

Trial Hearing

(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 Tuesday, 25 January 2011

9 (The hearing starts in open session at 9.35 a.m.)

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

11 Please be seated.

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

13 in open session.

14 PRESIDING JUDGE STEINER: Good morning. Could, please, the court officer call

15 the case.

16 THE COURT OFFICER: Yes, Madam President, the situation in the Central African

17 Republic in the case of The Prosecutor versus Jean-Pierre Bemba Gombo, case

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

19 PRESIDING JUDGE STEINER: Thank you very much. I welcome to this Court

20 once again the Prosecution team, legal representatives of victims, the Defence team,

21 Mr Jean-Pierre Bemba Gombo, our interpreters and court officers, and we are turning

22 very briefly into closed session in order to introduce the witness in the courtroom.

23 *(Closed session at 9.36 a.m.) Reclassified as Open session

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

25 (The witness enters the courtroom)

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- 1 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 2 (Open session at 9.37 a.m.)
- 3 THE COURT OFFICER: We are in open session, Madam President.
- 4 WITNESS: CAR-OTP-PPPP-0023 (On former oath)
- 5 (The witness speaks Sango)
- 6 PRESIDING JUDGE STEINER: Good morning, Mr Witness.
- 7 THE WITNESS: (Interpretation) Good morning, your Honour.
- 8 PRESIDING JUDGE STEINER: Did you manage to sleep well?
- 9 THE WITNESS: (Interpretation) Yes, I was able to get a good rest.
- 10 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony in
- 11 this Court today?
- 12 THE WITNESS: (Interpretation) Yes, I am.
- 13 PRESIDING JUDGE STEINER: Thank you very much. We are going to proceed
- 14 from now on with the Defence questioning, and first I would like to remind you that
- 15 you are still under oath. Do you understand that?
- 16 THE WITNESS: (Interpretation) Yes, I understand that.
- 17 PRESIDING JUDGE STEINER: Secondly, to remind you that you are under
- 18 protective measures. Your voice and your face are distorted in the outside -- to the
- 19 outside broadcast, so your face and your voice cannot be recognised by the public.
- 20 For the same reason, the Chamber wants to remind you to avoid as much as possible
- 21 to mention names of family members, of neighbours or friends of yours, that could
- 22 lead to your identification or theirs. If need be, we go into private session. Is that
- 23 fine with you?
- 24 THE WITNESS: (Interpretation) Yes, that is fine with me.
- 25 PRESIDING JUDGE STEINER: And, finally, I just want to remind you that if you

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1 feel tired, or distressed, or for any reason you want to take a break, you just let us

2 know and you will have as many breaks as you want. Do you understand that?

3 THE WITNESS: (Interpretation) Yes, I understand that.

4 PRESIDING JUDGE STEINER: Thank you very much. I see that today Maître

5 Liriss is going to start with your questioning on behalf of the Defence team. Maître

6 Liriss, you have the floor.

7 MR LIRISS: (Interpretation) Your Honours, today I wish to take this opportunity

8 to question on behalf of the Defence team the witness.

9 QUESTIONED BY MR LIRISS: (Interpretation)

10 Q. Witness, could you please look at me. Good morning.

11 A. Good morning, sir.

12 Q. I am one of Mr Bemba's counsel. It is a privilege to have this opportunity to

13 ask questions of you today. We share, you and us, as well as your lawyers and the

14 members of the Office of the Prosecution, the same and unique concern; that is, we

15 are all seeking to demonstrate the truth, to arrive at a demonstration of the truth.

16 One must not consider the Defence as enemies or adversaries. One must consider

17 the Defence as collaborators, people who are also working towards the attainment of

18 the truth regarding the unfortunate events that happened to you and, if that is the

19 case, if what happened to you is so, you must realise that we are extremely sorry and

20 we share in your sorrow. I hope that you understand that.

21 A. Yes, I understand you just fine.

22 Q. I'm going to ask you a number of questions with the oversight of the Bench.

23 All the recommendations that the Chamber made with regard to your safety will be

24 complied with on my part. Furthermore, I do have one flaw. In 31 years of

25 working as a lawyer, I have developed the habit of speaking very loudly and clearly.

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1 Please don't take this tone or volume as a sign of aggression or as a way of placing
2 pressure on you. I will take the necessary measures, all the same, to try to avoid this
3 tendency of mine and to speak more quietly. I hope you understand that, as well.

4 A. I have understood.

5 Q. Very well. I would like to read an excerpt from your interview with the
6 investigators from the OTP. You said that the 12th was a mistake, in response to a
7 question. And for the Chamber -- and this is actually 00128, the very first paragraph,
8 CAR-OTP-0034-0128.

9 In response to a question from the Prosecutor you said, when you were asked, when
10 you saw the Banyamulengue for the first time, you replied saying the date of the 12th
11 that you had given was incorrect. You said that the rebels came in on the 15th and
12 as of the 16th until the 17th there were a number of clashes, particularly in the
13 morning. That was a tense morning. They fought against the forces of the father.
14 My question is: Who is this father that you refer to?

15 A. Thank you, sir. The father that I referred to is Mr François Bozizé.

16 Q. On the same page, the investigator asked you who were you calling or referring
17 to as the father, and you answered "Patassé." Today you say "Bozizé." Perhaps you
18 misunderstood my question. The rebels came in and they were fighting against the
19 forces of the father. At that point, who were you referring to when you spoke about
20 the "father"?

21 A. Thank you, sir. I think that I've made a mistake when I answered your
22 question. When the fighting began between the soldiers of Bozizé and Patassé's
23 soldiers -- in any event, when speaking of the "father," I was referring to Mr Patassé.

24 Q. Very well. Who was Patassé at the time of the events?

25 A. At that time, Mr Patassé was the President of the Central African Republic.

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1 Q. How did Mr Patassé come to be the President of the Central African Republic?

2 A. Thank you. Patassé became the President of the Republic because he was
3 elected.

4 Q. What are the various forces that supported that elected president? Could you
5 please tell us?

6 A. I think that all the soldiers in the Central African Republic, starting with the
7 presidential security, the RDT, the RMI, the Presidential Guard and others -- I'm not a
8 soldier and so I don't know all the various forces, but those were some of the ones
9 that I knew.

10 THE INTERPRETER: Interpreter correction, the witness also mentioned FACA.

11 MR LIRISS: (Interpretation)

12 Q. You mentioned the regular forces, the FACA, the USP. Tell me, which side
13 was Miskine fighting on?

14 A. Mr Miskine was fighting on Mr Patassé's side.

15 Q. Could you tell me which side that the Libyans were fighting on?

16 A. The Libyan soldiers -- when they fought, I wasn't close to them, but what we
17 learned was that they were fighting for President Patassé.

18 Q. Thank you. Have you ever heard of a certain Mr Barril?

19 A. No.

20 Q. Thank you. And the NLPC -- correction, MLPC. Have you ever heard of
21 that?

22 A. I am not able to provide the right explanation, because it's not my fault, but
23 I think the MLPC is the Movement of Liberation -- correction, the Movement of the
24 Central African People. That is what it --

25 THE INTERPRETER: Overlapping speakers. The interpreter apologises.

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1 MR LIRISS: (Interpretation)

2 Q. I am sorry. I should have explained the acronym. Is this a political party that
3 we're speaking of?

4 A. The MLPC was a political party created by Mr Patassé.

5 Q. Thank you very much. The MLPC -- to your knowledge, did the MLPC have a
6 number of armed individuals, additional troops who were armed and who were not
7 part of the regular forces?

8 A. Thank you, sir. I have no information about that. I don't want to tell you any
9 lies.

10 Q. All right. I asked this question to determine whether you were familiar with
11 groups such as Sarawi, Karawa and others. So you're not familiar with those groups
12 either? If you are, please tell us so.

13 A. The groups that I have heard of were Sarawi, but I've never met with members
14 of that group. I don't want to tell any lies.

15 Q. That's very good, Mr Witness. Now, all these groups were fighting on the side
16 of the elected president; is that not so?

17 A. Yes, that's right, sir.

18 Q. The Banyamulengue as well; is that not so?

19 A. Yes, the Banyamulengue as well were fighting in that manner, the same way as
20 the Sarawi.

21 Q. The Sarawi, the FACA, the USP, is that not so?

22 A. That's right. I can -- I understand, sir.

23 Q. At the page that I read out, you spoke about the loyalist forces, and by "loyalist
24 forces" you meant all the groups that we've just mentioned that had taken part
25 fighting or defending the elected president; is that not so?

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1 A. That's right.

2 Q. Witness, could you please tell us why is it that the so-called Banyamulengue,
3 why did you place them in this category of Patassé's troops or military? In your
4 statement, that's what you said at page 132.

5 A. Thank you, sir. If I mentioned the Banyamulengue amongst the various forces
6 that were loyal to the president, President Patassé, it was because when they were
7 fighting there we could say nothing. It was because we had been victims of their
8 attacks and that is why we mentioned them amongst the forces that were ensuring the
9 safety of the Head of State.

10 Q. I see. I shall rephrase my question. Who brought in the Banyamulengue
11 from the other side of the river, as you put it?

12 A. Thank you, counsel, for your question. I can't give you the name of the person
13 who called upon the Banyamulengue. It was the authorities, the chiefs, the leaders,
14 between them. They know what was said to make the others come. I wasn't in the
15 presidential palace in order to have this information. This is a matter which
16 concerns the two leaders.

17 Q. When you speak about the two chefs, the two leaders, who exactly are you
18 talking about here?

19 A. I'm speaking about President Patassé and the president of the other side of the
20 river called Jean-Pierre Bemba. These two know how they came to an agreement
21 such that these people would come and fight.

22 Q. Thank you. I will reformulate my question. It's true that it's these two people
23 who came to an agreement. It's true that it was for the elected President Bozizé that
24 they came. To your knowledge, in the Central African Republic, who at the time
25 could ask Mr Bemba to send reinforcements?

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1 I'd like to correct myself. I would like to speak about Patassé. To your knowledge,
2 who in the Central African Republic had the power to ask Mr Bemba to send him
3 reinforcements?

