

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 Monday, 24 January 2011

9 (The hearing starts in open session at 9.36 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. 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 would like to welcome
20 back to this Court the Prosecution team, the legal representatives of victims, the
21 Defence team, Mr Jean-Pierre Bemba Gombo, to say good morning to our interpreters
22 and court officers, and let's go for a while into closed session in order for the witness
23 to be brought into the courtroom. Please, court officer.

24 *(Closed session at 9.37 a.m.) Reclassified as Open session

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

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1 (The witness enters the courtroom)

2 PRESIDING JUDGE STEINER: Let's turn back into public session, please.

3 (Open session at 9.39 a.m.)

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

5 WITNESS: CAR-OTP-PPPP-0023 (On former oath)

6 (The witness speaks Sango)

7 PRESIDING JUDGE STEINER: Thank you. Good morning, sir. Have you had a
8 good weekend?

9 THE WITNESS: (Interpretation) Good morning, your Honour. I had a good
10 weekend. Thank you.

11 PRESIDING JUDGE STEINER: Do you feel prepared to continue giving your
12 testimony before this Court?

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

15 PRESIDING JUDGE STEINER: Thank you. I just would like to remind you that
16 you are under protective measures and that your image and your voice in the public
17 broadcast are being distorted so that the public cannot identify you by your face or by
18 your voice. I would like to remind you as well that other witnesses, including some
19 members of your family, are also under protective measures, and therefore we ask
20 you, please, not to mention names, places, or any other identifying information
21 related to you, your family, your neighbours. Do you understand that, sir?

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

23 PRESIDING JUDGE STEINER: Thank you. And, finally, I have to remind you that
24 you are still under oath. Do you understand that?

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

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- 1 PRESIDING JUDGE STEINER: So we are going to continue today with your
2 questioning by the Prosecution, and whenever you feel tired, or distressed, or you
3 need a break for any reason, you just let us know. You will have as many breaks as
4 you need. Can we continue then?
- 5 THE WITNESS: (Interpretation) Yes, I agree we can continue.
- 6 PRESIDING JUDGE STEINER: Thank you. Mr Bifwoli, you have the floor.
- 7 MR BIFWOLI: Thank you, Madam President, your Honours.
- 8 QUESTIONED BY MR BIFWOLI: (Continuing)
- 9 Q. Good morning, sir.
- 10 A. Thank you. Once again I would like to say good morning, your Honour.
11 Good morning, Mr Prosecutor.
- 12 Q. We are happy to note that you had a good weekend, you had some rest and you
13 are ready to proceed in giving your evidence. Now, before we proceed, I will
14 remind you where we finished from the last time we were in court, and on page 62,
15 from line 2 to 11, my last question was: "Apart from the rebels that you have
16 mentioned, did the Banyamulengue take anything from you?" And your answer
17 was: "Thank you, Prosecutor. They took a lot of things. They took my vehicle
18 with which I was able to feed my children. There were -- there was a (Redacted)
19 which I used for the tapioca. They took 17 out of 18. They also took -- they also
20 took the generator. I couldn't do anything. They took everything. They took
21 everything from us, and that meant I had nothing. I was somebody who had a lot,
22 but they took everything from me and I was left with nothing. I could do nothing.
23 They took my mill for tapioca, as well."
- 24 Sir, do you recall telling the Court that the last time before we took a break?
- 25 A. Yes, I remember everything that you have just reminded me of.

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1 Q. Now, this morning, we'll proceed from where we left the last time. Now, my
2 next question is: When did the Banyamulengue take these items that you've just
3 stated?

4 A. All the items that were taken by the Banyamulengue with regard to the vehicle,
5 it was the 10th. After that, until the 30th, they started to take the various items. So
6 some items were very heavy, and since they themselves had some pushcarts that they
7 had taken from other people, they were able to take all these various items until
8 nothing remained.

9 Q. Sir, you've mentioned that they took these items from the 10th. Which month
10 was it?

11 A. The 10 November, and the worst damage was on the 10th because they came
12 into the house. They saw that there were various possessions, so they gradually
13 began to take these various items and take them away with them.

14 Q. You also mentioned the 30th. It was the 30th of which month?

15 A. Still the same month, the month of November, the eleventh month.

16 Q. And how did you know that, indeed, it was the Banyamulengue who took these
17 items?

18 A. Thank you for that question. I am here today to tell you about the events and
19 the abuse and the violence committed by the Banyamulengue. Why? Because the
20 Banyamulengue took my possessions. If it were Bozizé's soldiers, Mr Prosecutor, I
21 would have said that it was Bozizé's soldiers. If it had been the soldiers from
22 Patassé's Presidential Guard, I would have said that it had been the Presidential
23 Guard. But the people that I saw, the people who took my possessions were the
24 soldiers of Jean-Pierre Bemba, usually referred to or commonly referred to as "the
25 Banyamulengue."

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1 Q. Apart from you, did the Banyamulengue take anything from your wives?

2 A. Mr Prosecutor, I can enumerate the items. The utensils, I didn't give that as an
3 example of my possessions. The owners exist and I think the owners will be coming
4 to tell -- coming here to speak about this.

5 Q. Did they also take anything from your daughters?

6 A. Thank you, Mr Prosecutor. They took many things that belonged to the
7 children. That is why I'm telling you that each person will come and tell you which
8 items were taken from them. So my answer to this question - this is the only answer
9 I can give you - if I were to try to list them all, if I don't do it correctly, that might
10 make for problems for the file that is being presented here.

11 Q. Thank you, Mr Witness. Could you have prevented the Banyamulengue from
12 taking your belongings?

13 A. Mr Prosecutor, what kind of resistance could I have put up to someone who had
14 weapons? We were there and we had to watch them do what they wished as if they
15 were their own -- as if those goods were their own possessions.

16 Q. And could your wives and daughters, could they have prevented them from
17 taking the items they took?

18 A. Mr Prosecutor, people like me - I am a man - I was not able to put up resistance.
19 How many times the women -- what power did the women have to resist against a
20 man? I don't think so, Mr Prosecutor.

21 Q. Did you consent to the Banyamulengue taking your items?

22 A. Mr Prosecutor, if I had agreed to what happened, Mr Prosecutor, your Honours,
23 if I had consented, I wouldn't have come here. I would not be before you, because if
24 I had agreed for them to take the possessions -- I am here today because I am
25 challenging. I am speaking out against what they did. They were strong, but my

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1 only strength today is justice. If justice can't side with me today, that is not
2 important. I will go back home, and I will go back home and live in the poverty that
3 I was plunged into.

4 Q. Are you aware if your family consented to the Banyamulengue taking their
5 belongings?

6 A. I never gave my consent, Mr Prosecutor, because if I had given my consent to
7 the Banyamulengue taking the possessions of my family, tomorrow they would say,
8 "Oh, well, he consented." I never gave my consent. We were unable to resist. I
9 think there's an example. You see, along the river there were clashes between our
10 soldiers and the Banyamulengue because of various items that they wanted to take
11 back to their country.

12 Q. Thank you, sir. I got your answer very clearly, but my question was: You
13 stated clearly that you did not give consent, but are you aware if any member of your
14 family consented to the Banyamulengue taking their items?

15 A. No member of my family gave consent to his or her possessions being taken.
16 No members of my family consented.

17 Q. And did the Banyamulengue who took your items pay you or pay your family
18 for the items that they took?

19 A. They were not given any money, but the money that there was that was the
20 money that we had, thanks to the machines, and that money was kept in the strong
21 box. They took that money. Prosecutor, even if you gave them money, they would
22 take it. They would come back to take the goods, possessions. They took
23 everything forcibly, Mr Prosecutor.

