so far has been, also for protective measures -- protective reasons and
2 security of witnesses, not to inform a witness that (Redacted)
3 (Redacted). So I need to find an inconspicuous way to tell the witness not to reveal the
4 name of (Redacted) in public session and, as I mentioned, I believe it also needs to be
5 extended to the (Redacted). For example, if it's about (Redacted), it would definitely in
6 that context reveal the identity of (Redacted).

7 It may be that I wouldn't say significant portions of the testimony have to be in private
8 session, but at least some parts, and as usual the Prosecution is offering to review these
9 private session transcripts to apply proper redactions for reclassification at a later stage,
10 but currently we believe we need to protect (Redacted) properly and this may
11 from our perspective only be done by going into private session with regards to certain
12 topics. Thank you, your Honours.

13 PRESIDING JUDGE STEINER: Thank you, Ms Kneuer. Before I give the floor to the
14 Defence, don't you think that the use of certain codes, as we did with the previous
15 witnesses, would at least in part solve the problem? If the witness, for instance, refers to
16 (Redacted) not necessarily will lead to the identification of which (Redacted), or if the
17 witness says (Redacted) maybe it does not necessarily identify (Redacted). Has the
18 Prosecution given some thought to these possibilities?

19 MS KNEUER: Yes, Madam President. We rehearsed actually on this topic and, of
20 course, basically everybody has (Redacted). That is not the problem. The issue with
21 the code, by using the term (Redacted) comes into play when we go to the story that a
22 (Redacted) called, for example, or a (Redacted) observed X, Y and Z. The same is with the
23 (Redacted)

24 If someone followed the proceedings and followed (Redacted), we
25 believe by listening to the testimony of 108 - and if the entire story about (Redacted)

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1 (Redacted) would be in public session - that person could infer who (Redacted) are.

2 We tested it even with other codes, not using the term (Redacted) and (Redacted) or

3 (Redacted) again, like with the other witnesses, but we believe it's very risky.

4 PRESIDING JUDGE STEINER: Has the Defence any observations on this topic?

5 MR LIRISS: (Interpretation) Madam President, this is a very complex issue and we

6 defer to the Court to decide, mindful of all the parameters of security and safety of the

7 witness, the right to a fair trial and the principle of publicity, and if it is your

8 determination that we need to proceed in closed session then we will defer to you.

9 PRESIDING JUDGE STEINER: Let's then try to -- as soon as the witness is brought into

10 the room, let's try to establish in principle some codes, maybe avoiding (Redacted) and

11 (Redacted) maybe establishing pseudonyms "John" and "Mary" or something, and let's

12 see how it works. But the Chamber will rely on the Prosecution's good sense, in terms of

13 what kind of possible answer will necessarily lead or suggest the identification of the -- of

14 (Redacted) and the Chamber then will turn into private session.

15 We can turn back into open session, please.

16 (Open session at 10.52 a.m.)

17 THE COURT OFFICER: Madam President, we're back in open session.

18 PRESIDING JUDGE STEINER: Court officer, is everything ready?

19 THE COURT OFFICER (CAR): (Interpretation) Yes, Madam President.

20 PRESIDING JUDGE STEINER: Is everything --

21 THE COURT OFFICER (CAR): Everything is set. We are ready.

22 PRESIDING JUDGE STEINER: Are you listening to us here? So could you please --

23 THE COURT OFFICER (CAR): Yes, Madam President. I can hear you clearly.

24 PRESIDING JUDGE STEINER: Could you please bring the witness in.

25 THE COURT OFFICER (CAR): (Interpretation) Yes, Madam President.

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1 (The witness enters the room)

2 WITNESS: CAR-OTP-PPPP-0108

3 (The witness speaks French)

4 (The witness gives evidence via video link)

5 PRESIDING JUDGE STEINER: Good morning, sir. Thank you for being with us.

6 THE WITNESS: (Interpretation) Good morning.

7 PRESIDING JUDGE STEINER: Are you listening to us, sir?

8 THE WITNESS: (Interpretation) Yes, I can hear you now.

9 PRESIDING JUDGE STEINER: In accordance with the Chamber's 13 June 2011 decision,
10 which is decision number 1507-Conf, you will testify via video link.

11 Before we start, I would like to ask the parties and participants to this hearing to introduce
12 themselves and their teams, starting by the Prosecution. Ms Kneuer, please.

13 MS KNEUER: Thank you, Madam President, your Honours. The Prosecution is
14 represented today by: Sylvie Wakchom, legal assistant; Frédérique Besse, case manager;
15 and myself, Petra Kneuer, senior trial lawyer. Thank you.

16 PRESIDING JUDGE STEINER: Thank you very much. Legal representatives of victims,
17 please.

18 MS DOUZIMA-LAWSON: (Interpretation) Thank you, Madam President. The legal
19 representatives are the same; namely myself, Marie-Edith Douzima, and Mr Zarambaud
20 Assingambi.

21 PRESIDING JUDGE STEINER: Thank you very much, Maître Douzima. Maître Liriss.
22 Maître Kilolo.

23 MR KILOLO: (Interpretation) Good morning, Madam President. The Defence team is
24 made up of: Maître Nkwebe Liriss, principal counsel; Mr Peter Haynes, associate
25 counsel; Mr Kabongo; Ms Kate Gibson, legal assistant; and I myself, Maître Kilolo,

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1 associate counsel. Thank you.

2 PRESIDING JUDGE STEINER: So I would like to welcome the parties and participants
3 and welcome Mr Jean-Pierre Bemba Gombo.

4 Mr Witness, I believe that the court officer will have given you a card containing the
5 words of the oath. Could I ask you, please, to take the oath by reading out the words
6 printed on this card.

7 THE WITNESS: (Interpretation) I solemnly declare that I will speak the truth, the
8 whole truth and nothing but the truth.

9 PRESIDING JUDGE STEINER: Thank you, Mr Witness. Now that you have taken the
10 oath, can I confirm that you understand the oath to mean that you must give answers to
11 questions asked of you that are true and accurate to the best of your knowledge and
12 belief?

13 THE WITNESS: (Interpretation) Yes, I have understood that.

14 PRESIDING JUDGE STEINER: Mr Witness, you might have been informed that no
15 protective measures have been granted to you as a witness in the present case. That
16 means that you are going to testify in open session. Do you understand that?

17 THE WITNESS: (Interpretation) Yes, I have understood.

18 PRESIDING JUDGE STEINER: Mr Witness, although you will be testifying in open
19 session and with your identity known to the public, I need to remind you that there are
20 other victims, witnesses and persons connected with this case whose identities are not
21 publicly known. I would, therefore, ask you that you exercise caution in mentioning the
22 names of persons who may be considered vulnerable in the context of the proceedings.
23 Before you start testifying, the Prosecution will come back to this issue to explain to you
24 how is it going to work.

25 In any case, if need be, in order to answer a question that includes or needs mentioning

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1 names of persons that are also victims or witnesses in the present case, I ask you please to
2 let us know and we can go into private session. In private session you can speak freely,
3 since the public cannot hear what you say. Did you understand that, sir?

4 THE WITNESS: (Interpretation) Yes, I have understood.

5 PRESIDING JUDGE STEINER: And finally, Mr Witness, because we speak different
6 languages there is interpretation so that we can understand each other. Because of this, it
7 is important that you speak slower than normal - as I'm doing now - to allow the
8 interpreters to do their job. Because speaking slowly can seem unnatural, it may be that
9 you start speeding up and I will have to interrupt you in order to remind you to slow
10 down. This is purely for practical reasons and should not discourage you from speaking.
11 Do you understand that, sir?

12 THE WITNESS: (Interpretation) Yes, I've understood.

13 PRESIDING JUDGE STEINER: We will have this morning a two-hour session and then
14 in the afternoon another session of two hours starting at 1 o'clock Bangui time, or 2 o'clock
15 The Hague time, but if for any reason you need a break just let us know and a break will
16 be given.

17 You will be questioned first by the Prosecution, then by legal representatives of victims
18 and finally by the Defence. Do you have any questions, sir?

19 THE WITNESS: (Interpretation) For the moment I have no questions.

20 PRESIDING JUDGE STEINER: So I will start putting to you some -- a few questions in
21 relation to the statement or statements that you gave previously to the Court. Have you
22 been given the opportunity to read the statement or statements that you made to the
23 Court?

24 THE WITNESS: (Interpretation) Yes, the statements were presented to me and I've
25 re-read them.

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1 PRESIDING JUDGE STEINER: Mr Witness, at the time when you made the statement or
2 statements, did you do so voluntarily?