4 A. Thank you, counsel. The person who could do that was Patassé, but I said a
5 moment ago that I was not in the presidency when this fighting started. The
6 Banyamulengue came to aid Patassé to drive out the rebels.

7 Q. So the person was Mr Patassé, you've replied to my question. You also said on
8 the same page, 03 -- 0132, that the Banyamulengue were wearing uniforms of the
9 Central African Republic Army. The reference to that, 34-0134, I think,
10 OTP-0034-0132. Who provided these uniforms? Would you like me to repeat the
11 question again?

12 A. Thank you, counsel. We had -- as soon as we saw this uniform, we noted that
13 they had come to support Patassé. It was Patassé who provided them with this
14 uniform to make it possible for them to fight the rebels.

15 Q. Thank you, Witness. You also say - and this time in 033 - that they had a large
16 amount of cars. Who provided these vehicles, if you would be so kind?

17 A. Counsel, if you're there to carry out the defence of our brother, it is our brother
18 who has paid for you, so what you're doing, you're doing for him. He has given you
19 the mandate. What I mean by that is that it was the president at the time who
20 provided them with these vehicles.

21 Q. Thank you very much. A correction: 0133 and not the figure that I had given
22 previously as the reference.

23 Witness, who paid the Banyamulengue?

24 A. Thank you. Where it concerns the Banyamulengue and who paid them, I
25 wasn't in the presidency. I can't tell you who paid them. Even if you give me work

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1 to do, it is you yourself who is going to pay me. Nobody else can pay me. I don't
2 know if it's Patassé who paid the Banyamulengue, or whether it was the president
3 who was on the other side who paid. How can I know that? I can't speak to you in
4 those kind of details, counsel.

5 Q. Thank you. Who fed all these troops who were fighting on the side of
6 President Patassé, the FACA of the USP, of Miskine -- the Miskine, the
7 Banyamulengue?

8 THE INTERPRETER: Whether it's the FACA, the USP or the Miskine or the
9 Banyamulengue.

10 THE WITNESS: (Interpretation) Counsel, I couldn't tell you. I can't know that.
11 I can -- I can't tell you who fed his brothers, the Banyamulengue.

12 MR LIRISS: (Interpretation)

13 Q. I will reformulate my question. I'm not just speaking about the
14 Banyamulengue. I'm speaking about the FACA, I'm speaking about Miskine, I'm
15 speaking about all the forces that came behind the elected president, and I'm asking
16 you the following question: Who was responsible for feeding them? That is the
17 question that I would like to put to you.

18 A. Counsel, I wasn't present. To my knowledge, I can say that if today somebody
19 comes to provide you with aid and fight for you, nobody else can give them food.
20 Why have they come? Just so you understand that it was President Patassé, for
21 whom they were fighting, who was giving them food to fight.

22 Q. Thank you very much. Thank you for your correction. You have responded
23 with satisfaction to question.

24 In terms of your interview before the investigators of the Prosecutor,
25 CAR-OTP-003-4134, you mention a corporal - whose name I shall not mention

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1 because we are in open session here - and you state that this corporal, who was one of
2 the commanders of the Banyamulengue, that this person said to you, "Patassé gave us
3 the order to kill all the boys from two years and upwards because he thought that this
4 area was a rebel area," and the corporal added, "When we arrived here, we didn't see
5 rebels." Do you remember this, if you have been so kind to tell us?

6 A. Yes, I remember.

7 Q. Could you confirm to the Chamber that such were indeed the words of this
8 corporal?

9 A. Yes, I can confirm to the Chamber that these were the words of this corporal.
10 Because yesterday I took the oath, I can only tell the truth. I'm obliged to tell the
11 truth.

12 Q. The question might seem repetitive to you, but it is important. When you say
13 that you confirm the statements of this corporal, he said, "President Patassé"; is that
14 not correct?

15 A. Please excuse me, counsel. That is correct. He said that the President Patassé
16 had given the order to come to kill the boys of two years and upwards because it was
17 there that the rebels were installed, and from there they were carrying out incursions.
18 "Unfortunately, when we arrived we didn't find any rebels," and that's why they got
19 annoyed and they committed violent acts. That's what I'm saying. God is there to
20 hear what I'm saying.

21 Q. Thank you for replying to this question. If I understand well, it was President
22 Patassé who gave the information concerning the area where the rebels were; is that
23 not correct?

24 A. Yes, counsel, that is correct.

25 Q. And he gave the order to attack the boys aged two and upwards; is that not

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1 correct?

2 A. According to what the brother told me, it was he who gave the order to kill the
3 boys aged two and over.

4 Q. These orders were given to the Banyamulengue, were they not?

5 A. That is correct.

6 Q. Who indicated to the Banyamulengue the area in which they were to operate in
7 Begoua?

8 A. Thank you, counsel. I don't know how to answer this question. After the
9 withdrawal of Bozizé's rebels, on Sunday the 7th in the evening they arrived and they
10 went to the gendarmerie to base themselves there, and I cannot know who was
11 leading them.

12 Q. No, I didn't express myself well. The Banyamulengue coming from Zaire, they
13 didn't know the area. The area would have been indicated to them, but who was the
14 person who told them "Go and camp in such-and-such a place"?

15 A. Counsel, I can't answer that question. When we left, they had already come.
16 It was night-time. They couldn't cross the area and that's why they based
17 themselves in the gendarmerie and that's why I don't know who was the person
18 giving such instructions.

19 Q. That's enough, thank you. Next question: CAR-OTP-003400, or 0150, last
20 paragraph thereof, speaking about the persons who attacked you, the investigator
21 asked you a question, namely, whether somebody had given them the order to
22 commit these atrocities on you. This is your answer to that: "They had received the
23 order from the government to kill all the boys aged two and over. This means that if
24 they had respected the orders, I wouldn't be here to speak to you." Can you confirm
25 that the order was given by the Central African Republic government?

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- 1 A. Thank you, counsel. In accordance with what the brother told me, I
2 understood that there was nothing else. The cases of killings and everything they
3 have done, we certainly understand that they received an order from the President.
- 4 Q. Good answer. In page 0117, 0034-0117, the question was asked to you, "What
5 do you understand by Day J?" "Day J is judgment day. It is the day that Patassé
6 and Bozizé face-to-face will have to defend themselves." My question is as follows:
7 Why did Patassé have to defend himself and answer on judgment day and justify
8 himself on judgment day, as you state?
- 9 A. It's not for nothing that I say that, because everything that happened to us, if
10 this fighting only concerned these two, we wouldn't have undergone such acts of
11 abuse but, where it concerns the justice, Patassé and Bozizé will have to reply with
12 regards to the violent acts that were committed against us because the brother who is
13 on the other side cannot answer that.
- 14 Q. Why them? I asked you a question, I don't know. I asked you why
15 they - why Patassé and Bozizé - will have to answer, be answerable before justice for
16 all the acts that were committed against the population; the innocent population?
- 17 A. Thank you. If there was not this fighting between them, we wouldn't have
18 been victims of it. Who were the perpetrators of the violent acts which led to the
19 abuses that we underwent? Bozizé, Patassé and Jean-Pierre Bemba. It is they who
20 will have to come together to say how we can live today. That's what I can tell you.
- 21 Q. I'm sorry for going back over, what was their role? What was the role of
22 Mr Patassé where it comes to these violent acts that were committed?
- 23 A. The role of Mr Patassé in these events is that he was the leader - the President.
24 It was he who was in power. He was the person with responsibility for the country
25 and it is because of him that the battle started. We who are simple people, or just

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1 straw, when elephants fight it is the grass that is crushed. It is said Mr Bozizé,
2 Mr Patassé, and they also mention the name of the brother who is the other side of the
3 river, so who can be considered as responsible? That's what I can tell you today,
4 counsel.

5 Q. In this regard, I'm going to read your statement before this Chamber. Please
6 excuse me. We are talking about the transcript in real-time, the non-edited version
7 thereof, of 21 January. This is how you describe the chain of command of the
8 Banyamulengue in PK12 and here I will read it to you and this is something you can
9 confirm. The question was asked to you if in PK12 there was a leader, or a chief, of
10 the Banyamulengue, and this is your answer thereto.

11 PRESIDING JUDGE STEINER: The page and line, please.

12 MR LIRISS: (Interpretation) I'm confused, your Honour. Page 12, lines 22 to 28,
13 and we shall go to page 13 and the first line thereof.

14 Q. This is what you stated, Witness: "Yes, there were several commanders on
15 Damara road. There was the corporal, whose name I shall not give in open court.
16 He was directing those who were on Damara road. They were all supervised by this
17 commander, by Moustapha. He or rather they reported to their Chief of Staff who
18 was in the house of the prosecutor." Could you confirm that?

19 A. Yes, I confirm that.

20 Q. Thank you, Witness. Speaking about the Chief of Staff who was in the house
21 of the magistrate, and in this regard for the Chamber yesterday there was a concern
22 with regards to this issue. In law, or in civil law, in our system of Latin law, civil law,
23 all magistrates, whether they are on the Prosecution benches or wherever, they are
24 called magistrates but judges are called -- are also called magistrates. That's the
25 difference. So they are all called magistrates; prosecutor and the judges. In French

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1 we call them "magistrat debout," magistrates who get on their feet, one might say,
2 that's what we call the prosecutors, and then we have the judges as well. Please
3 excuse me for this clarification that I wanted to give in this regard. So, this is the
4 question that I would like to put to you: Could you please describe, because you
5 state that you met him, this Chief of Staff, to whom did Moustapha report?

6 A. Thank you, counsel. I stated that Moustapha reported to him. This doesn't
7 mean that I met the Chief of Staff, but in their actions the corporal who was in my
8 neighbourhood reported to Moustapha because it was he who had a car with which
9 to move in, but I didn't meet the Chief of Staff to enable to describe him.

10 Q. If you would allow me to read your statement in the transcript, page 14, line
11 12 -- line 7 to 14, "The chief in question was their Chief of Staff who was at the school.
12 He was the son of Mr Jean-Pierre Bemba. At the time, when we heard the name
13 Jean-Pierre, we thought that it was the same Bemba. One day they brought the son
14 of my neighbour to them into their base and they beat him up and, when we went
15 there, it was there that we saw -- we learned that it was the son of the President
16 Bemba," so that is to say that you went there and you saw the son of President Bemba,
17 and that's why I would ask you to describe him, please?