24 Q. Were you and your family ever compensated for the items that were taken by
25 the Banyamulengue?

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1 A. But what interest would we have in having the Banyamulengue judged if we
2 had taken money from them? How -- would God allow someone whom you had
3 given money to to be in front of the tribunal? *They were not given any money, but
4 the money that there was that was the money that we had, thanks to the machines,
5 and that money was kept in the strong box.

6 MR BIFWOLI: Madam President, your Honours, we ask for a moment to confer.

7 (Prosecution counsel confer)

8 MR BIFWOLI: Thank you, Madam President, your Honours.

9 Q. Witness, the question -- the previous question that I asked you, and the answer
10 that you've given, it's not clear whether you understood the question when we asked
11 you whether you and your family were ever paid any money by the Banyamulengue,
12 but in your answer you stated that in fact the Banyamulengue took money from you.
13 So I would like you to clarify, or state it very clear. Were you, or any member of
14 your family, paid any money by the Banyamulengue for the items that they took from
15 you?

16 A. Thank you, Mr Prosecutor. We didn't receive any money after they took what
17 they took.

18 Q. Thank you for that clarification, sir. Now, did the Banyamulengue return any
19 of the items that were taken from you and members of your family?

20 A. None of the items were returned, but there was the ruins of the car found on the
21 road to Boali. The engine had been taken and all the parts had been taken too.
22 That's all we found after they left. So apart from that we found nothing else, and as I
23 said the vehicle - the abandoned vehicle - was found on the road towards Boali, 45
24 kilometres away.

25 Q. Apart from you and members of your family, did the Banyamulengue take

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1 anything from the population in your neighbourhood; the civilian population in your
2 neighbourhood? Did they take anything from them?

3 A. They took many items, Mr Prosecutor, as I have said already. There were
4 (Redacted), people came (Redacted), but there was nothing I could do. I
5 went to the gendarmerie to ask for help, but I was told that nothing could be done.
6 They took the items, stockpiled them at their commander's place and later they took
7 them to the other bank; the other side of the river.

8 Q. Are you in a position to tell the Court any particular items that they took from
9 these people?

10 A. I think here before this Court I can only mention minor items like kitchen
11 utensils, cutlery and so on and so forth, but as for things like beds, well, they took such items
12 too, but they used them to -- as firewood. If you had a sewing machine, they would take the
13 sewing machine. * If you had a machine for grinding groundnuts, they would take that Cell
14 phones, too. They would take everything from the house. So those are the
15 important sort of items they took: Beds, mattresses, utensils. They would take
16 plates - precious plates - from the Muslims for example. That's what I can tell you
17 right now, Mr Prosecutor.

18 Q. And how did these people know that the people who took their items were in
19 fact the Banyamulengue?

20 A. Thank you, Mr Prosecutor, for that question. It was only the Banyamulengue
21 and ourselves who were in the neighbourhood for three, four, five months. We were
22 there with them. * It was after the PK22 battle that they were relocated. There
23 were a few of them who remained there at that location. Even the soldiers from the
24 presidential guard couldn't enter the neighbourhood. They killed all the soldiers
25 who entered the neighbourhood, so the soldiers from our country couldn't even go

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1 into the neighbourhood; into our neighbourhood. We were there with the
2 Banyamulengue until they finished their work before they left.

3 Q. Sir, just a while ago, at page 9, lines 15 to 18, you told the Court that the pillaged
4 goods were stockpiled at their commander's place and they later took them to the
5 other side of the river. Sir, what is the name of the other side of the river where the
6 Banyamulengue took these goods?

7 A. The other side of the river I was referring to is Zaire.

8 Q. Do you know whether the Banyamulengue compensated or returned the items
9 to these people; the civilians from whom they had taken these items? Were they
10 ever compensated, or were those items ever returned to them?

11 A. Mr Prosecutor, no items were returned or paid for.

12 Q. A short while ago you stated that these items crossed to the other side of the
13 river. How did you know this?

14 A. Mr Prosecutor, I can know that because they stockpiled the items in the camp
15 where they had their headquarters, and then they would load vehicles, load these
16 items on to vehicles, so that they could transport them. And when they put the
17 items into the vehicles we were there, we saw all that, but we were not able to do
18 anything about it. All our items, all our goods, was transported to the other side of
19 the river.

20 Q. My question is how do you know that indeed they were transported to the other
21 side of the river? Did you see it?

22 A. Mr Prosecutor, I saw some of it, but not everything. For example, there was a
23 clash between them and the soldiers from our country at the port. It was about these
24 items. When they took these items to the river bank and when they tried to
25 transport them to cross the river with the items, our soldiers tried to oppose them and

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1 this resulted in a clash.

2 Q. Sir, were you at the river bank when these items were crossing?

3 A. I wasn't at the river bank, but the radio mentioned the fact that these items were
4 transported. The Ndeke Luka radio mentioned this fact and this is how we were
5 able to understand the situation.

6 Q. What is the name of this radio?

7 A. As I have just said, the name of the radio is Ndeke Luka.

8 Q. And in which language or languages does this radio, Ndeke Luka, broadcast in.

9 A. Radio Ndeke Luka broadcasts in two languages that I understand very well, it
10 broadcasts in Sango and in French, and this is how I was able to understand the
11 information that I'm conveying to you today.

12 Q. And, sir, how often did the Banyamulengue transport these items to the other
13 side of the river?

14 A. Mr Prosecutor, it's a big country, as I have already said. There is the Damara
15 Road, there's the Boali Road and there's also the road that passes through the centre of
16 the town. Those who wanted to take items out could either use the Boali Road or
17 some other road. This means that in one day you could take everything away. I
18 couldn't count the number of vehicles that passed through every day. I wasn't close
19 enough to them. If anyone tried to approach them, they considered that person to be
20 a spy, so one can't really know how frequently these items were transported.

21 Q. Sir, last week you mentioned that you met and talked to (Redacted)

22 (Redacted)

23 (Redacted)

24 PRESIDING JUDGE STEINER: Mr Prosecutor, are you going to continue this line of
25 questioning because, therefore, I would like to have it -- I would prefer to have it in

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1 private session.

2 MR BIFWOLI: Yes, Madam President, I have a number of questions on that.

3 PRESIDING JUDGE STEINER: Therefore, I ask court officer to go for a while into

4 private session.

5 *(Private session at 10.18 a.m.) Reclassified as Open session

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

7 MR BIFWOLI:

8 Q. Sir, we are now in private session, and it means that whatever you say here

9 cannot be heard outside this Court. So as I had told you a short while ago, that last

10 week you mentioned that you met with (Redacted)

11 (Redacted) My question is: In which

12 language did he talk to you?

13 A. Thank you, Mr Prosecutor. (Redacted) spoke in French. He also spoke Sango.

14 Before we met, before we got to know each other, in fact, we spoke to each other in

15 French; and then he started speaking to me in Sango, since he thought it was

16 important to learn this language. So we used these two languages to communicate.