3 THE WITNESS: (Interpretation) The declarations or the statements were made in a
4 voluntary manner.

5 PRESIDING JUDGE STEINER: Is the information that you provided in your statement
6 or statements true and accurate to the best of your knowledge and understanding?

7 THE WITNESS: (Interpretation) The statements have been done in a true and accurate
8 manner.

9 PRESIDING JUDGE STEINER: And finally, Mr Witness, in case the parties or the
10 Chamber intend to have your statement or statements submitted as evidence, do you have
11 any objection?

12 THE WITNESS: (Interpretation) I would have no objection, your Honour.

13 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. I will now give the
14 floor to the Prosecution who will start questioning you. Ms Kneuer, you have the floor.

15 MS KNEUER: Thank you, Madam President.

16 QUESTIONED BY MS KNEUER:

17 Q. Good morning, Mr Witness.

18 A. Good morning.

19 Q. My name is Petra Kneuer and I am a senior trial lawyer at the Office of the
20 Prosecutor. I will be leading your testimony today. I didn't have the pleasure to attend
21 the familiarisation meeting on Friday due to a schedule conflict; however, you already
22 met my colleague Mr Scaliotti. Since this is an examination via audio/video link may I
23 ask you if you can clearly hear me and also see me, Mr Witness?

24 A. I can hear you well and I can also see you well.

25 Q. Thank you, Mr Witness. Sir, please don't hesitate to inform the Court in the event

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1 that you face any technical problems which make it difficult for you to follow the
2 proceedings respectively my questioning.
3 Madam President has already advised you on the interpretation system in the courtroom,
4 but I would like to remind you once more to please speak slowly and clearly into the
5 microphone and wait five seconds before you respond and I will try to do the same.
6 Also, the interpreters would appreciate if you, once in a while, pause if you provide your
7 testimony in a longer narrative.
8 If, at any point in time, you do not understand my questions please let me know and I will
9 either rephrase my questions or provide clarification. If you would like me to repeat any
10 of my questions, just let me know. Please take your time to answer each question so that
11 you can provide the Judges with a complete account of what you know.
12 Further, Mr Witness, during the course of your testimony I will ask you many questions
13 such as when, why and how do you know. I ask you to be patient with such questions
14 and answer them as best as you can as this will assist the Judges to understand the basis
15 of your knowledge of the facts. I also invite you to listen carefully to my questions, and
16 when you provide answers that you focus straight on the content of those questions.
17 Please do not take this as an offence; I recommend proceeding this way simply because it
18 will facilitate your testimony.
19 Moreover, the Defence counsel and the legal representative of victims will ask you
20 questions and the Judges may also ask questions. Therefore, it is important that I
21 complete my questioning within the time allocated to the Prosecution, which is four
22 hours; however, I'm confident if we two cooperate we can finish with the questioning by
23 the Prosecution in less time.
24 As Madam President has pointed out to you, you are testifying in public session which
25 means, as you know, that your testimony is heard outside the courtroom. If there are any

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1 issues you may want to discuss in a private session - for example, names of individuals
2 which may require protection - please indicate this for the Court, and I will give you more
3 advice in a few minutes on this topic.

4 Lastly, if you need a break at any time please let me know and I will inquire with the
5 Bench. Mr Witness, are you ready to start with the questioning?

6 A. I'm ready.

7 Q. Very well, Mr Witness. One last matter: The reason why I look down is that I
8 look into the video screen in front of my table so that I can see you. It is not meant to be
9 disrespectful to you, but I'm trying to look into your eyes although you may not recognise
10 it this way.

11 Mr Witness, can you please tell the Court your full name?

12 A. My name is Mbata. My first name is Flavien.

13 Q. What is your date of birth?

14 A. I was born on 26 December 1968.

15 Q. Where were you born?

16 A. I was born in Bangui, in the Central African Republic.

17 Q. What is your ethnic origin?

18 A. I am Mbaka-Mandja, of the Mbaka-Mandja ethnic group.

19 Q. What is your marital status?

20 A. I am single with a wife and child.

21 Q. How many children do you have?

22 A. I have six children.

23 Q. What languages do you speak and understand, sir?

24 A. I speak French and the national language, which is Sango.

25 Q. What is your profession?

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1 A. I am a magistrate by profession.

2 Q. What is your current occupation?

3 A. I am currently the Director of the Cabinet of the Constitutional Court.

4 Q. Since when do you hold this position?

5 A. I hold this position since the month of November 2004.

6 Q. What were your former occupations, sir?

7 A. From 1997 to the year 2000 I was Prosecutor of the Republic in the tribunal in Bria;
8 that is in the province. From January 2000 to June 2000 I had two posts at the same time:

9 I was the First Deputy of the Prosecutor of the Republic in Bangui and at the same time I
10 was Prosecutor of the Republic in Sibut. From June 2000 until August 2003 I held the
11 position of senior investigating judge with the Tribunal de Grand Instance in Bangui.

12 And from 2003 to 2004 I had the function of the Second Vice-President of the Tribunal de
13 Grand Instance in Bangui.

14 Q. Thank you, Mr Witness. Just for your knowledge, if I sometimes look to the left
15 side from my perspective, again, it's not meant to be disrespectful to you and not listening
16 to you; I'm following the transcript which I can see on a second screen, and I do this in
17 order to find the right pace for the interpreters and stenographers to follow our
18 questioning. Did you undergo any compulsory military training, sir?

19 A. Yes. In the framework of my training at the magistrature school, I followed
20 training - military training - for two years.

21 Q. Where do you currently live? But please don't provide the specific address, rather,
22 the neighbourhood or the district, or the city in general.

23 A. I am in Bangui and (Redacted)

24 MS KNEUER: Madam President, may I have a private session for a few moments to
25 advise the witness?

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1 PRESIDING JUDGE STEINER: Court officer, please let's turn into private session.

2 *(Private session at 11.20 a.m.) Reclassified as Open session

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

4 MS KNEUER:

5 Q. Mr Witness, we are now in private session, which means that nobody outside the
6 courtroom and the location where you currently are can listen and understand what is
7 being spoken in this courtroom. This means, basically, you are free to provide sensitive
8 information. Anticipating your upcoming testimony, I would like to ask you if any
9 specific individuals play a role in what happened to you during the CAR conflict from
10 October 2002 until March 2003 and, if so, can you please provide the names of these
11 individuals?

12 A. I haven't understood the question, I'm sorry.

13 Q. Let me try to rephrase, Mr Witness. During the time of the conflict in the Central
14 African Republic in October 2002 until March 2003, did you have (Redacted)

15 A. Yes, I had (Redacted).

16 Q. Did you have (Redacted) during that same time period who played a role in what
17 happened to you and your family?

18 A. Yes, I had (Redacted).

19 Q. During the same time period, did you have (Redacted)?

20 A. Yes, I have (Redacted).

21 Q. Thank you, Mr Witness. I would like to advise you, as a general principle or rule,
22 not to refer to any of these individuals during the course of your testimony in public
23 session, and I mean that you will not use their names, nor their function or description as
24 (Redacted). I kindly ask you to refrain from using either the name or
25 the description of their position or function in your life at that time.

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1 However, to -- sorry. However, to facilitate your testimony in public session, I would
2 like to suggest to you to use a code. I propose to you that for (Redacted) you use the
3 name "Paul"; for (Redacted) you use the term "Peter"; and for (Redacted), the name
4 "Mary." I understand that this exercise may be difficult for you, first to switch from real
5 names, or true names, to code-names, but also to immediately implement the usage of a
6 code.

7 I understand that the court officer is sitting close to you and perhaps he can hand you a
8 piece of paper and a pen that you can note down the code words, and whenever you wish
9 to use or refer to one of the individuals in a public session, please use the code word. But
10 we also have the option to hear portions of your testimony in private session, if we need
11 to protect these individuals or any other individuals who may be potential victims or
12 witnesses. I'm happy to repeat the codes but, before I do so, I would like to know if you
13 understand in principle the concept of using codes.

14 A. Yes, I've understood.

15 Q. Very well, Mr Witness. So I will repeat the codes. For (Redacted) it would
16 be "Peter"; for (Redacted) it would be "Paul"; and for (Redacted) it
17 would be "Mary."

18 If I may, I would like to give an example how it could work in public session. If you, for
19 example, want to state, "(Redacted) cooked the meal," you would not refer (Redacted)
20 You would simply say, "Mary cooked the meal." Do you understand?