18 A. I'm saying that we "saw." That means when -- when we went there, well, we
19 weren't introduced to the child. We were told that he had already gone, the leader
20 had already gone, but we didn't actually see him. We arrived at the threshold of the
21 door, but we did not see him.

22 Q. I see. Let us move on to something else. Once again, the Chief of Staff, who
23 was the son of Mr Bemba -- in 2002 Mr Bemba was 39 years of age. If he had a son
24 who was the Chief of Staff, and let us assume that he had to be 30 years, that would
25 mean that Mr Bemba had fathered this child at the age of nine. I will show you.

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1 Now, could the court officials please display on the screen - and this is
2 confidential - this is a document that shows the household of Mr Bemba. I'm
3 referring to ICC-0105-1301-08-1344, confidential, with an annex. I repeat,
4 ICC-13-0105.

5 THE COURT OFFICER: Counsel, could you please repeat. Is that a filing? It's a
6 transcript?

7 MR LIRISS: (Interpretation) This is an annex to a filing 0108-730, annex 7. It is
8 confidential. 08730.

9 PRESIDING JUDGE STEINER: Maître Liriss, is this document in the list of
10 documents that you advanced to the Chamber?

11 MR LIRISS: (Interpretation) I will check that immediately, your Honour. Quite
12 so, your Honour. This is document number 18 on the list.

13 PRESIDING JUDGE STEINER: Sorry, Maître. We cannot find it in your list and
14 that's why we are having difficulties in displaying the document. Ms Kneuer?

15 MS KNEUER: Madam President, notwithstanding that we can currently not find the
16 document, I'm concerned about this line of questioning. First of all, my colleague is
17 giving an opinion and we are not close to any kind of question, and if the objective is
18 to determine what the witness meant with "son of Bemba" the witness could be
19 simply asked to explain. I think this entire route of speculating how old Mr Bemba's
20 son may have been at what time and showing pictures is a way that may confuse the
21 witness.

22 PRESIDING JUDGE STEINER: Maître?

23 MR LIRISS: (Interpretation) Your Honour, there is no speculation in this regard.
24 Our only concern is to verify whether indeed the Chief of Staff at the time could have
25 been the son of Mr Bemba in light of the age of the two - the only two - sons that

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1 Mr Bemba -- if I can -- I can only establish their age by producing this particular
2 document. However, this document is on the second list. If you can't find it, I can
3 provide -- I can indicate that the two sons that Mr Bemba have are currently aged nine
4 and four -- correction, at the time of these events, the two sons of Mr Bemba were
5 aged nine and four.

6 Q. Thus, my question is as follows, and this is not an opinion: Do you maintain
7 that this person, the Chief of Staff that we have been speaking of, was the son of
8 Mr Bemba?

9 A. Thank you. Now to answer. If we took some time, it is because we are trying
10 to understand. We were not on the other side of the river. There were three of us
11 when we went there and we were told that this person was the son of Bemba. It
12 wasn't our fault. It was his soldiers. Perhaps they wanted to give him a certain
13 amount of dignity. Not only that, perhaps also to intimidate us so that we would
14 drop the complaints that we wanted to make, but we didn't know whether he was the
15 son of Bemba. It was his soldiers who told us all that.

16 Q. Very well. You have given a good answer. So it was through hearsay that
17 you learned that he was the son of Bemba; is that correct?

18 A. Yes, this is what I've just told you, counsel.

19 Q. Let us agree on something. I'm not challenging the existence of the Chief of
20 Staff. What I am challenging is the assertion that he was the son of Mr Bemba, but
21 you believe when you said that he was the Chief of Staff that Moustapha reported to.
22 Do you understand what I am saying in this regard?

23 A. Yes, I think we understand each other perfectly.

24 Q. Thank you.

25 MS KNEUER: Madam President, I believe the question was already answered. The

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1 witness provided information and an explanation what he understands by "son." It's
2 not the biological son. And we know this, meanwhile, in this Court because the
3 witness even called my colleague his brother and we know he is not his biological
4 brother. I think the witness is being harassed by this line of questioning.

5 MR LIRISS: (Interpretation) Ma'am, the witness has just replied. There's no
6 problem anymore. He said it was hearsay. He recognises that there was a Chief of
7 Staff and it was through hearsay that he learned that this person was the son of
8 Bemba. I really don't understand the objection from my learned friend. May I
9 continue, Ma'am?

10 PRESIDING JUDGE STEINER: Yes, Maître Liriss, you can continue. Ms Kneuer,
11 let's reserve the objections for some questions that may have priorities or, if you are
12 going to object whenever we have a repetition, then we will have a problem. I
13 would very much appreciate if we try not to have objections all the time. Maître
14 Liriss.

15 MR LIRISS: (Interpretation) Thank you, your Honour.

16 Q. Sir, Mr Witness, you have already stated that you are not particularly familiar
17 with military matters, but I will ask you a few questions, two or three questions,
18 about military matters. Because you are a son of the country, of the Central African
19 Republic, and you may be able to help the Chamber in this regard, do you know
20 General Mazi?

21 A. Thank you, counsel. I don't know. What does General Mazi have to do with
22 what we are talking about today?

23 Q. I being your pardon. The only question I want to ask, and I am asking this
24 question (Redacted), do you know General Mazi? What
25 does that have to do? Well, that's not your problem.

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1 A. I don't know him, but I have heard people speak of him.

2 Q. General Bombayague, do you know him? Have you heard about him?

3 A. I have heard of Bombayague who was a pilot, but I have not seen him with my
4 own eyes.

5 Q. Might you know by any chance the person who was the commander of the
6 Presidential Guard?

7 A. No, sir.

8 Q. Mr Witness, thank you for answering the questions. If you know the answer,
9 tell us. If you don't, just say that you don't know. I would like to read out a
10 statement that you made, to conclude on this particular point, page 43 of transcript
11 21 January 2011. You stated the following. I am reading as of line 11, page 43, lines
12 11 to 15, or perhaps even as far as line 16, "If Bozizé, Patassé, want to kill me, all they
13 have to do is kill me. I can't speak here about Bemba, who was on the other side of
14 the river. He was called in and that is why he came." Question: Do you confirm
15 this statement today?

16 A. I confirm that statement, counsel.

17 Q. Witness, could you explain to the Chamber the meaning of that statement that
18 you made?

19 A. *Counsel, today we are here before the Court. As I give this testimony, I
20 consider myself to be a dead man. For I find myself between Patassé and Bozizé. I
21 think that if Patassé and Bozizé are brought to justice, they will know that it was me
22 --- because of what happened to me --- who denounced them so that they would be
23 arrested or dealt with one way or another. That is why I was afraid, and I told myself
24 that I was taking some serious risks. Whether they remain in power or not, I already
25 consider myself to be a dead man. That is what I said. I cannot give the name of the

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1 brother who is on the other side of the river, for he was there, he could not come and
2 attack me here. The only people who could harm me were Bozizé and Patassé.

3 Q. Thank you, Witness. Thank you for clearing up that point about the command
4 in the Central African Republic. The question of - how should I put this - the chain
5 of command, the military hierarchy, the logistics, the whole issue of military orders to
6 the Banyamulengue in the Central African Republic. I thank you.

7 PRESIDING JUDGE STEINER: Mr Zarambaud.

8 MR ZARAMBAUD: (Interpretation) Thank you, your Honour. I have the
9 impression that the last statement of the witness is -- the meaning thereof is not quite
10 here, seen here. What I understood is that the witness said -- the witness said that he
11 can only give -- he can only mention Bozizé and Patassé, because even if they remain
12 in power, or don't remain in power, they could threaten him because of statements
13 that he makes before the Court and that is why he considers himself to be a dead man.
14 He doesn't want to give the name of Jean-Pierre Bemba to threaten him because of the
15 statements made before the Court, because Jean-Pierre Bemba is on the other side of
16 the river. What is seen here in the transcript has to do with the acts of violence and
17 abuse that were committed, whereas the witness spoke about possible consequences
18 of his giving testimony before the Court. I thank you, your Honours.

19 PRESIDING JUDGE STEINER: Thank you very much, Maître Zarambaud. It is just
20 to call the attention of the interpreters when they prepare the edited version, so the
21 information will be checked, or double-checked, with the tape of the answer given by
22 the witness. You can continue, Maître Liriss.

23 MR LIRISS: (Interpretation) Your Honour, I find myself before a sworn legal
24 translator and a lawyer who does not have the right to interpret questions and the
25 answers of the witness. This is the second time that my learned friend,

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1 Mr Zarambaud, has intervened to say that the translation was incorrect. He is not a
2 sworn legal translator. That is just his word against the word of the translator, so I
3 object to those remarks. I thank you. With your accord, I will go on.

4 PRESIDING JUDGE STEINER: Let me make it clear that the Chamber will not pay
5 attention to what Mr Zarambaud said, because he's not an interpreter. The
6 intervention of Maître Zarambaud is welcome since it helps the interpreters to
7 double-check the tape and the interpretation. So you can proceed now, Maître Liriss.

8 MR LIRISS: (Interpretation) I thank you, Ma'am.

9 Q. Witness, I would like to read out a statement that you made with regard to the
10 presence of the Banyamulengue in the Central African Republic in the month of
11 October. Once again, this is the same number OTP, but this time I'm referring to
12 page 0128, CAR-OTP-0128.

13 THE INTERPRETER: Message from the English interpreter: We believe that this
14 is -- the reference number is CAR-OTP-0034-0128.

15 MR LIRISS: (Interpretation)

16 Q. You stated that there were conflicts on 16 October.

17 PRESIDING JUDGE STEINER: The interpreters are checking the reference number
18 and, apparently, it is correct.

19 MR LIRISS: (Interpretation)

20 Q. Okay, the first paragraph, you speak of fighting between the Banyamulengue
21 and the loyalist forces against the rebels, and you speak of the 16th and the 17th, 15,
22 16 and 17 October. First of all, do you confirm this statement? If you don't
23 understand, I can always read it out to you.