17 Q. Could you differentiate the Sango spoken by (Redacted) and Sango spoken by a

18 Central African?

19 A. Thank you, Mr Prosecutor. Yes, there's a difference, since someone who learns

20 Sango can't speak with the ease with which I can speak to you today. Someone who

21 learns Sango can never use the language properly, so someone who understands

22 Sango well has to help such a person to use Sango, to speak Sango correctly.

23 Q. Did you report what the Banyamulengue did to you and your family to (Redacted)?

24 A. Yes, I told him about everything. I told him about what had happened to me.

25 I told him that (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted).

5 Q. Sir, if I may, I may take you back to the issue of (Redacted)

6 (Redacted). At page 18, lines 19 to 22, you stated that (Redacted)

7 (Redacted) tell you whether this language

8 that was spoken by him and the Banyamulengue, including the term "yaka," was

9 indeed Lingala?

10 A. Thank you. Thank you, Mr Prosecutor. "Yaka" is a Lingala word. We didn't

11 know this, but he told me that it was a Lingala word that means "come."

12 Q. Did you ask (Redacted) whether there were any rebels in PK12?

13 THE INTERPRETER: The interpreter didn't hear the answer from the Sango booth.

14 MR BIFWOLI:

15 Q. Sorry, sir, I think there was a problem with interpretation. I will repeat my

16 question. Did you ask (Redacted) whether there were rebels in PK12?

17 A. I couldn't put such a question to him. He came to fight against the rebels. If

18 I had asked him such a question, he would have said that I had certainly seen some of

19 the rebels and that's why I had gone to see him. So, Mr Prosecutor, I couldn't ask

20 him something like that. I just told him about the fact that these soldiers were

21 maltreating, mistreating the population.

22 Q. Now, apart from the crimes that were committed against you and your family,

23 did you also (Redacted) other crimes committed by the Banyamulengue against

24 the PK12 civilians, as well?

25 A. Thank you, Mr Prosecutor. I think I spoke about many things. I spoke about

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1 various items, goods, about children who were killed, about the cases of rape, about
2 theft, about many other crimes; but I couldn't provide any names here because there
3 are many inhabitants and I can't know all their names. All I know is that many
4 people lost their property in the PK12 neighbourhood.

5 Q. How many times did you (Redacted) crimes to (Redacted)?

6 A. (Redacted) Occasionally, when the situation was difficult,
7 beyond me, (Redacted) about everything that had happened
8 before going home.

9 Q. Can you describe to the Court how (Redacted) was dressed?

10 A. He was in uniform, in camouflage uniform. He also had a military cap,
11 military head-wear. (Redacted) They were all
12 armed. He also carried a small weapon, a sidearm, and he also had a spear.

13 Q. Was he wearing anything on his feet?

14 A. He was wearing ranger boots.

15 Q. Thank you. And where was (Redacted) staying?

16 A. (Redacted) was staying in my neighbourhood, about (Redacted)
17 (Redacted).

18 Q. I will take you back to the issue of (Redacted). Did it have any
19 distinctive sign?

20 A. (Redacted)

21 (Redacted)

22 Q. How did you know that he had (Redacted)?

23 A. Thank you, Mr Prosecutor. I knew that he was (Redacted) because even in our
24 country soldiers (Redacted) that was made out of pieces of fabric, and we were
25 told that it was (Redacted). We were also shown the (Redacted)

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1 (Redacted) and everyone called (Redacted), so that's how I knew that he was

2 (Redacted).

3 MR BIFWOLI: I ask for a moment to confer. Thank you, Madam President. I

4 think it's a convenient time to go back to open session.

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

6 (Open session at 10.35 a.m.)

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

8 MR BIFWOLI:

9 Q. Sir, I would like to remind you that we are now in open session and avoid to
10 mention any names, names of location and other details that may identify you or your
11 family. Now, do you know PK13?

12 A. Yes, I do know PK13. It is located one kilometre away from PK12. It is the
13 place where one finds the cattle market.

14 Q. During this period of October 2002 to March 2003, did anything happen at the
15 cattle market?

16 A. Yes, something did happen at the cattle market. * One day we learned that a
17 number of those people who wear flowing robes were massacred there

18 Q. Do you know who massacred these people?

19 A. The person's name is Miskine. He was an ally of President Patassé.

20 Q. When did these massacres take place?

21 A. Thank you, Mr Prosecutor. I may have forgotten some dates, but what I do
22 know is that the massacre occurred on market day. It was a Friday, but I no longer
23 recall. Perhaps it was a Friday. I don't remember the exact date.

24 Q. Witness, it's fine not to recall the exact date, but are you in a position maybe to
25 recall the month?

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1 A. It probably was in July; that is to say July 2002.

2 Q. And sir, after these massacres took place, how long there -- where were the
3 Banyamulengue at that time, when these massacres took place?

4 A. At that point in time they had not yet arrived. They had not yet arrived in our
5 country. In any event, I hadn't seen them.

6 Q. And did Miskine or his troops commit any crimes in your neighbourhood
7 during the time that the Banyamulengue were in control of your neighbourhood?

8 A. No, Mr Prosecutor. At the time when Miskine committed those crimes the
9 Banyamulengue had not yet arrived. They weren't even close. *I cannot say today
10 that the Banyamulengue joined forces with Miskine's men to massacre those people
11 who wear flowing robes.

12 Q. Thank you for your answer. But my question is: During the time that the
13 Banyamulengue were in control of your neighbourhood, did Miskine commit any
14 crimes within your neighbourhood, not the cattle market?

15 A. He did nothing to the civilian population. He was fighting against the
16 Muslims who were at the cattle market. * They were killed there and they were
17 buried there as well, and the funerals were organised in the neighbourhood.

18 Q. Sir, now I would like to direct your attention to my next topic. My question is:
19 You have testified that Bemba was the leader of the Banyamulengue. Do you recall
20 if he ever visited your neighbourhood?

21 A. Yes, Bemba arrived in our neighbourhood. He came out from the side of the
22 school and we saw them at the maternity clinic, and then he went away, taking the
23 Damara road.

24 Q. Do you remember the month when Bemba visited your neighbourhood?

25 A. It was in November.

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1 Q. Was it before or after what happened to you and your family?

2 A. We were subject to that violence and abuse before he arrived. The abuse and
3 the violence against my family was on the 8th, but I can't really remember the exact
4 date on which he arrived. All I know is that he arrived in November, during the
5 month of November.

6 Q. How did Bemba arrive at your neighbourhood?

7 A. Thank you, Mr Prosecutor. As I already said, he came. He came probably on
8 a helicopter, because there were two helicopters that landed in the school yard and,
9 when he came, he was in a presidential car. First he went by, he went by his military
10 headquarters, and then he had all his soldiers gather together and then they came to
11 the maternity clinic.

12 Q. At the time of his arrival, was anyone waiting for him?

13 A. Thank you, Mr Prosecutor. There were many people. I am speaking to you
14 today and I, too, saw how the soldiers were running to come and wait for him and we,
15 too, we followed them. We lived further down and we went up towards the
16 maternity clinic. The soldiers were there at the maternity clinic, as well as the
17 population. We were all there.

18 Q. And did you - you, yourself, did you see him clearly?

19 A. I did see him with my own eyes. That is why I'm telling you about this.
20 Furthermore, I wasn't the only one. Even the population was there, including the
21 secretary of the chef de quartier, the neighbourhood chief.

22 Q. Can you tell the Court what Bemba was wearing on that day?

23 A. Thank you, Mr Prosecutor. If I'm unable to describe his clothing, it's not my
24 fault because that was a long time ago. That day, two of his soldiers were there.
25 He himself was wearing his camouflage uniform. He spoke to us a bit in French and

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1 then he continued in Lingala, speaking to his troops.

2 Q. And was he wearing anything on his head?

3 A. Thank you, Mr Prosecutor. I didn't see anything on his head, whether he
4 might have been wearing something and taken it off his head, but I really am not in a
5 position to know that.