21 A. Yes, I understand you well, but I would like -- if the Court sees no problem with this,
22 I would also like us to have a name for the colonel who I mentioned in my statement,
23 Colonel Lengbe.

24 Q. I suggest the name "Nick". Is that fine with you, Mr Witness?

25 A. Very well.

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1 Q. Does any other name come to your mind for which you think the usage of a code
2 would be helpful for public session, sir?

3 A. I would also like to mention the name (Redacted)
4 (Redacted).

5 Q. I suggest the name "Sylvie." Is that fine with you, sir, "Sylvie" for (Redacted)?

6 A. Did you say "Sylvie"? Okay, Sylvie.

7 JUDGE ALUOCH: Ms Kneuer, do you want to use something simpler like "Charlie," or
8 something easy to pronounce?

9 MS KNEUER:

10 Q. Sir, in order to facilitate transcription, I suggest the name "Ann," instead of "Sylvie."

11 A. Okay.

12 Q. Is there any (Redacted) family member that you consider to be not mentioned in public
13 session?

14 A. No, but perhaps the names of the neighbourhoods. Isn't it perhaps necessary to
15 have a code for the names of the neighbourhoods?

16 PRESIDING JUDGE STEINER: Ms Kneuer, in relation to the quartier, maybe it's just
17 better not to mention the name of the quartier. Any reference needed, you just say "my
18 quartier" and not the name of the quartier. Is that fine with you, sir?

19 THE WITNESS: (Interpretation) Okay, yes, Madam President.

20 PRESIDING JUDGE STEINER: Maître Liriss.

21 MR LIRISS: (Interpretation) Madam President, as regards the neighbourhoods, the
22 individuals that we want to protect have given the names of these neighbourhoods.
23 Therefore, it's of no purpose now at this point not to mention the names of the
24 neighbourhoods, or to hide the names.

25 PRESIDING JUDGE STEINER: Unless it's strictly necessary, the name of the quartier

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1 does not need to be mentioned.

2 MS KNEUER: Madam President, it is not possible for me to comment on Maître Liriss'
3 observation for obvious reasons. However, there are a number of different people who
4 may require protection.

5 Q. Sir, I briefly skimmed through my notes about neighbourhoods, and what we
6 already have in the record is where you live and you provided the neighbourhood of your
7 (Redacted) and I will ask you in a moment another question about your residence during the
8 events in October 2000 -- October 2002 and March 2003. Then we have also this place in
9 the record, and then you can refer to your neighbourhood at the time of the events, or at
10 the current time depending on your testimony, as Madam President has suggested, or if it
11 becomes relevant you can refer to the neighbourhood of your (Redacted). Just to clean up
12 with this exercise, Mr Witness, where did you live between October 2002 and March 2003?

13 A. Between November 1 and March 2003, I lived in the neighbourhood (Redacted).

14 Q. Where did you live before November 1, 2002?

15 A. Before November 1, 2002, I lived in the neighbourhood (Redacted), at PK13, (Redacted)
16 (Redacted).

17 Q. Just for the record, sir, is that the same place where you are currently living?

18 A. (Redacted) is the same place where I'm now living.

19 Q. And one final question with regards to places. Where did your parents live at the
20 relevant time in October 2002 until March 2003?

21 A. My parents lived in the neighbourhood called (Redacted), PK8, in Bangui.

22 Q. Thank you, Mr Witness. Just to sum up, before we go back to public session, we
23 now know the neighbourhoods of some of the people who play a role in your upcoming
24 testimony, so there may be no need for you to repeat the places in public session because
25 when you talk, for example, about your parents, we know that they lived in (Redacted), PK8.

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1 With regards to names, we agreed that for (Redacted) you will refer to "Peter"; with
2 regards to (Redacted) you will refer to "Paul"; (Redacted) has the code "Mary"; Colonel
3 Lengbe, we will call him "Nick"; and (Redacted) has the pseudonym "Ann." If there is
4 any necessity during the course of your testimony to assign more codes we will of course
5 do so, sir, and don't hesitate to ask for a private session to figure out -- sorry, first to
6 determine names of individuals and then to figure out any codes. Are you fine with that,
7 sir?

8 A. Yes, that's fine.

9 MS KNEUER: Then I will now ask Madam President to go back into public session,
10 please.

11 PRESIDING JUDGE STEINER: Court officer, please let's turn into public session.

12 (Open session at 11.41 a.m.)

13 THE COURT OFFICER: Madam President, we're back in public session. Thank you.

14 MS KNEUER:

15 Q. Mr Witness, we are now in public session and I will continue with my questioning.
16 I will have a number of questions about a conflict in the Central African Republic that
17 may have taken place between October 2002 and March 2003. Do you recall any
18 particular events during that time period?

19 A. Yes. I remember, at that period of time, three main events: First of all, on
20 25 October 2002, there was an attempted coup d'état, which was carried out by General
21 Bozizé and his men, against the regime of Mr Ange-Félix Patassé. Then, in
22 November 2002, the militiamen from the Congolese Liberation Army in Central African
23 Republic came in. And the third event I remember was the successful coup d'état carried
24 out by General Bozizé and his men on 15 March 2003.

25 Q. How do you know that Mr Bozizé was responsible for the coup d'état?

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1 A. You mean the coup d'état on 15 March? The coup d'état, that coup d'état was
2 claimed by the men who belonged to General Bozizé, who were his followers. It was
3 stated on the radio, and I heard that as -- like every other citizen.

4 Q. How did you learn about the coup d'état on 25 October 2002 by General Bozizé
5 against Mr Ange-Félix Patassé?

6 A. I found out about it, the 25 October 2002 attempted coup, because I heard the shots
7 coming from Bangui, and I also heard that the government at the time -- well, the
8 government informed the population on the radio, stating clearly that it was an attempted
9 coup d'état on the part of General Bozizé.

10 Q. Do you recall to which radio station you listened at that time?

11 A. It was the national radio, and I also listened to what the authorities announced on
12 Radio France Internationale.

13 Q. Does the national radio have a name?

14 A. It's called Radio Centrafrique. And there was another radio station called Ndeke
15 Luka.

16 Q. May I ask you, sir, to spell the name Ndeke Luka for the record and to facilitate the
17 transcription, please.

18 A. Ndeke Luka is spelt "N" like Natalie, "D" as in Dennis, "E" as in Eric, "K" as in kilo,
19 "E" as in Eric, and then "L" as in Lucy, "U" as in union, "K" as in kilo, and "A" as in Ann.

20 Q. Thank you, sir. How often did you listen to the radio at that period?

21 A. The radio was listened to at the regular frequency.

22 Q. Can you give --

23 A. I listened to the radio, but in particular much more Radio France Internationale.

24 Q. Can you give us an estimate how regular you listened to the national radio as well
25 as RFI, let's say per week?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0108

1 A. At the time I listened to RFI much more frequently, in particular for the general
2 news about Africa.

3 Q. In which language did the radios broadcast?

4 A. RFI broadcast essentially in French. The other radio stations broadcast either in
5 French, or in the national language that is Sango.

6 Q. Sir, you mentioned that you learned about the attempted coup in October 2005 by
7 General Bozizé, as well as the coup d'état on 15 March 2003 by General Bozizé through
8 the radio. Was there any other information related to the events at that time that you
9 learned by radio?

10 A. Indeed, there was other news, general news, that I can't give you the details of here.

11 Q. Do you have any recollection about what was reported on the radio in general,
12 without providing details?

13 A. As I said a moment ago, in the case of the attempted coup, on 25 October 2002 the
14 authorities at the time kept repeatedly announcing how the situation was evolving; and
15 when they managed to defeat and push out the men of General Bozizé, they asked the
16 citizens to go back to work and they reassured the people that the situation was under
17 control. That's basically what the authorities were saying after the attempted coup.

18 Q. Do you recall what was reported about the coup d'état on 15 March 2003?

19 A. During the 15 March coup, if I remember correctly, after the successful coup, the
20 authorities who took over the country claimed responsibility for the coup.

21 Q. Did you listen to the radio on a daily or weekly basis?

22 A. No, I didn't listen to the radio every day, but at certain times of the day I was able to
23 listen to the national radio and, as I told you, I tended to listen to RFI during the news
24 given about Africa.

25 Q. Sorry, Mr Witness, that I disappeared on the screen but I had to lean over to the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0108

1 transcript. You mentioned earlier - and for the record, it's page 21, lines 7 onwards - that
2 in 2002 the militiamen from the Congolese Liberation Army came to the Central African
3 Republic. Can you please elaborate a bit more about this incursion?