24 PRESIDING JUDGE STEINER: I think it would benefit the witness and the Chamber
25 if you read it out.

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1 MR LIRISS: (Interpretation) I will do so, your Honour.

2 Q. You were replying to a question from the investigator and you said that the date
3 you gave, the 16th, was a mistake. The rebels came in on 16th, and then the 17th,
4 you said that there were clashes on the 17th, in the morning, and it was a very -- it
5 was a tense day. They fought against the forces, that is to say the Banyamulengue
6 and the loyalist forces, the forces of the father. Which month are you referring to?
7 October? Can you confirm that you said this?

8 A. Yes, I confirm that. I confirm that I said that.

9 Q. I would like to make it clear that it's not so much the dates that are important.
10 It's October, the 16th and 17th. It might have been the 20th, the 25th, the 26th, the
11 27th. That's not what is important to me; it is the month, October. Now, I would
12 like to read out the transcript from 24 January 2011, page 58, line 13 to 20.
13 Your Honour, the colleagues tell me that we have only two minutes left, and since
14 this is an important question, it would be better if we could take our break now, if
15 you concur.

16 PRESIDING JUDGE STEINER: Thank you, Maître Liriss. We are going then to our
17 break.

18 Mr Witness, we are going to have a half-an-hour break in order for you to take some
19 rest. We will be back in this courtroom at 11.30.

20 I ask now the court officer to turn the session into closed in order for the witness to be
21 taken out of the courtroom, and we will resume at 11.30.

22 *(Closed session at 10.59 a.m.) Reclassified as Open session

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

24 (The witness stands down)

25 THE COURT OFFICER: All rise.

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1 (Recess taken at 11.01 a.m.)

2 *(Upon resuming in closed session at 11.35 a.m.) Reclassified as Open session

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

4 PRESIDING JUDGE STEINER: So, welcome back. Let's please introduce the
5 witness into the courtroom.

6 (The witness enters the courtroom)

7 PRESIDING JUDGE STEINER: Let's turn into open session, please.

8 (Open session at 11.36 a.m.)

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

10 PRESIDING JUDGE STEINER: Thank you. Welcome back, Mr Witness. Are you
11 ready to continue giving your testimony?

12 THE WITNESS: (Interpretation) Your Honour, I am ready to continue with my
13 testimony.

14 PRESIDING JUDGE STEINER: Thank you. I am giving the floor to Maître Liriss.
15 But before you continue, Maître, I was asked by the interpreters to remind you that
16 when the witness finishes to answer a question, that you have to make a small pause
17 before putting another question. Thank you very much.

18 MR LIRISS: (Interpretation) I shall look at that, your Honour.

19 Q. Good morning once again, Witness.

20 A. Good morning once again.

21 MR LIRISS: (Interpretation) Your Honour, could the Registry put on the screen
22 marked as confidential the document OTP-0034-0127-1202; and namely, in particular,
23 the last line thereof, CAR-OTP-0034-0128_R02, page 127, one after another.

24 THE COURT OFFICER: The document is available on your screens. Just for the
25 purposes of the record, it's the second redacted version you are referring to, counsel;

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1 is that correct? Because the one that is on the list is the first redacted version,
2 document number 10 of the list sent by the case manager.
3 MR LIRISS: (Interpretation) That is correct. Please, could you show us the two
4 last paragraphs thereof? Thank you. This is a confidential document, I'd just like to
5 remind everyone of that, so it shouldn't be transmitted outside of the courtroom.

6 Q. Witness, this is the questions that were put to you by the investigator. "Please,
7 could you tell me when you met for the first time, when you met them for the first
8 time, speaking about the Banyamulengue? You spoke about the Banyamulengue.
9 Could you, please, tell me when you met them for the first time?" Answer, "I met
10 them for the first time, the 12th, the 15th, the 17th. I can say the 16th in the night and
11 the 17th in the morning they met."

12 Do you confirm that, Witness?

13 A. Yes, I confirm that.

14 Q. Thank you. The investigator continued asking the question, "If I understand
15 you well, you met the Banyamulengue on the 12th, 15th, 16th and the 17th." And
16 you answered as follows, CAR-OTP-0034-0128_R02, first paragraph.

17 THE COURT OFFICER: The document is available on your screens.

18 MR LIRISS: (Interpretation) Thank you, court officer.

19 Q. So, in answer to this, you state: "The 12th was a mistake. The rebels entered
20 on the 15th and from the 16th to 17th, there were some clashes, particularly on the
21 17th, in the morning. It was a very tense day. They fought against the forces of the
22 father, I mean the Banyamulengue and the loyalist forces who were the father's
23 forces." What month are you referring to? "October." "And which year?"
24 "2002." Can you confirm this answer, please, witness?

25 A. Yes, I confirm that.

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1 Q. Thank you very much. I'm going to also read your statement, non-redacted
2 version of 20 January 2011, namely, page 17 thereof. 20 January 2011, page 17.
3 More like 21 January 2011, page 17, line 28 -- 26 to 28: "Did the Banyamulengue also
4 speak Arabic or Sango?" Answer: "No, they didn't speak Arabic." And on page
5 18 of the same transcript, "The real Banyamulengue, who crossed in order to fight, do
6 not speak Sango." Could you please confirm this testimony as well?

7 A. Yes, I confirm that is indeed my testimony.

8 Q. Why do you say the "real," or the "true" Banyamulengue, "les vrais," the "real,"
9 or "true" Banyamulengue? Which Banyamulengue does that refer to?

10 A. If I say the "real" Banyamulengue, it is because we assimilate these Zairean
11 brothers with the Banyamulengue, because those who crossed before, and who were
12 carrying out odd jobs, can be separated from those who are the soldiers who came in
13 order to fight, and it is they who I call the real Banyamulengue; that is to say those
14 who crossed the river in order to fight.

15 Q. Thank you. Yesterday, 24 January, transcript of 24 January, on page 58 thereof,
16 transcript of 24 January, real-time lines 13 to 20, you stated the following, speaking
17 about persons who carried out odd jobs, Congolese who were carrying out odd jobs
18 in Bangui. You stated the following: "At the beginning we considered them to be
19 Banyamulengue or, rather, we considered them to be Zairians. They carried out odd
20 jobs in order -- manual jobs, in order to get food for their -- or money for their family.
21 We had no problem with them. But when their compatriots, the Banyamulengue,
22 arrived, a lot of these shoe shiners joined them. And that is the reason why we said
23 that they allied themselves with them." Do you also confirm that statement?

24 A. (No interpretation)

25 THE INTERPRETER: The English interpreter did not hear the answer.

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1 MR LIRISS: (Interpretation) I shall ask the question again because we do not have
2 the answer in the transcript. Your Honour, we have a problem. It was not
3 translated. I shall ask the question again.

4 PRESIDING JUDGE STEINER: I think only the answer has not been translated.
5 Maybe we could ask the witness to repeat his answer.

6 MR LIRISS: (Interpretation) Thank you, your Honour.

7 Q. Witness, could you repeat your answer? Would you like me to help you by
8 asking the question again?

9 A. Thank you. Would ask you to ask your question again, if you would be so
10 kind.

11 Q. No problem. I was speaking about the transcript of 24 January, the
12 non -- unredacted version thereof, and I was saying that "At the beginning we
13 considered them as Banyamulengue, as Zairians. They carried out odd jobs in order
14 to get money for their families. We had no problem with them. But when their
15 compatriots, the Banyamulengue, arrived, a lot of these shoe shiners joined them in
16 the rebellion." Do you confirm this statement that was given yesterday?

17 A. Yes, I confirm this statement.

18 Q. Witness, the Defence and the Prosecution state that the MLC troops - called
19 wrongly the Banyamulengue - arrived for the first time in Central African Republic
20 on 30 October 2002. And the question is as follows: When you speak about the
21 Banyamulengue, who were fighting on 12, 13, 14, 15, 16 or 17 October, which
22 Banyamulengue are you speaking about, the real or false Banyamulengue?

23 A. Thank you. I think that you spoke quite quickly. I didn't understand your
24 question. Please, could you ask it once again.

25 Q. I'm sorry, I shall ask it again. I would like to inform you that it is the Defence

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1 case that it was 30 October that the troops of the MLC, which we call -- which I'll call
2 the Banyamulengue, entered into Bangui. When you speak of the Banyamulengue
3 who were fighting on 17th, the 18th or on the 16th of October, are you speaking about
4 the real Banyamulengue, or the false ones who were recruited and who were shoe
5 shiners? That is the question.

6 A. Thank you, counsel. I think that if I spoke about the month of October, it was
7 an error on my part. I wanted to speak of November and, as such, I would like to
8 apologise.

9 Q. Thank you. We should therefore note that you saw for the first time the
10 Banyamulengue on the 17th, the 15th, 16th, the 18th of November, in PK12; is that
11 correct?

12 A. It is correct. It's what I stated. The first time that I met them, it was from the
13 8th because they arrived in PK12 on the 7th. It was after that that the fighting started.
14 In order to be precise, from the 7th, 8th of November, not October as I had previously
15 indicated, counsel.

16 Q. Sorry, I think we've got a problem with -- a misunderstanding here. You read
17 in the pages that were shown on the screen by the registrar, you stated that the 16th,
18 17th and 18th were the days on which you had seen the Banyamulengue for the first
19 time; is that correct?

20 A. No. The 15th, the 17th and the 18th, those were the days of fighting around
21 PK22 against Bozizé rebels. It wasn't the first time I saw them. I saw them for the
22 first time on the 7th, in the evening, and on the 8th they attacked our commune.

23 Q. So it is simple: You don't confirm your statement before the investigators, the
24 statement that I've read out to you?

25 A. I am in agreement that the only problem is that I didn't correctly indicate the

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1 dates. I'm a human being. To err is human and I made a mistake at that level.

2 Q. That is understandable. So you saw the Banyamulengue for the first time on
3 the 16th, 17th, not of October but of November?

4 A. The 7th, the 8th and thereafter, it was on those days that we met them. The
5 17th and 18th, those were the days of meeting Bozizé's men and that's when the
6 fighting took place.

7 Q. I do apologise. Let's try and clear up this misunderstanding. Prior to 7
8 November 2002, were there no Banyamulengue at PK12?