6 Q. And from where you were, could you see the feet of Mr Jean-Pierre Bemba?

7 A. We could see his feet. You know, when someone wears a military uniform,
8 you have to wear military footwear as well.

9 Q. When Jean-Pierre Bemba arrived, was he accompanied with anyone?

10 A. Thank you, Mr Prosecutor. The person whom we saw who was with him
11 was -- the people, correction, were his two bodyguards. When we arrived, those
12 soldiers were in the neighbourhood -- his soldiers were in the neighbourhood before
13 his arrival. They had already arrived. I didn't see any other people close to him,
14 other than these two bodyguards.

15 Q. A short while ago you've told the Court that his soldiers as well as civilian
16 population were present. Can you describe to the Court how the Banyamulengue
17 were positioned when Mr Jean-Pierre Bemba came?

18 A. When Jean-Pierre Bemba arrived -- at the entrance to the maternity clinic,
19 Bemba -- at the entrance to the maternity clinic of Begoua, his soldiers were there, and
20 then the general population had come to present their grievances to him, and then
21 there were three soldiers -- correction, still other soldiers. He was standing in the
22 yard of the local maternity clinic.

23 Q. And where was the civilian population in relation to his troops?

24 A. The troops were in a row and we, the population, the local population, we had
25 gathered in the middle of the place and there were other soldiers behind us. The

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1 soldiers were in rows.

2 Q. Was Mapao present with the Banyamulengue during this time when

3 Mr Jean-Pierre Bemba visited his troops?

4 A. Yes, Mapao was there. How could he have not been there? His president was

5 there. But we counted more on him -- correction, we no longer counted on him.

6 Our hope was to meet with the authority, the person in authority, to express our

7 concerns to him.

8 Q. What about Moustapha? Was he present as well?

9 A. Moustapha was also there. It was their leader. How could he not have been

10 there? Everyone was there to greet him before each person went back to his

11 particular position. The names that were given to us were their names, the names

12 that I am giving to you, telling you.

13 Q. In which language did Mr Jean-Pierre Bemba address his troops?

14 A. He spoke to his troops in Lingala and when he spoke to the population he spoke

15 in French a little bit.

16 Q. Do you know what Mr Jean-Pierre Bemba told his troops?

17 A. Mr Prosecutor, I don't understand Lingala. If he spoke to them in French, I

18 could have understood somewhat, but since he was speaking in Lingala, how could I

19 understand? But I do know that after speaking to his troops the abuse and violence

20 diminished in intensity, I can tell you that, but as for the content of his speech to his

21 troops I have nothing to tell you.

22 MR BIFWOLI: Madam President, your Honours, I realise it's time for the break.

23 PRESIDING JUDGE STEINER: Thank you, Mr Prosecutor. Mr Witness, we are

24 having now a half-an-hour break in order for you to take some rest. We are going to

25 come back at 11.30. I ask, please, court officer to turn into closed session in order for

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1 the witness to be taken out of the courtroom and then we are going to suspend and
2 resume at 11.30.

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

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

5 (The witness stands down)

6 THE COURT OFFICER: All rise.

7 (Recess taken at 11.00 a.m.)

8 *(Upon resuming in closed session at 11.33 a.m.) Reclassified as Open session

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

10 PRESIDING JUDGE STEINER: So, welcome back. We are resuming this session.

11 Could, please, the court officer bring the witness in.

12 (The witness enters the courtroom)

13 PRESIDING JUDGE STEINER: We can turn into open session.

14 (Open session at 11.34 a.m.)

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

16 PRESIDING JUDGE STEINER: Thank you. Mr Witness, welcome back to this
17 courtroom.

18 THE WITNESS: (Interpretation) Good day again, Madam President.

19 PRESIDING JUDGE STEINER: Can we continue with your questioning by the
20 Prosecution?

21 THE WITNESS: (Interpretation) Yes, we can continue.

22 PRESIDING JUDGE STEINER: Thank you very much. Prosecution, please.

23 MR BIFWOLI: Thank you, Madam President, your Honours.

24 Q. Sir, I would like to remind you that we are still in the open session, so try as
25 much as you can not to state names or any details that may identify you or members

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1 of your family. Sir, before the break we were talking about the arrival of
2 Mr Jean-Pierre Bemba in your neighbourhood. My next question is: Did someone
3 present your complaints, the complaints of the civilian population in your
4 neighbourhood, to Mr Bemba?

5 A. Thank you, Mr Prosecutor. On that day we selected a person to act as a
6 delegate. He was from the same neighbourhood and he was to represent us. This
7 person went to meet him and to mention our complaints to him. This is how he
8 assembled his men to address them. And later we also returned home.

9 Q. Do you know what was spoken between Mr Jean-Pierre Bemba and your
10 delegate; the one you sent to present your complaints?

11 A. Thank you, Mr Prosecutor. We selected this person to speak about cases of
12 theft, rape, about the killings that had taken place, the numerous acts of abuse that
13 had taken place in the neighbourhood. There had been beatings too. We presented
14 all this information through the intermediary of our delegate. Our delegate
15 presented this information to Bemba.

16 Q. Did Mr Jean-Pierre Bemba tell you anything after talking to your delegate?

17 A. He said that he was concerned by our complaints, our suffering, and that he
18 said that he would take care of the matter. He was going to assemble his men and
19 speak to them about the situation, to resolve the problem -- to solve the problem.
20 That's what he told us in order to reassure us.

21 Q. In which language did he address you?

22 A. As I have said, he spoke in French.

23 Q. Did the crimes by the Banyamulengue stop completely after this visit by
24 Mr Bemba to your neighbourhood?

25 A. Yes. Well, the crimes, no, they didn't completely cease, but the number of

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1 crimes committed was diminished.

2 Q. What crimes continued?

3 A. The crimes that continued being committed were -- well, for example, in the
4 evening we couldn't leave our houses and go for a walk, because they were ready to
5 snatch everything we had from us. Whatever our complaints were -- well, no one
6 could leave their homes. The following day, one would go and complain and try to
7 get their chiefs to take care of the situation.

8 Q. Are you aware of any measures or structures that were put in place to prevent
9 crimes after Mr Jean-Pierre Bemba visited your neighbourhood?

10 A. Who could have taken decisions -- such decisions? No one could have taken
11 the decisions to put an end to the acts of abuse, apart from the warnings that were
12 issued. The acts of abuse, the violence, ceased to a certain extent.

13 Q. Sir, I would like us to move to the next topic, which is about the chef de quartier
14 and, without mentioning any names, I will ask you general questions regarding the
15 chef de quartier. How does one become a chef de quartier in your country?

16 A. Thank you, Mr Prosecutor. In order to become a chef de quartier - a
17 neighbourhood leader - you have to be elected by the people. The people vote for a
18 chef de quartier. Then he has to take an oath before assuming his responsibilities.

19 Q. And how does one become the deputy chef de quartier?

20 A. To become a deputy chef de quartier, an assistant to the chef, the procedure is
21 the same. The people are asked whether they agree that such-and-such a person
22 should be by the chef de quartier's side in order to judge certain matters, so they
23 express their opinion and if the population is in agreement they applaud and it is then
24 that the deputy is elected to work by the chef de quartier's side.

25 Q. What are some of the qualities that are taken into consideration before one is

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1 appointed as deputy chef de quartier?