4 A. That incursion, well, I learned about it from Mary, who called me on November 1 to
5 tell me that there were rumours all over the zone where I was living, rumours about an
6 incursion of those militiamen. And as I said in my statement, I saw them myself, as did
7 all the other inhabitants where my parents lived, when they were marching in to PK12.

8 Q. Who were these militiamen?

9 A. All the people who saw them knew and said that they were Congolese because they
10 were singing in Lingala; that is their language.

11 Q. Do you know if these militiamen had a name?

12 A. At the time everyone generally called them "the Banyamulengue." That was the
13 name that was used by the population in order to identify them.

14 Q. Who was the leader of this Banyamulengue, or militiamen?

15 A. It was notorious that they were the men of Mr Bemba, Jean-Pierre Bemba.

16 Q. At what time did Mary call you?

17 A. Mary called me, if my memory serves me well, on the Friday, 1 November, at the
18 beginning of the afternoon.

19 Q. Where have you been at that time?

20 A. I'd been to town, in the south part.

21 MS KNEUER: Madam President, I would like to go into private session for a few
22 questions, please.

23 PRESIDING JUDGE STEINER: Court officer, please, let's turn into private session.

24 *(Private session at 12.05 p.m.) Reclassified as Open session

25 THE COURT OFFICER: Madam President, we are in private session.

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0108

1 MS KNEUER:

2 Q. Sir, I asked the Presiding Judge to go into a private session because I would like to
3 ask you a few questions about the telephone conversation that you had with Mary. Can
4 you please tell us what she told you and what you responded to her, please?

5 A. Thank you. When Mary called me, she told me that there were rumours in the area
6 in which (Redacted) lived, according to which there was a presence of foreign forces who were
7 raping people. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 THE INTERPRETER: And the interpreter corrects, it was "assaulting people," rather than
13 "raping people."

14 MS KNEUER:

15 Q. Sir, on this 1 November 2002, did you receive another call?

16 A. Yes. After Mary's call, when I arrived in my parents' neighbourhood around
17 6 o'clock, I received a call from Peter, who told me that the gate of my house had been
18 broken down by the militia and that they were carrying out pillaging of my house.

19 Q. (Redacted)

20 A. (Redacted)

21 (Redacted)

22 Q. Mr Witness, are you in a position to estimate the distance in metres?

23 A. (Redacted)

24 Q. Before we go back into public session in a minute, Mr Witness, I have to ask you two
25 questions to clarify the transcript. I will read the passage to you, and we are missing one

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0108

1 word, and at the end I will ask you to help us what this word was. "I told

2 Mary ..." -- sorry, for the record it's page 25, line 21. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted) and then a term is missing.

6 Can you please help us to where you asked (Redacted) to go.

7 A. (Redacted)

8 (Redacted)

9 Q. Thank you, sir. That is what I understood, but I didn't want to suggest it to you
10 and wanted to avoid to influence you.

11 The second clarification for the record is the following: You stated what (Redacted) told
12 you about what the militiamen were doing to the civilian population. We are not quite
13 clear which word you used. Can you please repeat this passage of your answer? What
14 did the militiamen do to the civilian people?

15 A. Mary told me that there were rumours in the area which stated that these -- there
16 had been a military incursion and that they were carrying out violence against persons,
17 brutalising people. That's what she said.

18 MS KNEUER: Thank you, Mr Witness. Madam President, I suggest to go back into
19 public session, please.

20 PRESIDING JUDGE STEINER: Court officer, please turn into public session.

21 (Open session at 12.16 p.m.)

22 THE COURT OFFICER: Madam President, your Honours, we're back in open session.
23 Thank you.

24 MS KNEUER:

25 Q. Mr Witness, do you know why the so-called Banyamulengue came to Bangui?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0108

1 A. Well, all the world, or like every other citizen, I learned that these Banyamulengue
2 had come to Bangui in order to support the regime of Ange-Félix Patassé, who was faced
3 with an attack carried out by Bozizé's men.

4 Q. Sir, you mentioned earlier that you saw the so-called Banyamulengue yourself.
5 When did you see them the first time?

6 A. I saw them for the first time on 1 November 2002 when after Mary's call I left the
7 town for my parents and, having parked the car some time afterwards, people told us by
8 the road that there were these militia who were going in single file towards PK12. That
9 is how by curiosity I also left and I saw them for the first time.

10 Q. At what time of the day did you see the Banyamulengue?

11 A. If my memory serves me well, it was around 3 o'clock.

12 Q. Do you recall from which direction the Banyamulengue were coming when you saw
13 them in single file?

14 A. They were coming from the town and they were going towards PK12.

15 Q. Can you describe the appearance of the Banyamulengue that you saw going from
16 the town of Bangui to PK12?

17 A. The Banyamulengue that I saw were bearing weapons, Kalashnikovs, and they were
18 wearing military uniform, but not in conventional uniform; that is to say some of them
19 had different uniform to others. There wasn't a uniformity among the uniforms.

20 Q. How do you know that the weapons were Kalashnikovs?

21 A. I stated to the Court that I myself had done military training and I could make a
22 distinction between different weapons.

23 Q. Mr Witness, I understand that the Banyamulengue wore different type of military
24 uniforms. Are you in a position to provide more details about these different uniforms;
25 for example, with regards to the colour?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0108

1 A. Some of them were wearing combat uniform, military dark green and black.

2 Others were wearing uniform, either the bottom had the same colour as the top part or it
3 was different, and that's why I spoke about different uniforms.

4 Q. Did you see any military stripes on the uniforms?

5 A. No, I didn't pay attention. What I saw was uniform without insignia.

6 Q. Do you have any recollection about the shoes the Banyamulengue were wearing at
7 that time?

8 A. If my memory serves me well, some of them were wearing military boots which we
9 call Rangers. Others, on the other hand, were wearing sports shoes, or other
10 shoes -- other non-military footwear.

11 MS KNEUER: Thank you, Mr Witness. Mr Witness, it's almost 12.30 and so I will ask
12 now Madam President to go into the lunch break, but before I do so I would like to inform
13 you that thanks to your cooperation we made very good progress and I believe we can
14 finish your questioning by the Prosecution today.

15 Madam President.

16 PRESIDING JUDGE STEINER: Thank you, Ms Kneuer. Mr Witness, we will suspend
17 now for one-and-a-half hours for our lunch break. Here in The Hague time it's 12.30.
18 We will resume at 2 o'clock, which means that in Bangui time with you we will resume at
19 1 o'clock.

20 I will ask, please, the court officer present in Bangui to escort the witness outside the
21 conference room, and here in this courtroom I will ask, please, the court officer just to
22 suspend the session and we'll be back at 2 o'clock. Thank you, Mr Witness.

23 THE WITNESS: (Interpretation) Thank you.

24 THE COURT OFFICER: All rise.

25 (Recess taken at 12.29 p.m.)

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0108

1 (Upon resuming in open session at 2.11 p.m.)

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

3 PRESIDING JUDGE STEINER: Good afternoon and welcome back. I ask Mr Rojas
4 whether the witness is already ready?

5 THE COURT OFFICER (CAR): (Interpretation) Yes, Madam President, the witness
6 is ready.

7 PRESIDING JUDGE STEINER: So we will continue with the questioning of the
8 witness by the Prosecution, and I give the floor immediately to Ms Kneuer.

9 MS KNEUER:

10 Q. Good afternoon, Mr Witness.

11 A. Good afternoon.

12 Q. How are you?

13 A. I'm fine, thank you.

14 Q. Are you able to see the courtroom in The Hague?

15 A. Yes.

16 Q. This is good to hear, Mr Witness. On our side we have slight difficulties. We
17 see the Presiding Judge and see you only in a small picture, and I understand that
18 we're trying to fix this before we continue.

19 PRESIDING JUDGE STEINER: Yes, I already asked the court officer to put the right
20 focus on.

21 MS KNEUER:

22 Q. Mr Witness, I kindly ask for your patience for a few minutes, or seconds even,
23 until we fix the technical problem, please.

24 A. Fine.

25 (Pause in proceedings)

26 27.06.2011

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Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0108

1 MS KNEUER: Mr Witness, the court officer was able to solve the technical problem
2 and I would like to continue with my questioning. Before the break, you provided
3 information about the uniforms of the Banyamulengue. Are you familiar with the
4 uniforms of the national military in the CAR, the FACA?