9 A. No, there were no Banyamulengue at PK12 before 7 November. They arrived
10 on 7 November in the evening.

11 Q. Okay. Who was there?

12 A. During that period, the rebels belonging to Bozizé - Bozizé's rebels - were
13 present.

14 Q. I agree. And now when you mentioned the 8th, in your application to
15 participate as a witness you mentioned 8 November as the date on which an act of
16 aggression was committed against you, do you confirm this?

17 A. I do.

18 Q. In the course of your interview by the Prosecutor you also said that your family
19 was attacked on the 8th, but you do not refer to the month. Are we talking about 8
20 November 2002?

21 A. Yes, 8 November 2002 is the date that I had in mind.

22 Q. Witness, Bozizé's rebels were there on the 7th and you say that the
23 Banyamulengue arrived on the 7th in the evening. Was there a clash to push the
24 rebels back, or was that not the case?

25 A. Bozizé's rebels weren't at PK12 on the 7th. On the 5th, Bozizé's rebels, after the

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1 ONAF battle, they withdrew with their wounded towards Damara. On 5th, 6th, 7th,
2 the place was empty. The rebels had already withdrawn in the direction of Damara.
3 On the 7th, in the evening, that's when the Banyamulengue arrived. We welcomed
4 them, because we believed they were coming to liberate us to solve the crisis. On the
5 7th, Bozizé's rebels were no longer present at PK12.

6 Q. I do apologise, Witness. Only five minutes ago, I believe, I asked you who was
7 at PK12 on the 7th and you said that Bozizé's rebels were there. Perhaps we could
8 go through the transcript again, your Honour?

9 PRESIDING JUDGE STEINER: You want -- if you want, Maître Liriss, to read the
10 part of the transcript, but just for better understanding of the Bench I would like if
11 you could be clear on your questions when you refer to PK12, PK22, Begoua, Bangui,
12 because apparently -- or it can be some misunderstanding in relation to the exact
13 places where the troops arrived. I must confess that I am confused now. See they
14 arrived in Begoua, PK12, PK22, Bangui, or -- merci.

15 MR LIRISS: (Interpretation) My learned friends are supervising what I am saying.
16 Begoua is a part of PK12. It's a neighbourhood within PK12. Before you arrive at
17 PK12, you have to pass through the checkpoint, the barrier and the gendarmerie,
18 which is right next to the location. So Begoua and PK12, it's the same place, the same
19 location. Begoua is a neighbourhood within PK12. So the question that I just put to
20 the witness was whether on the 7th PK12 was still occupied by the rebels and he said
21 that that was the case. He said, "Yes." On page 33 of the English version of the
22 transcript, you can see this. Lines 22 to 25 on page 33 of the English transcript.
23 Page 35, lines 6 to 7, in the French transcript.

24 PRESIDING JUDGE STEINER: Do you want the page to be displayed? Is that the
25 point?

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1 MR LIRISS: (Interpretation) Yes, that's correct, your Honour.

2 THE COURT OFFICER: Counsel Liriss, could you please repeat again the page, the
3 line of the transcript and the date of the transcript?

4 MR LIRISS: (Interpretation) In the French transcript it's page 35, lines 6 to 7, it's
5 today's LiveNote, and in the English transcript it's page 33, lines 22 to 25.

6 THE COURT OFFICER: So the French version of today's real-time transcript at page
7 25, line 6 to 7, is available on your screens.

8 MR LIRISS: (Interpretation) I apologise, it's page 35 in the French transcript.

9 THE COURT OFFICER: Page 35, line 6 to 7, is available on your screens of the
10 real-time French transcript.

11 MR LIRISS: (Interpretation)

12 Q. Page 35, line 3, the first line: "Were there any Banyamulengue at PK12 before 7
13 November 2002?" Answer: "No, there were no Banyamulengue at PK12 before 7
14 November. They arrived on 7 November in the evening. 7 November." "Okay,
15 question: Who was there, please?" Answer: "On that day, Bozizé's rebels were
16 present."

17 My question is as follows: Why did you change your testimony ten minutes later?
18 Provide us with the reasons for which ten minutes later you changed your testimony
19 and you said that it was on the 7th? If you can't give us the reasons, you can't
20 answer the question.

21 MS KNEUER: Madam President, I would like to start with an apology. I well
22 understood your advice earlier, but I think this is an important issue that I should
23 raise.

24 I disagree with the suggestion of my learned colleague that the witness is
25 contradicting himself. The record speaks for itself. The question that was asked

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1 was: "Who was there?" And as your Honour's already indicated what is meant by
2 "there," what is the period, I think purposely my learned colleague is destabilising the
3 witness and we need to be fair to the witness. We should not suggest that he said
4 something that he never said.

5 PRESIDING JUDGE STEINER: Maître Zarambaud.

6 MR ZARAMBAUD: (Interpretation) Thank you, your Honour. I think that,
7 according to what the witness has said, well, there's no contradiction between what
8 he is saying now and before. The Defence seems to be claiming that on the 7th there
9 couldn't be two forces present at the same time. If I have understood this correctly,
10 the witness said that Bozizé's forces from 5 to 7 in the morning gathered their
11 wounded and the sick and set off in the direction of Damara.

12 On the 7th, in the evening, the Banyamulengue arrived, which means that on the
13 same day -- well, it's not impossible that in the morning Bozizé's rebels were there
14 and in the evening the Banyamulengue arrived. So I fear that by putting these
15 questions in this way, the witness is getting confused. Thank you.

16 MR LIRISS: (Interpretation) Your Honour, with your leave. Your Honour, such
17 objections that lead the witness to provide a certain answer should, I believe, be
18 forbidden. The transcript is here. The witness said that on the 7th there were
19 Bozizé's rebels there. He has the right to say that he made a mistake. To say that
20 they were there on the 5th, in fact, that's not a problem. But one shouldn't raise
21 objections to suggest the answer. But no matter, I'll move on.

22 PRESIDING JUDGE STEINER: Maître Liriss, in such case, I think the objection made
23 by the Prosecution proceeds since you didn't give the witness the opportunity to say
24 that maybe he was mistaken or made a mistake, you suggested that he changed his
25 mind in ten minutes which can appear to be quite aggressive towards the witness.

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1 Maybe you could rephrase your question, maybe asking the witness to repeat the
2 events, in order to clarify.

3 MR LIRISS: (Interpretation) Your Honour, I'll follow your suggestion. I'll seek
4 to put the following question again.

5 Q. On 7 November 2002, were any Banyamulengue present at PK12?

6 A. Thank you, sir. The Banyamulengue were at PK12 on the 7th in the evening,
7 around 17.00 hours.

8 Q. Very well. That's clear. But before the 7th, we do agree it was Bozizé's rebels
9 who were there; isn't that correct?

10 A. Yes, sir. Before the 7th, Bozizé's rebels were present there.

11 Q. You say that it was on a Saturday, and on Sunday, the 8th, the crime, if there
12 was a crime, was committed against your family and against yourself; is that correct?

13 A. Sir, Maître, I said that the rebels withdrew on Saturday. The Banyamulengue
14 arrived on Sunday in the evening at PK12. You have understood me correctly. On
15 Sunday evening, that's when the Banyamulengue arrived at PK12. Afterwards, after
16 the withdrawal of the rebels to Damara, that's when they arrived. I don't know if
17 I've made a mistake. I really don't know.

18 Q. I'm not disputing that we agree the rebels left on the 7th, we agree about that,
19 and the Banyamulengue arrived on that very same day, on the 7th, or on the
20 following day, the 8th.

21 A. They arrived on that very same day, on the 7th, in the evening.

22 Q. So you are saying that it was a Saturday, isn't that correct?

23 A. I said that the rebels withdrew towards Damara on Saturday. They gathered
24 their wounded and withdrew in the direction of Damara. In the evening, there were
25 no troops, there were no soldiers, no rebels. On Sunday morning, the situation was

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1 the same, only the people, only the population was present. Then later, towards
2 17.00 hours, around 17.00 hours we saw the Banyamulengue brothers arriving.

3 Q. So we must draw the conclusion that the rebels arrived -- I apologise, the
4 Banyamulengue arrived on Saturday the 7th, in the evening, after the withdrawal of
5 the Banyamulengue. Do we agree? Of Bozizé's troops, I do apologise.

6 A. The Banyamulengue arrived on Sunday evening, on the 7th. That's the date on
7 which the rebels withdrew. On the 7th, in the evening, no one remained. On
8 Sunday morning, no one remained. It was on Sunday evening that the
9 Banyamulengue arrived at PK12. It was on Sunday evening.

10 Q. Very well. That's clear, thank you. The act of aggression committed against
11 you was committed on Saturday or on Sunday? What does it say in your
12 statements?

13 A. The act of aggression I was subjected to took place on Monday.

14 MR LIRISS: (Interpretation) Very well. Registrar, could you please show the
15 following document on the screen, CAR-OTP, it's confidential, 0034-0128_R02.

16 THE COURT OFFICER: The document is available on your screens.

17 MR LIRISS: (Interpretation) Thank you.

18 Q. Witness, could you please read out the fifth paragraph before the last one. So
19 go from the bottom, go five lines up. Can you see that?

20 A. Yes, I can.

21 Q. Thank you. You say that the rebels had already left the zone on Saturday and
22 on the following day, on Sunday. During the night, they arrived. You mean the
23 Banyamulengue arrived in the neighbourhood. And now you're saying that the act
24 of aggression took place on Monday. Do we agree?

25 A. Yes, that's correct.

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1 Q. I'm glad about that. What I would now like to know is the following, with the
2 Chamber's leave, because I hadn't planned to do this, but it's just a calendar and I
3 would like to see it, 8 November 2002. It was a Monday. Perhaps the witness has
4 made a mistake with regard to the day, but it's important for this matter to be clear for
5 the benefit of the Chamber.

6 PRESIDING JUDGE STEINER: It's your intention to show the calendar to the
7 witness, the copy you have in your hands?

8 MR LIRISS: (Interpretation) With your permission, Madam.

9 PRESIDING JUDGE STEINER: Is there any objection? Court officer, please.

10 Maître Liriss, I'm informed that Mr Haynes has already introduced a calendar. It is
11 on Ringtail; it can be shown on the screens. It's up to you to decide whether you
12 prefer it on the screen or your hard copy.