2 A. To work as a deputy chef de quartier, a deputy neighbourhood leader, it's
3 necessary to know that the deputy replaces the chef de quartier when he is absent.
4 The deputy shouldn't be an alcoholic, shouldn't be some sort of a chatterbox. You
5 can't accept someone who is a chatterbox to work with the chef de quartier. You
6 can't accept an alcoholic either.

7 Q. Apart from the qualities that you have just provided in your answer now, are
8 there any other qualities or considerations that you would like the Court to know?

9 A. Yes. Apart from those qualities there are other qualities. The person has to
10 have a house, must be married and all the people must know where he lives, or where
11 she lives. Otherwise, the candidate won't be elected.

12 Q. Sir, how is the chef de quartier and his deputy viewed by the people they
13 represent?

14 A. The people consider the chef and the other judges or judge them on the basis of
15 all their work, on the basis of how they perform their duties. They have a lot of
16 duties to discharge for the benefit of the population.

17 Q. Sir, at page 60 lines 24, to page 61 lines 1 to 5 of the transcript of 21 January this
18 year, you stated that, "I know at the time when I was stating this (Redacted) wasn't there.
19 I know that he took measures. He started to punish the perpetrators of rape and
20 stealing as well and this is how I saw it with my own eyes that he had punished a
21 perpetrator with 100 lashes for stealing a device and this was given to someone else
22 who left." Sir, it is not clear from the trial record in respect of which particular acts
23 or conduct that (Redacted) punished MLC perpetrators for. Can you tell us the acts or
24 conducts that were punished by (Redacted)?

25 A. As for what this person did, he got hold of someone and took the device from

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1 that person. The owner took the device to come and see me and that's how we went
2 (Redacted) and this person fled and the owner came to see me. We
3 mentioned where this person was, we went there, and he was given 100 lashes for
4 having stolen this device.

5 Q. Did (Redacted) punish the perpetrators of your rape and that of your family?

6 A. Mr Prosecutor, this took place earlier on. We didn't know (Redacted). We didn't
7 even know him. We didn't even know the perpetrators of the rapes, so I couldn't
8 know whether they had been punished or not. Those who raped us, well, I can say
9 that they were not punished.

10 Q. And are you aware if any Banyamulengue who perpetrated rape was punished
11 for perpetrating rape?

12 A. When the perpetrators were caught and taken to (Redacted) he would punish them
13 but, as far as we are concerned, we didn't take the rapists to (Redacted) and after the chef
14 intervened he gave instructions and this is how these acts of violence diminished in
15 intensity. After the chef intervened, they started behaving correctly towards the
16 population.

17 Q. Sir, at page 24, lines 20 to 23 of today's transcript, you mentioned complaints
18 made to Jean-Pierre Bemba regarding killings. Can you give us any details
19 regarding killings perpetrated by the Banyamulengue in your neighbourhood?

20 A. The Banyamulengue killed many people. There was the -- my brother's son,
21 when he wanted to flee, he was killed by them. I could also mention an elderly
22 person who wanted to flee to Bogongo (phon) and he was killed behind the
23 gendarmerie. The owner of a duck was also killed because he tried to intervene.
24 There were many such cases, Mr Prosecutor. I can't count all of them. I can't put all
25 this down in writing either. So, Mr Prosecutor, this is what happened in the Central

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1 African Republic.

2 Q. Thank you, Witness, for those details. Do you recall when the Banyamulengue
3 left your neighbourhood?

4 A. Mr Prosecutor, they didn't all leave. Some of them left, but others remained to
5 provide a minimum form of service. They remained in their base, which was at the
6 entrance to the cattle market. They remained there in order to keep watch, so they
7 hadn't all left.

8 Q. And do you recall when the Banyamulengue left the Central African Republic?

9 A. They left in March, on the day that Bozizé arrived to take power.

10 Q. Can you tell the Court how the Banyamulengue left on that date?

11 A. Thank you, Mr Prosecutor. When they took the Sibut Road, those who were
12 heading in the direction of Sibut, went as far as Sibut and others took the Bossembélé
13 Road as far as the president's village. Those people were trying to return and then,
14 the following day, when we woke up we realised that they had all returned and they
15 were all over the neighbourhood.

16 When we wanted to obtain information about their return, they said nothing. It's
17 when we went out and we saw the drivers of the vehicles who were also on the road,
18 they told us that there were foreigners in Damara and we took certain measures in
19 order to try and flee. Around 16.00 hours we realised that Bozizé's soldiers, the
20 soldiers of President Bozizé, had arrived. *They had yellow armbands and they
21 were wearing turbans. They had already started firing. At the point, they too were
22 trying to cross the river.

23 Q. Thank you. Did you see the Banyamulengue leave your neighbourhood?

24 A. Mr Prosecutor, that was on 15 March. They ran, because behind our
25 neighbourhood there was a hill. They climbed the hill to get away. On the other

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1 side, the soldiers of the president were also shooting and they did not respond to the
2 shooting. They just tried to flee. There was no exchange of gunfire. If there was, I
3 would imagine there would have been lots of casualties, but there weren't. That day
4 the Banyamulengue were just trying to get away.

5 MR BIFWOLI: Madam President, your Honours, for the next set of questions I
6 would like to get into private session.

7 PRESIDING JUDGE STEINER: Court officer, let's go please into private session.

8 *(Private session at 12.03 p.m.) Reclassified as Open session

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

10 MR BIFWOLI:

11 Q. Witness, I would like to remind you that we are in private session and whatever
12 you say can only be heard within this courtroom. Now, my question is: Do you
13 know an organisation called OCODEFAD?

14 A. OCODEFAD is an organisation that allowed me to come here before you today,
15 because OCODEFAD was working with (Redacted), they were working together and,
16 since their activities were not going very well, the founder of the organisation left the
17 organisation. She stopped working with the (Redacted) and she founded the
18 organisation called OCODEFAD. The founder's name is Sayo Bernadette.

19 Q. Thank you, sir. Are you a member of this organisation?

20 A. Yes, I am a member of this organisation. (Redacted)
21 (Redacted)

22 Q. What are the aims and objectives of this organisation?

23 A. The objectives of this NGO is to bring together the victims of the abuse and
24 violence. The perpetrators of rapes, the people whose husband or brothers were
25 killed, or the perpetrators of looting, this organisation brought together all the people

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1 who were victims, who lost their possessions or who were raped.

2 THE INTERPRETER: Correction from the Sango interpreter: The interpreter

3 wishes to speak about the victims of the violence and abuse.

4 MR BIFWOLI:

5 Q. Sir, did you receive any support or assistance from OCODEFAD?

6 A. Yes, OCODEFAD did provide support to me. Once I went to the office and,

7 when I came back, (Redacted)

8 (Redacted) and I didn't know why. I called them and explained things to them

9 and they sent me to the hospital to receive treatment, and so I was able to regain my

10 health but there were times when I did feel various pains. I'm trying to explain to

11 you that I did receive assistance from that organisation.

12 Q. Were there any conditions from OCODEFAD in order to provide you with the
13 support?

14 A. No, there were no conditions. The organisation advised me to draft a
15 complaint so that the State could become involved with regard to what happened to
16 me. Otherwise, the State was not involved and I don't know where matters stand
17 when it comes to that particular file.

18 Q. Did you tell your story to OCODEFAD?

19 A. The money that I received allowed me to go to the hospital. I received it from
20 the founder of the organisation. OCODEFAD is the organisation, but it was the
21 coordinator who was managing the organisation. She was the one who gave me
22 money so that I could go and get treatment.

23 Q. Did -- sir, I will repeat my question. Did you tell your story, what happened to
24 you, 2 October 2002 to March 2003, did you tell OCODEFAD what happened to you?