5 A. Yes.

6 Q. Can you please describe for us how the FACA soldiers were dressed?

7 A. Usually, when they were carrying out military operations on the ground they
8 wore combat fatigues, and if it was an official ceremony they would wear
9 khaki-coloured uniforms and the officers wore an overcoat that was also khaki colour.

10 Q. Did the FACA soldiers have any insignias on their uniforms?

11 A. Yes, depending on the rank of the soldier. The ones who were ranked, who
12 were officers, they had insignias.

13 Q. What type of shoes did the FACA soldiers wear, to your knowledge?

14 A. The soldiers generally wear Rangers; that is, black military boots. For official
15 ceremonies, the officers would wear black shoes when they're wearing either their
16 uniform jacket or khaki uniform. Let me add that some officers sometimes wore the
17 combat fatigues and wearing their insignia, along with the black-coloured Ranger
18 boots.

19 Q. How were you able to distinguish the Banyamulengue from the FACA soldiers,
20 given the description that you provided to us with regards to the uniforms?

21 A. The Banyamulengue, although the Banyamulengue wore the same uniform as
22 the FACA soldiers -- no, correction. If and when they wore the same uniform it was
23 difficult to distinguish, but when I saw them some soldiers wore regular uniforms
24 like the FACA soldiers, but others - others - wore unusual uniforms, in other words
25 they might have combat fatigues with Ranger boots, where others wore ordinary

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1 sports shoes.

2 Q. Earlier, Mr Witness, during your testimony, you mentioned that the
3 Banyamulengue were singing in Lingala, and I'm referring for the record to page 24,
4 lines 15 to 17, of the real-time transcript in English. When you were seeing the
5 Banyamulengue with your own eyes, Mr Witness, did you have a chance to hear them
6 singing or talking in Lingala?

7 A. When I saw them with my own eyes, I heard them singing in Lingala. I didn't
8 hear them speaking, but I saw them marching and singing in Lingala.

9 Q. How were you able to recognise that language in which the Banyamulengue
10 were singing as Lingala?

11 A. I don't understand Lingala, but you know that our two countries are
12 neighbouring countries and when you hear music on the radio sung in Lingala we
13 know that it's that language, even if we don't understand Lingala. In addition, when
14 I was working as a judge, I had certain delinquents who were being judged and who
15 spoke Lingala and we used interpreters, so even though we don't know the language,
16 by hearing the intonation we could recognise that it was Lingala.

17 Q. Mr Witness, you described one situation in which you were able to see the
18 Banyamulengue. Apart from that occasion, did you see the Banyamulengue at any
19 other time?

20 A. Yes. After that first time when I saw them, and during that entire period until
21 March 15, 2003, the administration was functioning, and in my work in the CAR I
22 would see vehicles go by and the passengers with me said that those were
23 Banyamulengue soldiers who were in those vehicles, but I didn't come into contact
24 with them.

25 Q. Can you provide us with an estimate how often you saw Banyamulengue

1 during the relevant time, from October 2002 until March 2003?

2 A. Unfortunately, I can't give you a precise number because sometimes we would
3 see them going by in a vehicle between November to March, but it's hard for me to
4 give you a precise number unfortunately.

5 Q. That's fine, Mr Witness. You just stated that sometimes you saw cars passing
6 by and that the passengers who were with you identified the people inside these cars
7 as Banyamulengue soldiers. Are you in a position to describe the cars in which you
8 saw the Banyamulengue soldiers?

9 A. Generally the ones I saw were in a pick-up truck, four-wheel drive.

10 Q. Do you know to whom these cars belonged? I am sorry, Mr Witness, I forgot
11 to activate my microphone. I am sorry, you obviously forgot to activate your
12 microphone and I kindly ask you to repeat your question, please.

13 A. I said that I did not know who the owner of those vehicles was.

14 Q. The pick-up trucks that you saw, were they military or civilian cars?

15 A. They were either military trucks, that is army green, or pick-up trucks white in
16 colour, but I have no idea who they belonged to, who the owner was.

17 Q. You stated that the passengers in your car identified the individuals in the
18 pick-up trucks, or military trucks, as Banyamulengue. Do you know how the
19 passengers knew that the individuals in these cars were Banyamulengue?

20 A. According to some of the passengers I was driving, as we were going to our
21 workplace, I used to take some people to help them out and they told us that those
22 soldiers were not hiding themselves, they were together and they were either
23 drinking beer in the bars, and so people were saying that they were Banyamulengue
24 soldiers and I just listened to it. I took it as it was, as a comment.

25 Q. Were you able to identify the Banyamulengue in these cars as soldiers, or

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(Private Session)

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1 high-ranked officials, by yourself?

2 A. Sometimes troops were in vehicles and, as I said in my statement, sometimes
3 there would be a vehicle about which I was told that the person who was on board
4 was a leader of the Banyamulengue.

5 Q. How did you learn that sometimes the person who was on board of the car was
6 a leader of the Banyamulengue?

7 A. As I said, I heard that from passengers who I sometimes transported without
8 having any further precision in that regard.

9 Q. After you saw the Banyamulengue the first time, what did you do?

10 A. Having seen them for the first time I went to see my parents, as I said.

11 Q. How long did you stay at your parents' place?

12 A. I didn't hear the question, I'm sorry.

13 Q. I will repeat my question, Mr Witness. How long did you stay at the place of
14 your parents?

15 A. My family joined me and we stayed for three or four days with my parents,
16 which gave time to find a house in the area to rent.

17 MS KNEUER: Madam President, I would like to move into private session, please.

18 PRESIDING JUDGE STEINER: Court officer, please turn into private session.

19 *(Private session at 2.36 p.m.) Reclassified as Open session

20 THE COURT OFFICER: Madam President, we are in private session. Thank you.

21 MS KNEUER:

22 Q. Mr Witness, we are now in private session, which means nobody outside the
23 courtroom and the place where you are currently can hear us and we can even talk
24 about sensitive information. I'm planning to ask you a couple of questions about the
25 looting of your house and, although we have agreed on certain codes, I asked Madam

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(Private Session)

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Witness: CAR-OTP-PPPP-0108

1 President for a private session to be on the safe side. As soon as we determine that
2 it's safe to go back into public session, we will do so.

3 Mr Witness, you mentioned earlier that you received a call from Peter, who told you
4 that the gate of your house had been broken down by the militia and that they were
5 carrying out pillaging of your house, and for the record I'm referring to page 26, lines
6 5 to 7, of the real-time English transcript. When Peter called you, did Peter provide
7 any further information with regards to what happened to or in your house?

8 A. When Peter called me, he told me that the gate of my house had been broken
9 down and the militia had gone into my home and started taking a lot of property. I
10 was really upset by this, I was concerned both for the house and for (Redacted) as
11 well, and that's what happened.

12 Q. Do you know how long the militia stayed in your house?

13 A. The militia broke down the gate and started pillaging on 1 November 2002,
14 according to the information that I received, and after that their chief called (Redacted)
15 occupied the premises from 2 November and they stayed in the house until the
16 middle of February 2003.

17 Q. What is the name of the chief called (Redacted)?

18 A. I have no precision in that regard. It was the name that (Redacted) gave
19 to me as the name of the leader, or chief, who was living in my house. I don't have
20 any details with regard to any other names.

21 Q. Mr Witness, just as a precaution, if you would like to refer to this (Redacted) later in
22 a public session I suggest that we agree on the code word "Charlie."

23 A. Very well.

24 Q. Thank you, Mr Witness, and I see that you took down a note of that. How do
25 you know that the Banyamulengue stayed in your house until mid-February 2003?

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1 A. When they occupied the house, I took up contact with the gendarmerie of PK12
2 and I tried to get information on a day-by-day basis with regards to the situation that
3 prevailed in that area. So the information that I had from this zone, or this area, told
4 me that they still occupied the house.

5 Q. Do you know why the Banyamulengue occupied your house?

6 A. I don't know the reason why.

7 Q. Mr Witness, do you recall which items from your house were looted?

8 A. When I arrived -- when I arrived there in February, I saw a house which was
9 pretty much empty. They had taken everything, my clothing, my wife's clothing, my
10 children's clothing. Everything that I had in terms of electronic goods had
11 disappeared as well, domestic appliances. The beds had been destroyed, but the
12 mattresses had been taken away. They emptied the wall unit in the lounge. They'd
13 taken everything else, a lot of things that I listed in the report, but I think that there
14 are other details that I can't remember because they practically and literally emptied
15 the house.