13 MR LIRISS: (Interpretation) No, the electronic version is fine. I didn't think
14 about that. I believe Mr Haynes' calendar referred to the month of October, but
15 we're talking about November now.

16 THE COURT OFFICER: The calendar that was presented, it's a calendar of 2002
17 with all the months included.

18 MR LIRISS: (Interpretation) That's perfect.

19 THE COURT OFFICER: That document reference is CAR-ICC-0001-0005, it's
20 classified as public, and it has been attributed an EVD-T reference which is
21 EVD-T-D04-00002 and the document is now available on your screens.

22 MR LIRISS: (Interpretation) Would it be possible to zoom in, to enlarge it?
23 Mr Registrar, the witness can't see the days. Fine.

24 Q. The question I want to ask the witness is as follows. Can the witness see the
25 month of November on the screen? It's to the right.

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1 A. Yes, I can see that.

2 Q. Can you see the numbers 3, 10, 17 and 24?

3 A. Which month are you referring to?

4 Q. November, if you please, the month in which the act of aggression was
5 committed against you.

6 A. I see the month of November but I don't see the day.

7 MR LIRISS: (Interpretation) Is it possible to resolve this? It's correct now.

8 Q. Witness, you can see the month of November. You also see the days. You
9 have "Sun," which means "Sunday" in English, Monday, Tuesday, Wednesday,
10 Thursday, Friday, Saturday, Sunday. Sunday is the last on your right. Now, if you
11 follow that, from "Sun," and the month of November, you'll see the figure 10. Well, 3
12 is first, then you have 10 November. Sunday, November.

13 PRESIDING JUDGE STEINER: Maître Liriss, do you have in hard copy the
14 November, the month of November in French? Maître Liriss, would you mind if the
15 court usher helps the witness, just showing the columns that you are --

16 MR LIRISS: (Interpretation) I was going to suggest that, your Honour. Please,
17 could you show to the witness the column with Sunday in November. Thank you.

18 Q. The 3rd, 10th, 17th, 24th, these are the four Sundays of November. You state
19 that you were attacked on the Monday. But, as you consider the Monday, if you
20 look at the Monday column, the 9th doesn't figure thereon. If you'd been attacked
21 and they came on Sunday, the 8th, then it must have been on Monday the 9th. But
22 there isn't an 8th which is a Sunday, nor is there a 9th which is a Monday in
23 November, so it could be that you are wrong regarding the day or perhaps with
24 regards to the date. That does happen. In this case you have the opportunity to
25 correct that.

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1 A. If you've given me the opportunity to speak, thank you, counsel. It could be
2 the case that there's been a mistake concerning the date or, indeed, the day. I'm
3 human. Furthermore, it's such an event of such intensity, that can make it difficult to
4 remember where it concerns the day, the date. It could be that I have made a
5 mistake. But where it concerns the acts that took place, there is no doubt. The date
6 perhaps; the acts, no.

7 Q. You don't have to apologise. To err is human, and certainly with regards to
8 the day and the date and after all the events that took place. Now we are going to
9 try and find the date together. We're in agreement that it was in the month of
10 November?

11 A. Yes. All this happened in the month of November.

12 Q. Now we're in agreement that on the 7th, at least, Bozizé's rebels left PK12?

13 A. Yes. The 7th, Bozizé's men withdrew towards Damara. They left PK12 to
14 withdraw towards Damara.

15 Q. We are in agreement that the next day, in the evening, the people who you call
16 the Banyamulengue entered into the town, in the evening, so it was the 8th, which is a
17 Thursday, I think -- Friday.

18 A. Yes, it was a Friday.

19 Q. So the attack took place on the 9th?

20 A. Yes, it was a Friday, on the ninth day. If not, I don't remember very well.

21 Q. Okay, that is good enough. We found a day, we found a month. You could
22 have been wrong, but the most important thing is we know it was the 9th, the day
23 after they arrived, and that it was Friday. Now, question -- the 9th, a Saturday;
24 please excuse me.

25 If I were to put it to you that, according to a military source of your country who was

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1 in the conflict personally, the MLC could not have conquered the neighbourhood of
2 PK12 other than two weeks after their entry; that is to say, 13 November 2002. They
3 could have only done it on 13 November 2002, but do you still maintain that the rape
4 was committed by them for the Chamber? I would like to give the reference, and it
5 is the translation in English, CAR-OPT-0014-0013, interview of 13 January -- of 13
6 June 2008. The second question, 36319.

7 A. Thank you counsel. I'd like to thank you, counsel. Where it concerns my rape,
8 or the atrocities that were committed on my family, I cannot change that. If you
9 want us to speak about the morning till evening, I will maintain that, but where it
10 concerns the date, I can be supple there, but what I've told here is what really
11 happened to me.

12 Q. Furthermore, I think there's a mistake in the transcript, and I'm correcting
13 myself. You said Friday 9 November. It's attributed to the witness, and it was, in
14 fact, myself with regards to line 10. Now, I am not trying to challenge the fact Line
15 10 of page 45. I'm not trying to challenge that. I just want to take the Chamber to
16 identifying the perpetrators, and that is the reason why I don't challenge the facts.
17 The Banyamulengue came two weeks after the 30th, 13 November, but you were
18 attacked on the 9th. That is my question.

19 A. Thank you, sir. I think that if the question here is about changing the dates the
20 dates can be modified, but I confirm that it was the Banyamulengue who raped me,
21 who carried out these acts. I cannot state that it was other forces. If it was the
22 Central African military, I would have known that. It wasn't the FACA. It wasn't
23 the presidential guard. It wasn't the rebels. I saw them. It was the
24 Banyamulengue who came to my house. They did these things to me after I went to
25 see them to intervene with regard to what was happening in my neighbourhood.

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1 THE INTERPRETER: Intervene on behalf of my neighbourhood, corrects the
2 interpreter.

3 MR LIRISS:

4 Q. Thank you, Witness. Could you tell us, irrespective of the date, if the
5 Banyamulengue - and this is a question that I am putting to you again
6 unfortunately - the real Banyamulengue, as you see it, who came from the other side
7 of the river, did they speak Sango or Arabic? You answered, but I'm still going to
8 ask this question again.

9 A. The Zairians do not speak Arabic, unless there are Arabs in Zaire, but those who
10 came to our homes, the language that they speak was Lingala. Just a small number
11 of them spoke French; very few of them. Most of them spoke Lingala.

12 Q. This is the answer that you gave, "The Banyamulengue - the real
13 Banyamulengue - do not speak Sango." This is correct, is it not?

14 A. Yes, the fighters who came did not speak Sango.

15 MR LIRISS: (Interpretation) Thank you. Now, if the court officer would be so
16 kind as to put page 0148 on the screen of your interview. I will give you the other
17 numbers.

18 THE COURT OFFICER: Could you please confirm that the document that you want
19 to be displayed is the document referenced as CAR-OTP-0034-0148_R02? The
20 document is available on your screen and is marked as confidential.

21 MR LIRISS: (Interpretation)

22 Q. Witness, the sixth line or the sixth paragraph, "They forced me to take -- they
23 didn't force me to take drugs, or to drink. They forced me while I was sober, because
24 they said ..." Could you read the following, please? This is an expression which is
25 in a language which I can read badly, with poor intonation, but as it's your own

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1 expression could you read it aloud for the Chamber.

2 A. It is the same thing. I said I don't speak French very well.

3 THE INTERPRETER: The witness is reading the text in French.

4 MR LIRISS: (Interpretation)

5 Q. Excuse me, not the text in French. The second line.

6 A. "They told me thereafter ..."

7 Q. I will start with "mbana."

8 A. Yes, yes, "I saw mbana alingbi mbana."

9 THE INTERPRETER: The witness is reading in French.

10 THE WITNESS: (Interpretation) And "alingbi" means "is equal to." The entire
11 expression in Sango is difficult to translate.

12 MR LIRISS: (Interpretation)

13 Q. Thank you.

14 A. If I state, "Mbana alingbi na mbana", what does it mean? It means that this
15 Banyamulengue said, "Mbana alingbi na mbana." This means that, "We, the
16 authorities of the commune, we have favoured -- we have pushed the children to go
17 into rebellion to follow Bozizé," and that is why they have to do intentionally harm
18 unto us so that we will not do that again. "Mbana alingbi na mbana," no pity for a
19 given act.

20 Q. In which language is it?

21 A. It is in Sango.

22 Q. But you stated that the real Banyamulengue didn't speak Sango. Do you still
23 consider, therefore, that these were the real Banyamulengue; the ones who you were
24 faced with?

25 A. Yes, counsel, I said that the Banyamulengue did not speak Sango. That was

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1 the truth. They didn't speak Sango. I confirm that here. It was only those who
2 were here doing odd jobs. It was those who could speak some Sango. When I say
3 "Mbana alingbi mbana," that means that it was some of them, very few of them, who
4 could communicate in Sango, and it was those who said that to me and I have said
5 that here.

6 Q. That is to say those who spoke to you, these were the Banyamulengue who
7 were recruited on site, the shoe shiners and others; is that not correct?

8 THE INTERPRETER: The interpreter corrects: Those who attacked you were the
9 Banyamulengue who were recruited on site?

10 THE WITNESS: (Interpretation) Thank you, counsel. Even if it was the shoe
11 shiners, they were incorporated into the Banyamulengue. They had become one sole
12 body. Can you make a distinction between them?

13 MR LIRISS: (Interpretation)

14 Q. I am perfectly in agreement with you. The question that I wanted to ask you
15 was who in the Central African Republic recruited these shoe shiners, if you please, to
16 the best of your knowledge? If you do not know, you do not know.

17 A. I know nothing about the recruitment. What I know is that when they saw
18 their brothers arrive they wanted to have property and do what their brothers were
19 doing, and that's why they voluntarily decided to join Jean-Pierre Bemba's troops
20 called the Banyamulengue. I know nothing of the recruitment. I can't say anything
21 about that.

22 Q. Agreed, but they were in uniform, the Central African Republic uniform, as
23 those were who came from the other side, were they not?