25 A. I did not tell them everything that happened to me. How could I have been

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1 able to come here? I had to fill out some forms that were sent here, and then the
2 FIDH met with us and we showed them the various mass graves, to the FIDH, the
3 International Human Rights Federation.

4 Q. Did OCODEFAD advise you in any way on how to tell or present your story?

5 A. *Thank you, Mr. Prosecutor. I think that the advice was to be discreet, so as not
6 to be the laughingstock of the neighbourhood. If people made fun of you, you had to
7 keep your cool. If you succumbed to provocation and reacted in an uncontrolled way,
8 you might find yourself in prison. You have to be very careful. If you were provoked,
9 it was better to keep on going along your way. That was the advice the organization
10 gave us for our safety, from that day until the present time.

11 Q. Sir, at page 33, line 16 to 17 --

12 PRESIDING JUDGE STEINER: Mr Bifwoli --

13 MR BIFWOLI: Yes?

14 PRESIDING JUDGE STEINER: -- sorry to interrupt you, but it appears that Maître
15 Zarambaud wishes to say something.

16 MR ZARAMBAUD: (Interpretation) Yes, your Honour. Your Honour, just to
17 point out two ideas that were telescoped together. What I understood is that the
18 witness said that Ms Sayo had said not to disclose the information within the
19 neighbourhood, but the sentence "out of fear of being put in prison," that was relating
20 to another idea, and the witness said, "If they make fun of you in the neighbourhood
21 because of what happened to you, don't react. If you react, you may go overboard
22 and you could find yourself in prison." So it was not non-disclosure of information
23 that would lead to imprisonment, but rather perhaps someone overreacting when
24 another person was making fun of the person. That is what the witness was trying
25 to say -- correction: That is what I wanted to say to the Court.

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1 PRESIDING JUDGE STEINER: Maître Liriss.

2 MR LIRISS: (Interpretation) Your Honour, thank you. Could we go back to the
3 transcript? Because Mr Zarambaud is saying something and it would appear that he
4 is providing an answer, rather than the witness. That was not the answer of the
5 witness.

6 PRESIDING JUDGE STEINER: Thank you, Maître Liriss. I think the intention of
7 Maître Zarambaud was not to put words in the witness's mouth, but rather to prevent
8 the interpreters that may -- there has been a problem with interpretation that will be
9 for sure corrected in the edited version. So we are going to leave the way it is now
10 and just call the attention to the interpreters for doubts on interpretation on what was
11 said in the previous answer of the witness. Mr Bifwoli.

12 MR BIFWOLI: Thank you, Madam President, your Honours.

13 Q. Sir, there was a slight interpretation problem and what has been going on is to
14 try and see the best way of resolving it. Now, a short while ago in your testimony
15 you mentioned mass graves. That is at page 33, line 16 of the transcript. Whose
16 remains were in these mass graves that you have just referred to?

17 A. In these mass graves, there were bodies. They were the bodies of the people
18 who had been killed. Since it was not possible to do anything else, a pit was dug to
19 bury all those dead bodies.

20 Q. Who killed these people?

21 A. Some of the people were killed by the Banyamulengue. Others, some other of
22 these people, were killed by Miskine.

23 Q. And where was the location of these mass graves?

24 A. At the police station there are two, and in the neighbourhood there is one, plus
25 further down there is one at Sö. There is one. And when you go up from Sö, there

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1 is another one. Those are the graves that I helped dig.

2 Q. Sir, did you apply to participate as a victim in this case?

3 A. How could I -- how can I ask? I am a victim.

4 Q. Thank you, sir, for your answer, but my question is - and the Court would like
5 to know and there is a reason why that question is being put to you - did you apply to
6 participate as a victim?

7 A. My application -- well, in actual fact, when I met the investigators, we began
8 and we continue up until today.

9 Q. Did anyone assist you in filling out your application form for victim
10 participation?

11 A. Mr Prosecutor, I really don't know how to answer that question. We made a
12 complaint to the International Criminal Court and they agreed to allow us to come
13 and give testimony before the Court. We were offered this opportunity to tell the
14 truth, so if there is truth, all people here can be aware of it.

15 PRESIDING JUDGE STEINER: Mr Prosecutor.

16 JUDGE ALUOCH: Mr Bifwoli, it appears to me that there could be a confusion
17 between the victim application form you are talking about right now and the
18 interview that the witness gave to the investigators. I have a feeling there might be a
19 confusion in the mind of the witness in this respect. Maybe you can clarify that
20 point.

21 PRESIDING JUDGE STEINER: Mr Bifwoli, do you have by chance a hard copy of
22 the application to be shown to the witness in order for the witness to understand
23 what an application for participation is? If not, I have it.

24 Maître Liriss, do you have any objection for the application form to be shown to the
25 witness?

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1 MR LIRISS: (Interpretation) No, no objection at all, your Honour.

2 MR BIFWOLI: Thank you, Madam President. We have a hard copy of the victim
3 application form, and we request that the same be shown to the witness by the court
4 clerk.

5 PRESIDING JUDGE STEINER: Maître Liriss, sorry.

6 MR LIRISS: (Interpretation) I said that I had no objection. In actual fact, if the
7 form is shown to him so that he can remember and make a distinction so that he can
8 understand the question, I agree, but if he starts to re-read it and if the Prosecution
9 starts to ask questions about the form, then I object.

10 PRESIDING JUDGE STEINER: Mr Bifwoli, it's just for the witness to give a quick
11 look and understand what an application means. That was the purpose of showing
12 to the witness. So please keep your questioning to the knowledge of the witness
13 about the existence of this document.

14 MR BIFWOLI: Thank you, Madam President.

15 Q. Sir, a short while ago you were shown an application form. Do you recognise
16 it?

17 A. Mr Prosecutor, I told you that I had a vague acquaintance with that. I have the
18 document -- even if I have the documents in front of me, I don't know what to say. I
19 do recognise it.

20 THE INTERPRETER: The Sango interpreter did not hear the last sentence uttered by
21 the witness.

22 MR BIFWOLI:

23 Q. Sir, there was a problem with interpretation and I request you to repeat your
24 answer so that it can be interpreted. Thank you.

25 A. Yes, I do recognise this form.

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1 Q. Does it have your signature? Did you see whether it has your signature?

2 A. Yes, the document does bear my signature.

3 Q. Do you recall if that is the form that you filled in to apply as a victim?

4 A. Yes, I do remember that that is the form.

5 Q. Thank you. Now, my next question is: Did you fill out this form yourself, or
6 you received assistance?

7 A. I filled this form out myself.

8 Q. And what you have indicated in this form is what you have shared with us
9 today?

10 A. Yes, this is the information that I have shared with you today.

11 PRESIDING JUDGE STEINER: Maître Liriss.

12 MR LIRISS: (Interpretation) Your Honour, I apologise. I object to this question.

13 It is an attempt to make the witness modify the contents of the form by saying that
14 only what he said today is what counts, and not the obvious contradictions contained
15 in the form. I think that this is a leading question and I object to such a question.

16 PRESIDING JUDGE STEINER: Mr Bifwoli?

17 MR BIFWOLI: Madam President, your Honours. Contrary to what the Defence is
18 raising. I think our question was very clear. We've not even asked him those
19 details, but our question was whether what he stated in the form is the same story
20 that he has told the Court. It's up to the witness to tell us whether it's yes or no and
21 they will have a chance, if that is not the case, to prove otherwise.