16 Q. Would it help to refresh your memory if you would take a look at the list
17 attached to your report?

18 A. Yes.

19 MS KNEUER: Madam President, I would like to show to the witness document
20 CAR-OTP-0037-0126 at page 0128 and 0129, for the purpose of refreshing his memory,
21 and this is document 8 on the list of documents of the Prosecution.

22 PRESIDING JUDGE STEINER: Court officer. Court officer, is it possible to display
23 the document without the document being seen in the gallery?

24 THE COURT OFFICER: Yes, your Honour, it is.

25 PRESIDING JUDGE STEINER: The monitors, they are not working?

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Witness: CAR-OTP-PPPP-0108

1 THE COURT OFFICER: We will make sure that the document is not broadcast to
2 the public.

3 PRESIDING JUDGE STEINER: Otherwise, we have to lower the blinders.

4 THE COURT OFFICER: We've put up the screen for the witness. Thank you.

5 PRESIDING JUDGE STEINER: Mr Witness, do you have the document already --

6 THE WITNESS: (Interpretation) Yes.

7 PRESIDING JUDGE STEINER: -- displayed in front of you?

8 THE WITNESS: (Interpretation) No.

9 THE COURT OFFICER (CAR): (Interpretation) Your Honour, if I can intervene.

10 This is the court officer in -- by way of precaution, I took some items of evidence
11 which the parties and participants are going to use to interview the witness and I do
12 have a PDF version in a computer which can be shown to the witness, if you would
13 authorise me to do so.

14 PRESIDING JUDGE STEINER: Do the parties have any objection that the witness is
15 shown a PDF version of the document?

16 MS KNEUER: No, Madam President.

17 PRESIDING JUDGE STEINER: Maître Liriss?

18 MR LIRISS: (Interpretation) No objection, your Honour.

19 PRESIDING JUDGE STEINER: So please, Mr Rojas, the document can be shown to
20 the witness on a PDF version. Yes, Counsel.

21 MR LIRISS: (Interpretation) Unless the Prosecution presents this document, are we
22 going to be able to see it here or not? Can we see it?

23 PRESIDING JUDGE STEINER: I think that probably Defence has the hard copy as
24 well, no?

25 MR LIRISS: (Interpretation) We have to ensure that it is the same. That's the

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1 point.

2 PRESIDING JUDGE STEINER: Court officer, can the document be uploaded?

3 THE COURT OFFICER: It's already uploaded on the screen. We're just having a

4 little bit of a technical problem, because we put up the witness screen over there.

5 We're trying to sort it out as quickly as possible.

6 (Pause in proceedings)

7 Your Honour, with your kind permission, if I can suggest that we put down the

8 blinds behind the witness and put the witness screen back on, I think we can view the

9 document from inside the courtroom. Thank you.

10 (Pause in proceedings)

11 May I confirm whether the parties can now see the documents on their screen?

12 MS KNEUER: The Prosecution is able to see the document on the screen.

13 PRESIDING JUDGE STEINER: Maître Liriss?

14 MR LIRISS: (Interpretation) The document is visible, your Honour.

15 PRESIDING JUDGE STEINER: Ms Kneuer.

16 MS KNEUER:

17 Q. Mr Witness, before I ask you a few questions about the document that the court

18 officer handed over to you, I will explain the procedure to you. Here at the premises

19 of the Court we see the document electronically on a screen and I had requested the

20 court officer to display CAR-OTP-0037-0126, and it is our understanding that the

21 court officer at the location where you are handed over to you an accurate PDF copy

22 of that same document.

23 I kindly ask you to take a look at page 3 and 4 of that document, which is

24 CAR-OTP-0037-0128 and 0129. Please take a moment, Mr Witness, to read it.

25 (Pause in proceedings)

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(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0108

1 A. Read it.

2 Q. Before I ask you questions about the content of that document, can you please
3 tell the Court what document that is, please?

4 A. This is a document that I made myself by way of a report, and I kept it in my
5 computer and with my wife we tried to estimate in a non-exhaustive way what we
6 had lost from our house which had been occupied by the Banyamulengue.

7 Q. What is the title of that document? I suggest that the court officer is moving to
8 page 1, which is 0126.

9 A. This is a document which I entitled "Report on the illegal and forced occupation
10 of a house, pillaging, theft and destruction of property." I am the person who
11 entitled that document.

12 Q. Thank you, sir. I kindly ask the court officer to move to the next page, which is
13 0127, and move to the lower part of the document. Did you sign that document?

14 A. Yes, I did sign it.

15 Q. Is there a date on this document?

16 A. Yes, the date is 1 September 2008.

17 Q. Is that the date when you drafted that report, Mr Witness?

18 A. No, this report was drafted when the Banyamulengue had left my house. I
19 drafted this report during 2003, it was in my computer and, when in 2008 we were
20 asked to provide evidence with regard to the proceedings that had been opened, at
21 that time I got out this document and I signed it. Thereafter, I provided it to the
22 lawyers responsible for victims. So it's not the drafting date, but the date that I
23 printed the document from my computer and provided it to counsel, (Redacted).

24 Q. Mr Witness, I can kindly ask you to read the list that you compiled and which is
25 reflected on the third and fourth page of that document, and I'm specifically referring

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1 to the second column "Designation," the third column "Number" and the fourth
2 column about the "Estimated value." Can you please read it out loud for us, sir?

3 A. Hello? Hello?

4 Q. Mr Witness, can you hear me?

5 A. Yes, I can hear you now.

6 Q. I will repeat my last question, sir. I would like you to read out loud for us the
7 list that you compiled and which is attached to your report, and I'm specifically
8 referring to the second, third and fourth column which are called "Designation,
9 "Number" and "Estimated value," please.

10 A. Very well. I tried to draw up an inventory of the property broken down into
11 various categories. First of all, clothing. I indicated that my magistrate's gown was
12 taken, number 1, and this was taken away. The estimated cost is about 800,000.
13 Then there was the series of suits which I owned, about 12 of them, cost 3 million,
14 taken away. And my wife's clothing were all taken away, estimated value 2,400,000.
15 Then my wife's wax wraps were taken away, estimated cost 1.5 million. Children's
16 clothing, all the children's clothing were taken away and a whole set of shoes
17 belonging to men, women and children. Men's shoes, women's and children's shoes
18 were all taken away.

19 As for appliances, the freezer was taken away, the refrigerator was taken away, the
20 microwave oven was taken away and you have the attendant value, the coffee maker,
21 the washing machine, all the dishes. I am not able to outline in detail the number of
22 dishes.

23 Now, as for audio equipment, I talked about the radio set, I talked about the hi-fi sets
24 that were taken, two of them, the television was taken away, computers that I had at
25 home were also taken away, all computers belonging to myself and to my children,

1 their games, the children's games were taken away as well, and then in the living
2 room, and in the gardens, there were a number of items taken away.

3 I said a short while ago that the wall unit was not taken away but was destroyed
4 because it was too big. The sofas were taken away or, rather, destroyed. The
5 garden was destroyed. Tables and lightings and beds, all of those things, and I
6 mentioned that they took away the mattresses and only left the frames of the beds.

7 I talked about batteries, I talked about generators, I talked about my hunting weapon,
8 I talked about the goods for the (Redacted) and the children's bicycles. In the last
9 column, there are a number of items that were taken away, while others were
10 destroyed, and this was specified as well.

11 Now, what I want to tell the Court is that this is only the extent to which I was able to
12 remember a number of items, yet there were other items which we forgot and which
13 were not therefore included in this list.

14 Q. Mr Witness, looking at the estimated value of the looted goods, what is the
15 overall amount of these items?

16 A. My position is that if we add up all the amounts, we will get something like 30
17 or 20 million francs CFA. But I said that in addition to that, we must include the
18 moral and psychological damage to my family and myself, and that would bring the
19 amount up to 60 million francs CFA.

20 Q. I can see in the list that you just read for us that wheels of your car were taken
21 away. Can you tell us what happened to your car and to the wheels?

22 A. There were three vehicles in the compound: My vehicle, which I used for
23 going to the office; there was another vehicle and then there was a pick-up, which
24 someone wanted to sell to me but which was in a poor state, so there was a white
25 vehicle which I had taken to the office in the morning, and in my previous statement I

1 indicated that the pick-up, the pick-up is the vehicle that they attempted to take away.
2 Unfortunately, it was broken down and they were able to find it at PK12 and I was
3 able to recover that vehicle. So the issue of the wheels is in relation to the other
4 vehicle that remained within the compound, as well as spare wheels which I had in
5 the compound. It is for that reason that I listed them.