24 A. Thank you, counsel. They were identical. They spoke the same language.
25 There is no distinction to be made.

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1 Q. Pardon me, Witness. I am asking the question as to whether these former shoe
2 shiners were dressed in the Central African uniform; those people who attacked you?

3 A. Yes, they were dressed in camouflage uniform. Some had Rangers shoes.
4 Others had sandals. Others had sports shoes. They were in the Central African
5 Republic uniform.

6 Q. Just one last question before the break. I think that -- well, who provided these
7 uniforms; the Central African Republic uniforms?

8 A. Thank you, counsel. In fact, three or four times I've answered the question
9 with regards to the person who supplied them. You are an intellectual. It was
10 recorded. You can't ask me -- ask me the same question several times. I'm a bit
11 tired. I know it was President Patassé who invited them and it was certainly him
12 who provided them with equipment.

13 MR LIRISS: (Interpretation) I'm sorry, I have finished.

14 PRESIDING JUDGE STEINER: Thank you, Mr Liriss. I think it's time for us to
15 have a break. The witness is entitled to have lunch and to take some time to rest.
16 So we are going to suspend the hearing now and we will be back at 2.30. So we hope
17 that Mr Witness can rest a little bit. Please, I ask court officer to turn this session into
18 closed in order for the witness to be taken out of the courtroom. We are suspending
19 this session and we will resume at 2.30.

20 *(Closed session at 1.00 p.m.) Reclassified as Open session

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

22 (The witness stands down)

23 THE COURT OFFICER: All rise.

24 (Luncheon recess taken at 1.01 p.m.)

25 *(Upon resuming in closed session at 2.35 p.m.) Reclassified as Open session

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

2 PRESIDING JUDGE STEINER: Good afternoon. Welcome back to the court, the
3 courtroom, for the continuation of today's session. And I ask please, court officer, to
4 bring the witness in.

5 (The witness enters the courtroom)

6 PRESIDING JUDGE STEINER: We can turn into open session, please.

7 (Open session at 2.37 p.m.)

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

9 PRESIDING JUDGE STEINER: Thank you. Good afternoon, Mr Witness.

10 THE WITNESS: (Interpretation) Good day again, your Honour.

11 PRESIDING JUDGE STEINER: Did you have the opportunity to rest a little bit
12 during the lunch break?

13 THE WITNESS: (Interpretation) Yes, I was able to have a rest.

14 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony?

15 THE WITNESS: (Interpretation) Yes, I'm ready.

16 PRESIDING JUDGE STEINER: Thank you. And remember that any time, for any
17 reason, you want a break, just inform the Bench. Is that fine?

18 THE WITNESS: (Interpretation) Yes, I understand.

19 PRESIDING JUDGE STEINER: Maître Liriss, you have the floor.

20 MR LIRISS: (Interpretation) Good afternoon, your Honour. Good afternoon,
21 your Honours.

22 Q. Good afternoon, Witness.

23 A. Good afternoon, Maître.

24 Q. I'd like to conclude with the questions that concern identification; I think there
25 are

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1 only a couple of questions to put about the subject. Could the Registrar please place
2 at your disposal page 0034, 0034-0165_R02.

3 THE COURT OFFICER: The document CAR-OTP-0034-0165_R02 is available on
4 your screens by pushing the button "PC-1."

5 MR LIRISS: (Interpretation) Would it be possible to scroll down to see the
6 answer -- that's it. Thank you.

7 Q. Witness, on your screen you can see your last answer to the question put to you
8 by the investigator. Can you see that?

9 A. Yes, I can see it, Maître.

10 Q. In response to the investigator's question, following the fear you had after your
11 testimony, you said the following: "You are right that these very same perpetrators
12 are still committing abuse to the west of the country." Who are you speaking about,
13 "these very same perpetrators"? Who are you referring to? What acts perpetrated
14 are you referring to?

15 A. Thank you, sir. When I refer to "the west," I wanted to refer to the mayor who
16 had been killed.

17 Q. You said "The mayor of Kwi" on that page, if I'm not mistaken, but my question
18 is as follows: You said, "the very same perpetrators," but of what, if you don't mind
19 answering that?

20 A. Thank you, Maître. When I refer to "the very same perpetrators," I had in
21 mind the public forces at the time. They are the ones who killed the mayor, and in
22 the course of the investigation I spoke about this. I also wanted to speak about my
23 life, about what would happen, because I'm testifying as a witness here and I'm
24 concerned about my life as well.

25 MR LIRISS: (Interpretation) Mr Registrar, with the leave of the President, could

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1 we have the following page on the screen, or the next page on the screen?

2 THE COURT OFFICER: The document is available on your screens.

3 MR LIRISS: (Interpretation) Thank you.

4 Q. I'd like to put my question more precisely in relation to the document that you
5 have before you, the second line, "Yes, I know of course you are right. I put this
6 question to you, because yesterday evening - and the year is 2008 - I heard that they
7 had killed the mayor of Kwi," and I will stop there. So these same perpetrators who
8 killed in 2008 -- who killed the mayor of Kwi in 2008, well, could you provide us with
9 more details as to their identity?

10 A. Thank you, Maître. The mayor of Kwi, that wasn't in 2008. That's not what I
11 said. It wasn't in 2008. The investigations were launched in 2005, but I didn't
12 mention the mayor being killed in 2008.

13 Q. These are your statements that you gave in 2008. I can provide you with the
14 date, if I'm not mistaken. 13 March 2008.

15 A. I do apologise, Maître. 13 March, does that date coincide with my testimony?
16 I was only explaining to the investigators certain things. I spoke about killings,
17 about the mayor of Kwi as an example, but the date of my testimony doesn't coincide
18 with the date of the death of the mayor of Kwi. I'm not sure if you can understand
19 me?

20 Q. Perhaps I'm phrasing the question in a complicated way. I'll rephrase it. You
21 explained to the investigators about how you and your family were attacked, about
22 the atrocious way in which you were attacked, and then you expressed your fear
23 when the investigator said that your statement could be disclosed to the parties and
24 in particular to the Defence and to your country's government. Following that
25 statement, you said that you had certain fears because the very same perpetrators

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1 continued to commit acts of violence. Who were you referring to? To those who
2 attacked you, or to someone else?

3 A. Thank you, Maître. I wasn't referring to those who harmed me. This only
4 concerns Bozizé - President Bozizé - because his soldiers left to kill the mayor of Kwi.
5 I told this to the investigators. The investigators were questioning me as to what my
6 fate would be.

7 Q. I apologise for going over this again, but these can't be Bozizé's forces.

8 A. Why? This is what you say. I would have difficulties/problems with the new
9 government. What would happen if they gained power?

10 Q. It can't be Bozizé's soldiers, because he was already in power. You are
11 referring to someone else. Could you please make an effort and try and remember
12 who you were referring to, and if you say you can't remember that's not a problem.

13 A. Thank you. You know, this happened a long time ago and so I can't remember
14 all the details, but to say that those brothers harmed me, no. As far as that issue is
15 concerned, they are not involved.

16 Q. Thank you, sir. This is the Defence 's case. You wanted to say that the
17 persons who sexually attacked you are the same as those committing atrocities, or
18 who were committing atrocities in the west of the country in 2008. That's our case.
19 That is the reason for the questions being put to you. You might not agree with this,
20 but this is the Defence case.

21 PRESIDING JUDGE STEINER: Mr Liriss, just for the sake of the record, the
22 document you are referring to is an interview that took place on 15 March, not on the
23 13th. It's just a correction.

24 MR LIRISS: (Interpretation) Thank you, Madam.

25 PRESIDING JUDGE STEINER: Madam Kneuer?

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1 MS KNEUER: Madam President, the Defence counsel is misrepresenting the
2 evidence. He is quoting something that the witness allegedly said, but he never did
3 so. My suggestion would be that if the witness is confronted with parts of his
4 statement that in all fairness to the witness the context should be provided for him to
5 better understand and, if the witness is then giving an answer in this Court, it should
6 be accepted and not twisted or misrepresented.

7 PRESIDING JUDGE STEINER: Maître Liriss, I think it's a very reasonable
8 recommendation that we don't pick and choose some isolated answers, but put them
9 in the context that helps the witness in his recollection of the facts. Judge Aluoch
10 wants to --

11 JUDGE ALUOCH: Sorry. Mr Liriss, I'm just reading the transcript where you were
12 particularly telling the witness that, "You wanted to say ..." -- I think it's lines 16 and
13 17. "You wanted to say that the persons who sexually attacked you are the same as
14 those committing atrocities, or who are committing atrocities in the west of the
15 country in 2008. That's our case." So you had a proposition to put to the witness,
16 but what you are saying -- what the transcript reads is that you are telling the witness,
17 "You wanted to say this and this." You are not putting your proposition to the
18 witness. I think that's why the two of you are not understanding each other. You
19 had a proposition to put to the witness, but you didn't put that. You were actually
20 telling the witness, "You wanted to say this and this."

21 MR LIRISS: (Interpretation) Your Honour, I think there's a transcript error. I
22 wanted to say, "Here is the Defence 's case. This is our case. It might be erroneous,
23 it might be true, but it's a hypothesis that the Defence is putting forward. In the
24 Defence's opinion, these very same perpetrators in 2008 are those who attacked him.
25 That's our thesis. That's our case."

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1 Madam President, as far as being fair is concerned, I didn't want to put lengthy
2 questions to the witness. The document was provided and it's clear this is what took
3 place, "I need to know during the period while the Banyamulengue were at your
4 house, did they attack your women and children?" He mentioned what happened in
5 the room. He wasn't in the room. He knows nothing about that.
6 On the following page, you can read it. Rape is referred to. I haven't twisted this.
7 "During our collaboration here ..." -- this is page 0165, "During our collaboration here,
8 I told you my story. It's been put down in writing for the sake of justice and I'm
9 wondering whether I'll have problems with the judiciary." "Why?" "Because you
10 asked me on a number of occasions to put my name down on the sketch and to sign
11 it." "No, you didn't do anything wrong. Why would you be concerned?"
12 Should I continue reading this? I don't see what has been twisted ,or misrepresented.
13 "Why would you be afraid? It's your very own government that is asking that those
14 responsible be judged before a tribunal." The gentleman answers, "Yes, but these
15 very same perpetrators are still committing atrocities." So my question was who
16 these perpetrators are. We didn't speak about other perpetrators earlier on. In any
17 event, the Defence has presented its case and the witness has to refute it, or -- or the
18 Defence. I think this concludes the subject, your Honour.