22 PRESIDING JUDGE STEINER: Maître Liriss, I agree with the Prosecution. I don't
23 see any leading information in the question was quite clear, and it is not trying to
24 modify any content. On the contrary, he is saying that it was the same. So your
25 objection is overruled. Mr Bifwoli.

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1 MR BIFWOLI: Thank you, Madam President, your Honours.

2 Q. Now, sir, there were slight legal issues that had to be resolved by the Chamber,
3 but now we are ready to proceed with your evidence. And now, before I proceed
4 further, I want us to go back. Before we started talking about the victim applications
5 forms we were talking about OCODEFAD. My next question is this: Did
6 OCODEFAD advise you in any way on how to tell or present your story in court
7 today?

8 A. Mr Prosecutor, I think we received information from OCODEFAD, we received
9 training from OCODEFAD, and we took steps ourselves, took certain measures
10 ourselves. OCODEFAD provided us with some advice about how to speak, but as to
11 tell us what we should state, no, that was never clearly stated.

12 Q. Thank you, sir, for your details. And now, sir, I move to my next topic, which
13 is impact. My question is --

14 PRESIDING JUDGE STEINER: Maître -- Mr Bifwoli, do we need to continue in
15 private session?

16 MR BIFWOLI: Thank you, Madam President, your Honours. For the first question
17 private session and then the rest can go to open session.

18 Q. Sir, (Redacted) do
19 you know if the civilians were compensated for the property that was looted from
20 them?

21 A. I don't have any information about compensation for the goods that were looted.

22 * All I know is that the Chad colony provided utensils and mats to the
23 Muslims. That's all I know. As for other people, well, I have to say that, no, there
24 was no compensation.

25 MR BIFWOLI: Madam President, we can go into open session.

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1 PRESIDING JUDGE STEINER: Court officer, please, turn into open session.

2 (Open session at 12.38 p.m.)

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

4 MR BIFWOLI:

5 Q. Sir, we are back in open session and I caution you as usual not to mention your
6 name, names of other people or identifying details, for your own protection and for
7 the protection of those people. Sir, my next question is: Was any of the property
8 looted by the Banyamulengue ever returned to the civilians from whom it was taken?

9 A. Thank you, Mr Prosecutor. If these items had been returned to the civilians I
10 too would have had items returned to me. Mr Prosecutor, nothing was returned.

11 Q. Sir, were you ever compensated for the crimes committed against you and to
12 your family?

13 A. To date we have received nothing.

14 Q. Did you suffer any injury as a result of the Banyamulengue raping you?

15 A. Yes, yes, I was wounded around the anus, in the vicinity of the anus. I said
16 that it was swollen and it's thanks to certain traditional medicine that two or three
17 days later the swelling disappeared, or diminished in size.

18 Q. Apart from your physical injury, how else has the incident of your rape affected
19 you?

20 PRESIDING JUDGE STEINER: Mr Bifwoli, he is waiting for you to pay attention to
21 his answer.

22 MR BIFWOLI: Thank you, Madam President.

23 THE WITNESS: (Interpretation) I do apologise, but I don't think I have understood
24 the question. When you speak of consequences, what do you have in mind?

25 MR BIFWOLI:

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1 Q. Sir, I will repeat your question -- the question again for you. I will do it slowly
2 so that you understand and here is the question: Apart from your physical injury,
3 which you have just explained to the Court, how else has the incident of your rape
4 affected you? I hope you understand the question now.

5 A. The consequences did not last very long. The worst thing was what my family
6 suffered; the women in particular. I suffered for a few days, but my wife still suffers
7 now. My 11 year old daughter had to be treated. She is more or less well now and
8 she had to be treated at the level of the pelvis. Her pelvis had to be treated.

9 THE INTERPRETER: Interpreter's correction: The wife's pelvis had to be treated.

10 MR BIFWOLI:

11 Q. Sir, at page 26, lines 19 to 25, to page 27, lines 1 to 11, you stated that to work as

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 A. These people were aware of what had happened to me. It was serious. It's
21 true that there are some people who would mock me, but others support me and
22 denounce what happened to me, speak out against what happened to me.

23 Q. Has this affected you in your discharge of your duties?

24 A. (Redacted)

25 Q. (Redacted) Do they view you the

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1 same way as they viewed you before the rape or has it affected you in any way?

2 A. Yes. Amongst the population, there are some people who respect me. There
3 are others who make fun of me. It's because of this population -- well, if it hadn't
4 been for that, I wouldn't have been raped, but I tried to protect the population and
5 that is why I was raped. Now I suffer. Others don't take this into consideration,
6 but there are some who do mock me, but this doesn't matter. We are acting in the
7 national interest, Mr Prosecutor.

8 Q. Sir, has your rape affected -- sorry, I will repeat my question. Has your rape
9 affected your family in any way?

10 A. Yes, the rape did have consequences for my family. You know, the dowry one
11 gives to one's in-laws, the money, the dowry that I gave for my second wife, in spite
12 of all of that, in spite of that fact, she left. And my wife gave birth to a child and God
13 didn't want bad blood to create this. There were many problems in my family.
14 There were people who died. There were cases of separation. Mr Prosecutor, your
15 Honour, I really don't know what else to say.

16 MR BIFWOLI: Thank you for your answer, sir. Madam President, your Honours,
17 at this point we have follow-up questions which we would like, if it's acceptable, to
18 put to the witness after the lunchbreak. We are through with the major part of his
19 testimony; we just want to follow-up and clarify what he stated in his testimony.

20 PRESIDING JUDGE STEINER: Thank you, Mr Prosecutor, which means that we
21 will suspend now for the lunchbreak and the Prosecution, as I see, expects to finish its
22 questioning soon after we resume after lunch; is that correct?

23 MR BIFWOLI: Thank you, Madam President, your Honours. Our estimation is we
24 may take approximately one hour.

25 PRESIDING JUDGE STEINER: Thank you very much for your estimation, meaning

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1 that maybe we still have time for the legal representative to question the witness.

2 MR ZARAMBAUD: (Interpretation) Your Honour, we really don't need much
3 time, since questions have already been put to the witness by the Prosecution. Ten
4 minutes at the most.

5 PRESIDING JUDGE STEINER: Thank you very much. Mr Witness, we are going
6 now to have a break in order for you to have lunch and to rest a little bit. We will be
7 back in the courtroom at 2.30 in the afternoon. We hope you can take some time for
8 yourself; therefore, we can continue when we resume. I'm ordering now the court
9 officer, please, to turn into closed session in order for the witness to be taken outside
10 the courtroom. We are going to suspend the hearing and we'll be back at 2.30.
11 Thanks.

12 *(Closed session at 12.54 p.m.) Reclassified as Open session

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

14 (The witness stands down)

15 THE COURT OFFICER: All rise.

16 (Luncheon recess taken at 12.55 p.m.)

17 *(Upon resuming in closed session at 2.33 p.m.) Reclassified as Open session

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

19 PRESIDING JUDGE STEINER: Good afternoon. Welcome back to the courtroom.
20 And I'll ask, please, court officer, to bring the witness back.

21 (The witness enters the courtroom)

22 PRESIDING JUDGE STEINER: We can go back into open session, please.

23 (Open session at 2.34 p.m.)

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

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

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1 THE WITNESS: (Interpretation) Good afternoon, your Honour.

2 PRESIDING JUDGE STEINER: Did you have some time to rest after lunch?

3 THE WITNESS: (Interpretation) Yes, I was able to rest.

4 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?