6 Q. Who took away this pick-up car?

7 A. The pick-up was taken away by those who occupied my house.

8 Q. How do you know that the Banyamulengue took away the pick-up car?

9 A. I have already told you that, as a victim of this situation, I notified the
10 gendarmerie at PK12, and I did everything possible to gather information on what
11 had happened at my house. One day, with the help of my bodyguard, who is now
12 dead, he had been informed by some youth that a vehicle had been found at PK12
13 which resembled the vehicle we were searching for. That is how they were able to
14 locate the vehicle; that is, my deceased bodyguard, with the help of some young
15 persons. So they were able to recover the vehicle. Let me say that the vehicle was
16 not taken by the Banyamulengue. The vehicle was recovered and I was able to hand
17 it back to the owner, who had wanted to sell it to me. That is the clarification I
18 wanted to offer.

19 Q. Mr Witness, you also mentioned that the Banyamulengue destroyed something
20 in your house. Can you please elaborate more on the destruction of your house,
21 please?

22 A. As I already stated, Paul told me after taking them or, rather, Paul told me later
23 on that when they arrived they broke down the gate. There had been a lock on the
24 gate before they arrived. They broke the lock and entered the house and started to
25 take the property away on the first day. Paul told me that in the following two, three,

1 four days, they continued to cart out property and to loot. Even while their chief
2 was in the house, they continued to steal. So I am not able to give you any further
3 details as to their mode of operation because I was not at the premises at that time.

4 Q. In what condition was your house before the Banyamulengue occupied it?

5 A. Before the Banyamulengue occupied my house, I had done everything through
6 my bankers and with the assistance of my friends to put up a decent home. I did
7 everything that I could to make myself and my family comfortable. This is what was
8 destroyed in one day by the Banyamulengue.

9 Q. When did you return to your house?

10 A. I only went back to my house in mid-February 2003, after a gendarme acting in
11 good faith informed me that the Banyamulengue were moving out of PK12 to
12 undertake a major offensive against Bozizé's people on Sibut road. It is then that I
13 went back to my house for the first time since November 2002.

14 Q. In what condition did you find your house mid-February 2003?

15 A. I was saddened. I was in a state of total desolation, because I could not
16 recognise my house. It was beyond recognition. They practically took away
17 everything, except those items that were destroyed which I have already mentioned.
18 The house was very, very dirty.

19 Q. How long did it take you to repair the house?

20 A. About two to three months, because I no longer had any means or resources. I
21 needed to negotiate a loan from the bank to repair the house, but then at the time civil
22 servants had not been paid salaries for a number of months, they were due arrears
23 and it was not easy, so it took me about three months to repair the house. Allow me,
24 however, to specify that the refurbishing of the house did not bring it up to the state,
25 or level, of the first house in which I had invested significantly. The second time

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1 around I simply tried to do the barest minimum so that my family could return to the
2 house and avoid paying rents, which were weighing heavily on us already.

3 Q. Why is it that you could not bring up the house to the state, or level, before the
4 Banyamulengue occupied it?

5 PRESIDING JUDGE STEINER: Ms Kneuer - Mr Witness, before you answer, please,
6 I'm sorry to interrupt - should we continue in private session for this set of questions,
7 Ms Kneuer?

8 MS KNEUER: I think we can try public session, Madam President.

9 PRESIDING JUDGE STEINER: Court officer, please turn into public session.

10 (Open session at 3.20 p.m.)

11 THE COURT OFFICER: Madam President, we're back in open session. Thank you.

12 MS KNEUER:

13 Q. Mr Witness, we are now in open session again, which means everybody outside
14 this courtroom and the location where you are can hear us, so I kindly ask you to be
15 considerate which information you will provide in this public session.

16 I will repeat my last question. Why is it that you could not bring up the house to the
17 state, or level, before the Banyamulengue occupied it?

18 A. Repairing the house, or rather bringing up to a proper level of the house, before
19 it was occupied by the Banyamulengue required a lot of resources from the bank and
20 from other sources which made it possible for me to equip the house and also the
21 family. But after the house was looted, after it had been occupied by the
22 Banyamulengue, I still had outstanding loans with the bank, and as I have already
23 mentioned civil servants in my country were owed salary arrears, that is outstanding
24 salary, under President Patassé at that time. So against that backdrop, it was not
25 easy for me to return the house to its previous state. That is why it took me three

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1 months to bring the house back to a minimum standard that would enable my family
2 to return to the house and avoid paying rents, which were already weighing heavily
3 on us when -- because we were living in my father's neighbourhood.

4 Q. What were the total costs to fix your house?

5 A. I tried to refurbish the house as best I could, at least at the minimum level, and it
6 cost me some 10 million francs CFA.

7 Q. Did the Banyamulengue ever return the looted items to you?

8 A. No, not a single item. They did not return any item to me. I had no contact
9 with them, but the only thing that we were able to recover, which I told you about, is
10 that pick-up vehicle which was recovered by my bodyguard and which I handed back
11 to its owner. As for my own property, I was not able to recover anything. I was
12 simply told that they had taken the property away to some destination unknown to
13 me.

14 Q. Did the Banyamulengue ever compensate you for the items looted, or the
15 damages of your house?

16 A. Well, it would seem that there was a technical problem. Would you please
17 kindly repeat your question?

18 Q. Certainly, Mr Witness. Did the Banyamulengue ever compensate you for the
19 items looted, or the damages of your house?

20 A. I was never compensated.

21 Q. And just for the record, sir, are you the actual owner of the house?

22 A. Yes, I am the owner of that house. I bought the land and I built on it myself.

23 Q. Mr Witness, how soon after you were informed that the Banyamulengue had
24 left your house did you visit or return for a visit to your house?

25 A. On that day, (Redacted) on the telephone. He used to

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1 work at the PK12 gendarmerie brigade, and (Redacted)
2 that the Banyamulengue were getting ready to leave our area in order to launch an
3 offensive along Sibut road. As soon as he told me that they were leaving, he advised
4 me to come because the badauds and some people who may not be well-meaning had
5 intended to go into people's homes and search them after the Banyamulengue had left.
6 So on that day I promptly went to my house, to see the state in which it was, in the
7 company of my bodyguard.

8 Q. When you say that you promptly went to your house, does that mean one hour
9 or two hours?

10 A. No, not up to one hour, because as soon as he told me that they were leaving I
11 immediately took my vehicle, along with my bodyguard, and we went to the house
12 and that is when I realised that they had actually left the house.

13 Q. Would it have been possible for you to return to your house, or the area where
14 your house is, at any time before mid-February 2003?

15 A. No.

16 Q. Why is that, Mr Witness?

17 A. Because, according to the information that we had from the area, the
18 Banyamulengue were very hostile to the people of the area, and I was afraid for my
19 own integrity, my own physical integrity, and therefore I preferred not to return to
20 that area until they left the house and the area.

21 Q. Can you describe in further detail what the attitude and behaviour of the
22 Banyamulengue towards civilian people of the CAR was?

23 A. From where I was staying, and according to the information I had, I learned that
24 the Banyamulengue had built up road barricades, roadblocks, and they tried to get
25 money out of people and they stopped them along the road. So this frightened us,

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1 this information frightened us, and therefore I preferred not to go back to the area
2 during those troubled times.

3 Q. Do you recall who specifically provided this information to you?

4 A. I can't give you any names but, from where I was, the farmers who were
5 working in the fields - that is, people who were able to leave that area - told us about
6 the crimes that had been committed and therefore I preferred not to go back there.

7 Q. What crimes specifically were committed in that area?

8 A. After we were told that there had been rapes, looting, other cases of looting, but
9 I did not see those things myself so I have nothing more to say in that regard.

10 Q. Sir, just to be clear for the record, who committed these rapes and lootings, to
11 your knowledge?

12 A. Generally speaking, the people who told these stories claimed that those crimes
13 had been committed by the Banyamulengue, who controlled pretty much all of that
14 area.

15 Q. Did you and your family suffer any physical harm?

16 A. My family and myself did not suffer any physical harm, but our shock was of a
17 more material nature and also psychological pain and suffering.

18 Q. Mr Witness, you already provided information on the material impact, and I
19 don't want you to repeat that, however can you explain what the psychological effect
20 was that you referred to?