19 Q. Another question, Witness. Unless I've misunderstood something, the harm
20 inflicted on you happened because you would go and denounce the aggression
21 committed by the Banyamulengue. This had become a habit; is that correct?

22 A. It probably isn't denouncing acts of aggression. Attacks very -- the real
23 problem is that when they wanted to attack the population, rape people, I would go
24 out to intervene and that is why I had all these problems.

25 Q. I agree. Now, whatever the date is, the 17th, the 18th, the 19th, the 30th, as you

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1 wish, it was said that the Banyamulengue came in the night and that they rested
2 staying at the gendarmerie.

3 A. Yes, that is correct, because when they arrived in the evening they couldn't
4 invade the neighbourhood and that's why they grouped together at the gendarmerie.

5 Q. You also stated that the population was happy thinking, perhaps wrongly, that
6 these were liberators who were going to liberate people from the rebels who had
7 come previously; is that correct?

8 A. Yes, that is correct.

9 Q. I suppose that in this joy in the morning people went to the market, carried out
10 their normal activities; is that correct?

11 A. That's correct.

12 Q. Until such a point at 10 o'clock people came to attack you; is that correct?

13 A. No, counsel. When they spent the night in the gendarmerie, the next morning
14 they took over the whole neighbourhood. That's to say from the gendarmerie going
15 via the school, they took over the whole neighbourhood and, then, they started to
16 cause damage. Furthermore, at dawn -- well, the soldiers were already taking over
17 the whole neighbourhood. It was totally taken over by these soldiers.

18 Q. Witness, you've just said - and here I'm reading what you said - that "I was in
19 the street, we were very pleased to see them because for us it was a liberation." And
20 now you've just said that in the morning people were carrying out their normal
21 occupations because in your statement you say 0034-0129_R02.

22 A. Counsel, counsel --

23 Q. I haven't finished.

24 A. Thank you. If there are exchanges between you and me, I would like to state
25 the following: The arrival of the Banyamulengue in PK12 was received with joy by

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1 everybody. The evening itself of their arrival, even I, I went out onto the main road
2 and when we saw them we were very happy. They spent the night there and it was
3 the next morning that they started committing damage, perpetrating damage within
4 the neighbourhood. When they arrived, we were very happy, very pleased to
5 receive them, welcome them. I couldn't condemn them from the moment they
6 arrived.

7 Q. Okay, I accept your explanations. Why was the population so happy that the
8 Banyamulengue had arrived after the departure of the rebels?

9 A. Thank you. The people were happy because the population had feared the
10 presence of the rebels. The population had this fear because when the rebels had
11 established their base in the neighbourhood, where there were clashes with loyalists,
12 the population could suffer the consequences and it was for that reason that the
13 population was happy to see the arrival of these forces, the Banyamulengue.

14 Q. Witness, but the rebels, the rebels had left. The rebels had left. The
15 Banyamulengue came and replaced them. So why this joy? It would seem that that
16 could have been manifest at the time that the rebels left. Why were the
17 Banyamulengue received with joy when they arrived?

18 A. Yes. The people had received them with joy because when there was fighting
19 or battles nobody could go out and carry out their occupations. Nobody could go to
20 the market. We thought that they were coming to help us, to free us from the
21 situation, to make it possible to go to the market and to find something to eat in order
22 to be able to have something for their children. We were happy. On the first day
23 we welcomed them, the first day on which they arrived in the evening.

24 Q. If I understand you well, during the rebel occupation, the population couldn't
25 carry out their occupations freely?

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1 A. Yes. Everybody was afraid, Counsel.

2 Q. How did they behave? What instructions did they give? What measures did
3 these rebels take, such that people would not carry out their occupations, wouldn't go
4 to the market, wouldn't go to the farms?

5 A. The rebels came to fight. They were based in a well-known place of the -- or a
6 place well-known by the State, and it was from there that they attacked. We were
7 afraid -- or they attacked this place. We were afraid in case of reprisals. When they
8 were based with us we thought we were going to suffer the consequences and we
9 couldn't go and get something to eat.

10 Q. I am perfectly in agreement with that, everybody would be afraid under such
11 circumstances, but it's rather the following: The rebels were there and you couldn't
12 carry out your occupations in all tranquility; is that correct?

13 A. I think it is what you have just said.

14 Q. Now, the question why. Who prevented you from carrying out your
15 occupations just through the presence of the rebels?

16 A. I will repeat myself, Counsel. We were afraid, afraid of dying because of their
17 presence. That prevented us from moving about.

18 Q. You stated in your testimony that Bozizé's rebels did nothing to the population.
19 They asked everyone to stay calm; is that correct?

20 A. Yes, that is what I said.

21 Q. So why is there this fear, why welcome those who arrived with more joy?
22 Why consider them as liberators? Liberated from what?

23 A. All that I can give you by way of an answer is that the presence of the rebels
24 brought war. We weren't able to put up with war; we're civilians. When there are
25 bullets going through the air, they don't just choose rebels. Bullets can go and kill

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1 anyone, even the chickens. That's why we were afraid.

2 Q. I think that is enough with regards to questions in this regard, your Honour.

3 If you would allow me, we are going to look at the circumstances of the aggression
4 that was perpetrated. If you would prefer, I can ask these questions tomorrow.

5 You might be too tired to go through all that now and I can go on to a different
6 questions, but if you would allow me for today then I would ask - with the leave of
7 the Chamber - for you to be provided with the outline of your compound such that
8 you can -- but I can see that there's tiredness in your eyes and I think it might be
9 better to do that tomorrow and I could go on to another matter for the time being.

10 What do you think?

11 A. Thank you for what you've said, for the precise point that you want to go into.

12 I would prefer it that the Judges authorise us to speak about it tomorrow morning.

13 MR LIRISS: (Interpretation) I note the accord of the President with this. I'm
14 agreement with that as well.

15 Q. We are now going to go into another question. I don't know if we are going to
16 finish it today.

17 PRESIDING JUDGE STEINER: Madam Kneuer?

18 MS KNEUER: Thank you, Madam President. It's unclear to the Prosecution, if the
19 witness is too tired to respond to one topic, if he is not too tired to respond to another
20 topic, then I kindly ask to clarify with the witness if he's tired in his entirety and
21 wants to continue tomorrow or if it's just really related to a certain topic.

22 PRESIDING JUDGE STEINER: If Maître Liriss would allow the Bench, I will direct
23 the question to the witness: Are you ready to continue with your testimony in
24 relation to other topics, other than the aggression you suffered?

25 THE WITNESS: (Interpretation) I think, in order to accelerate matters, it is okay,

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1 but I have to tell the truth, I am tired. If there are just a few questions, I could
2 answer, but if it's to really talk about my compound and everything, then I'd much
3 rather wait 'til tomorrow. I can do everything then.

4 (Trial Chamber confers)

5 PRESIDING JUDGE STEINER: Thank you, Mr Witness. I think that, if I have the
6 agreement of the Defence and the Prosecution, as well as of the legal representatives,
7 we should suspend today's session in order to allow the witness to rest a little bit.
8 I think it would be fruitful for all parties and participants if the witness is able to
9 answer to the questions without being tired or distressed. So if I can count on your
10 agreement, then we will suspend. We will adjourn for today and we will be back
11 tomorrow morning.

12 Mr Witness, since you are tired, we are going to adjourn this hearing today to give
13 you the opportunity to take a long rest, and we'll be back tomorrow morning. Then
14 you will feel better in order to answer to the questioning by the Defence. Is that fine
15 with you?

16 THE WITNESS: (Interpretation) That is fine by me.

17 PRESIDING JUDGE STEINER: I thank you very much for your presence today. I
18 thank very much for the Prosecution's team, the legal representatives, the
19 Defence team, for their understanding. We are going then to adjourn and we'll
20 resume tomorrow morning at 9.30. I thank Mr Jean-Pierre Bemba Gombo, for the
21 interpreters and court reporters. And turn into, please, court officer, into closed
22 session in order for the witness to be taken outside the courtroom.

23 Have a nice evening, Mr Witness.

24 *(Closed session at 3.18 p.m.) Reclassified as Open session

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

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1 (The witness stands down)

2 THE COURT OFFICER: All rise.

3 (The hearing ends at 3.20 p.m.) .

4 CORRECTIONS REPORT

5 The Court Interpretation and Translation Section has made the following corrections
6 in the transcript:

7 * Page 18: Line 19 to Page 19: Line 2

8 “ Counsel, what I can say is that today I am here before the Judges, and that is all I am
9 saying. I know I consider myself to be a dead man because I was in the middle
10 between Bozizé and Patassé. I know that if one day, if Patassé and Bozizé were to be
11 before the Judges, they are going to say that because I underwent violence and abuse,
12 I started to talk and then they were arrested. But now I say to myself these are risks
13 that I'm taking. Whether he is in power or not, now I consider myself to be a dead
14 man. This is what I said. And I can't utter the name of the brother on the other side
15 of the river because he cannot come of his own free will to commit violence and abuse.
16 The ones who committed the violence and abuse were Bozizé and Patassé “ is
17 corrected by “ Counsel, today we are here before the Court. As I give this testimony, I
18 consider myself to be a dead man. For I find myself between Patassé and Bozizé. I
19 think that if Patassé and Bozizé are brought to justice, they will know that it was me
20 --- because of what happened to me --- who denounced them so that they would be
21 arrested or dealt with one way or another. That is why I was afraid, and I told myself
22 that I was taking some serious risks. Whether they remain in power or not, I already
23 consider myself to be a dead man. That is what I said. I cannot give the name of the
24 brother who is on the other side of the river, for he was there, he could not come and
25 attack me here. The only people who could harm me were Bozizé and Patassé. ”

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1 RECLASSIFICATION REPORT

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

3 ICC-01/05-01/08-3038 and the instructions in the email dated 4 November 2013, the

4 version of the transcript with its redactions becomes Public

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