21 A. Well, as for the psychological impact, myself, I was a magistrate, a judge. And
22 given my role in society, I was told that when they took my judge's gown they put it
23 on and paraded around in the neighbourhood. And then the children, my wife and
24 children, we had invested a lot; and in one day's time, we had to leave, we had to
25 sleep on rugs on the floor. Before we were able to sleep in proper beds and,

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1 therefore, the children felt the impact of that; and still today they're suffering from
2 that, because in one day they had lost everything. So there really truly is a
3 psychological impact and to this very day.

4 Q. Mr Witness, during the course of your interview by investigators of the Office of
5 the Prosecutor you had handed over four documents. I'm planning to show you two
6 of these documents and will ask you a few questions in order to identify them.

7 And with your Honour's leave, I kindly ask the court officer to display
8 CAR-OTP-0037-0092.

9 (Pause in proceedings)

10 Madam President, I'm not sure if there's a technical problem to display the document?

11 THE COURT OFFICER: Your Honours, we have the document on our screen. I'm
12 not sure if maybe the Prosecutor has a problem with respect to her system.

13 PRESIDING JUDGE STEINER: I can see the document from here.

14 MS KNEUER: Indeed, Madam President.

15 Q. Mr Witness, are you able to see the document?

16 A. Yes.

17 Q. Could you please provide us with the title of that document?

18 A. This is a document, it says "Objet: Bulletin d'information" in French,
19 "Information Bulletin."

20 Q. Can you tell us what this document is about? And perhaps I may suggest that
21 you take the time to skim through the document, meaning through each page, for
22 your recollection.

23 A. I remember.

24 Q. Can you tell us what this document is?

25 A. This document is part of a series of documents which I recovered in my

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1 bedroom, on the floor, when I went back for the first time. I found this series of
2 documents in another one, another document, entitled "Investigating Book," training
3 manual. And so in there I found this report that had been either typewritten or
4 others that were handwritten, and I found them right away when I returned after the
5 Banyamulengue had left.

6 Q. Do you recall what this bulletin contains? What is the substance of that
7 document?

8 A. I looked through it. The training manual was to be used for military training,
9 to be used by the trainers, and the document that I leafed through, that was either
10 typewritten or handwritten, included -- at the heading it said "Congolese Liberation
11 Army" and they were reports drafted by these militiamen to be sent on to their
12 superiors.

13 Q. How do you know that the Banyamulengue wrote the document that is
14 currently in front of you?

15 A. Well, simply because I found them in my bedroom immediately after their
16 departure, and as I leafed through the document you can see that they were written in
17 military style, with the headings and the titles of the Congolese Liberation Army,
18 mentioning the battalion names, et cetera, and therefore I believed that these are
19 documents that they left, that they abandoned, either purposely or not, but that they
20 left.

21 MS KNEUER: I kindly ask to the court officer to display CAR-OTP-0037-0100.

22 Q. Mr Witness, can you please take a look at this document, the first page as well
23 as the following pages. Please take your time.

24 A. I've tried to go through the document quickly.

25 Q. Thank you, Mr Witness, I appreciate that. Could you please give us, or read

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1 the title of that document for us.

2 A. This document is entitled "Training manual for basic and advanced weapons
3 training."

4 Q. Is that the document you referred to earlier as the investigating book training
5 manual which you recovered from your bedroom of your house?

6 A. Yes, it is.

7 Q. Mr Witness, what did you do with these documents when you found them in
8 your house?

9 A. When I found this document, as well as the reports that were included inside
10 the document, first of all I read them. I leafed through them and I took them back to
11 my house. It was the only thing I was able to bring back this first time that I went
12 back to my house.

13 Q. Were these documents in your custody from the moment you recovered them
14 from the bedroom in your house until you handed them over to the investigators of
15 the ICC?

16 A. These documents were in my custody, and I would like to say for the record,
17 because at the time I didn't think of a potential trial, I kept them with my own
18 property, and when the investigation began I did not give it to the investigators
19 initially. The originals had been given to (Redacted), who was a lawyer, and
20 who was collecting the names of victims in Bangui, and it was to this gentleman that I
21 gave the document when I filled in the participation form. Later, when the
22 investigators came, I gave them copies of these documents.

23 Q. Where exactly did you keep the two documents until you handed them over to
24 (Redacted)?

25 A. I kept these documents in a cupboard where I keep important documents.

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1 Q. Is the cupboard in your house, Mr Witness?

2 A. This cupboard is in my bedroom. That is where I keep my important papers.

3 Q. Did you prepare the copies of the two original documents yourself?

4 A. When I was asked to send the originals, when (Redacted) made that request to
5 send the documents to The Hague, I myself made the copies and I kept them with my
6 own things.

7 Q. Where exactly did you keep these copies?

8 A. When I gave the originals to (Redacted), I kept a file where I put all of this
9 information and anything related to the International Criminal Court.

10 Q. When did you hand over these two documents to (Redacted)?

11 A. If I remember correctly, I believe I gave the document to (Redacted) in the month
12 of September, or perhaps early October 2008.

13 MS KNEUER: Madam President, I see that we are approaching 4 p.m. The Hague
14 time. However, we started almost 13 minutes late, and I would need another
15 three/four minutes to finish with this set of questions and the entire questioning. I
16 understand that the interpreters may get tired, but I kindly ask if I can finish this topic
17 and then conclude the entire questioning of the Prosecution today.

18 PRESIDING JUDGE STEINER: I have to consult the interpreters, since they are on
19 duty for two hours now, and we also have a problem with the tape. So, first,
20 interpreters.

21 THE INTERPRETER: We can continue, your Honour.

22 PRESIDING JUDGE STEINER: Court officer, do we have still five/six minutes' tape?

23 THE COURT OFFICER: Your Honour, we have at least ten minutes in the tape.

24 PRESIDING JUDGE STEINER: So you can conclude then, Ms Kneuer.

25 MS KNEUER: I'm most grateful for this, Madam President, and also to the

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1 interpreters and stenographers.

2 Q. Mr Witness, the copies that you prepared of the originals, can you vouch for the
3 accuracy and completeness of these copies?

4 A. Yes, I promise that these are indeed authentic copies of the documents that I
5 sent to the Court.

6 Q. Can you confirm that you handed over these authentic copies to investigators of
7 the Office of the Prosecutor during the course of your interview?

8 A. Yes, I can confirm that I gave these authentic copies to the investigators and
9 together we checked each page, and I confirm that it was an authentic copy before I
10 let him take it away.

11 Q. Mr Witness, why did you choose to keep these two documents?

12 A. As I told you, I wanted to keep them for memory's sake, because at the time I
13 didn't think that there would ever be a trial against those who looted my home.

14 MS KNEUER: Thank you, Mr Witness. This concludes my questioning. I thank
15 you for your time and patience and in having cooperated with the Office of the
16 Prosecutor during this examination.

17 Madam President, your Honours, I'm tendering two documents into evidence, and it
18 is CAR-OTP-0037-0092 and CAR-OTP-0037-0100. This concludes the examination of
19 the Prosecution of this witness.

20 PRESIDING JUDGE STEINER: Ms Kneuer, just one clarification in relation to
21 document CAR-OTP-0037-0126-R_01, that is mentioned in your list of documents as
22 also a document to be tendered?

23 MS KNEUER: Madam President, given the testimony of the witness, we believe it's
24 not necessary.

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

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1 Mr Witness, thank you very much. That concludes for today your questioning and
2 concludes your questioning by the Prosecution. Tomorrow morning we will resume
3 at 10.30 The Hague time, 9.30 Bangui time, for the continuation of your testimony,
4 and we'll have another two-hour session in the morning. We will not have a session
5 tomorrow afternoon, but only in the morning and for two hours. I thank you very
6 much on behalf of the Chamber, wishing you a nice evening and we will continue
7 tomorrow morning then.

8 I would like to thank very much the Prosecution team, the legal representatives of
9 victims, who will start tomorrow morning with their questioning as approved by the
10 Chamber. Thanks very much to the Defence team, Mr Jean-Pierre Bemba Gombo.
11 Our thanks to our interpreters and court reporters. We will resume tomorrow
12 morning 10.30 The Hague time, 9.30 Bangui time. Thank very much Mr Rojas in
13 Bangui, our court officer in Bangui, and this hearing is adjourned.

14 THE COURT USHER: All rise.

15 (The hearing ends in open session at 4.04 p.m.)

16 RECLASSIFICATION REPORT

17 Pursuant to Trial Chamber III 's Second Order, ICC-01/05-01/08-2223, dated 4 June
18 2012, and the instructions in the email dated 17 September 2013, the version of the
19 transcript with its redactions becomes Public.