5 THE WITNESS: (Interpretation) Yes, I am ready to continue with my testimony.

6 PRESIDING JUDGE STEINER: Thank you. So I am giving the floor to the

7 Prosecutor, Mr Bifwoli.

8 MR BIFWOLI: Thank you, Madam President and your Honours.

9 Q. Sir, before I proceed, I notice the way you've placed your headphones. I don't
10 know if you're comfortable enough or you want them adjusted so that they sit well on
11 your head.

12 A. Yes, I've adjusted them.

13 Q. Thank you very much for that. Sir, I have a few questions for you to clarify.

14 With regards to your evidence on Friday, 21 January 2011, at page 52, lines 9 to 20 of

15 the unedited transcript, you testified that the Banyamulengue beat your

16 (Redacted) to death. It is not clear from the record how soon after the

17 Banyamulengue beat him that he died. Can you give us an idea of how soon after

18 the Banyamulengue beat him that he met his death?

19 A. *It was two weeks thereafter. His ribs had been broken, two of them.

20 THE INTERPRETER: "One of them," the interpreter corrects.

21 MR BIFWOLI:

22 Q. Thank you. Sir, at page 55, lines 16 and 17 of the unedited transcript, you

23 stated that, and I quote, "Prosecutor, when the eight left, afterwards they joined other

24 people and came back." Who do you refer to as "other people"?

25 A. When we speak about the others, these are the Banyamulengue. There were

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1 eight of them, and three of them sodomised me. There were lots of them and some
2 of them came back. They were Banyamulengue.

3 Q. Sir, can you give the Court an indication of approximately how many of them
4 came back?

5 A. Among the eight persons who came back -- well, I didn't count how many there
6 were of them, to not say a lie. I didn't count a number.

7 Q. Thank you, sir. Sir, at page 53, lines 3 to 6 of the unedited transcript, you
8 stated that your (Redacted) was beaten by the Banyamulengue at their base. Sir,
9 how do you know this?

10 A. Thank you, Prosecutor. I was at home when they came back from the base, so
11 they asked where the radio was, and then he presented himself and then they took
12 the (Redacted) -- or, they went (Redacted) and said that it would be (Redacted) thereafter.
13 Afterwards, (Redacted), but they never gave him the (Redacted)
14 (Redacted) and it was afterwards that they beat him to death.

15 Q. Thank you. But you've stated that the beating took place at their base. So
16 how did you know that they beat him at their base?

17 A. Yes, I know that because after that they beat him, he came back to the house
18 covered in earth and he was having a complaint with regards to his ribs. And also I
19 said that we should go to the police station, the gendarmerie, to keep them informed
20 because the gendarmerie had to be aware of everything that was going on. So we
21 went there in order to notify that, the event, and then we came back to the house.
22 We tried to heal it in a traditional way, but that didn't bring a good result and
23 afterwards he died.

24 Q. Did he tell you who beat him when he returned from the base?

25 A. Yes. It was he, himself, who gave the information to us that he had been

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1 beaten because he had asked for some money for the work that he had done.

2 Q. Sir, you stated that the Banyamulengue arrived on 7 November 2002. That's at
3 page 11, lines 11 to 12. You then told us later that the Banyamulengue raped you
4 and your family on the next day. That's at page 44, lines 17 to 23; page 49, lines 3 to
5 15; page 53, lines 11 to 25; and page 54, lines 1 to 10. It is not clear what date the
6 Banyamulengue returned to the house after they raped you and your family. Was it
7 the same day, the following day, or another day?

8 A. Prosecutor, when they raped us in the morning, they went back to their base
9 because they were working. They couldn't stay for an indefinite length of time at
10 our home. It was towards the evening that they came back for the second time.

11 Q. Thank you. You mentioned that the Banyamulengue continuously came to
12 your place and committed abuses for four days. That's at page 58, lines 1 to 10. Sir,
13 how soon after the four days did you send your family to PK22?

14 A. It was four days later. I saw that the events were becoming more and more
15 terrible, so I decided that they had to take refuge with (Redacted) in order to be
16 able to eat.

17 Q. Do you mean four days from the date of the first rape?

18 A. Yes, that is correct, Prosecutor.

19 Q. Thank you. Sir, at page 4, line 21, to page 5, lines 1 to 2, of the unedited
20 transcript of the 21st, you mentioned that fighting between Patassé and Bozizé's
21 rebels erupted in April 2002 at PK10 when Patassé's soldiers wanted to arrest Bozizé.
22 You also stated at page 4, lines 10 and 11, of the unedited transcript, that when
23 President Bozizé fled he headed towards Damara and he went by way of Sibut and
24 then towards the border.

25 Sir, it is not clear from the record whether Bozizé fled to Damara in the same

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1 April 2002 that Patassé's soldiers wanted to arrest him. Can you clarify that?

2 A. Thank you, Prosecutor. If I told you that Bozizé fled in April, what I mean by
3 that is that the battle that there was in Ngolu, well, I wasn't one of them to be able to
4 tell you the real reason for this battle in Ngolu, but there were rumours
5 that -- according to which Bozizé is said to have taken a certain quantity of diamonds
6 from the domicile of Mr Kolingba and that was the reason why they were fighting.
7 So as the battle became very intense, Bozizé was not able to stand it and as such had
8 to withdraw.

9 Q. Do you recall when he returned; that is, do you recall when Bozizé returned to
10 your neighbourhood?

11 A. He came back in the month of October. It was in October that he established
12 his base in our neighbourhood.

13 Q. Thank you. Sir, at page 13, lines 9 to 14, you stated that the chief of general
14 staff of the Banyamulengue was located at the prosecutor's house. Can you tell us
15 the name of this prosecutor?

16 A. Thank you, your Honour. I think I said that we didn't know the name of the
17 magistrate in question. All that we knew was that it was his house, but I didn't
18 know his name. I know the name of the one that's further down but, with regards to
19 the one that's situated where the school is, that I don't know.

20 Q. Thank you.

21 JUDGE ALUOCH: Mr Bifwoli, you're asking about a prosecutor. The response is
22 about a magistrate. Are these one and the same person? That's what I can see on
23 the transcript.

24 MR BIFWOLI: Thank you, your Honour. I think maybe I can put it to the witness
25 to clarify this, because it's not clear.

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1 Q. Sir, I have one follow-up question. I asked you -- at first, my question was that
2 you stated that the chief of general staff of the Banyamulengue was located at the
3 prosecutor's house. Then in your answer you've mentioned a magistrate. Now, the
4 Court would like to know whether this prosecutor is the same as this magistrate, or
5 they are two different people? Clarify to the Court, please.

6 A. They are both prosecutors. One lives by the school; the other on Damara Road.
7 I don't really know the difference, magistrate, prosecutor, but what I can say is that I
8 thought it was the same thing to be honest, but otherwise the name that we called
9 them was "prosecutor."

10 MR BIFWOLI: I wonder if your Honours are satisfied with the answer?

11 JUDGE ALUOCH: I don't have any other question on that. Yes, I don't want to
12 follow up at all. I will take what the witness says.

13 MR BIFWOLI: Thank you, your Honour.

14 Q. Sir, you told us at page 13, lines 9 to 14, of the unedited transcript that
15 Moustapha supervised all the Banyamulengue and he reported to the chief of general
16 staff who was located at the prosecutor's house. Do you know where Moustapha
17 was based?

18 A. Prosecutor, what I said was that he supervised everyone, because you saw him
19 going around in a car and when you asked a question people said that it was
20 Moustapha, but you -- you're indicating where he was living. That's something
21 which I couldn't know, but sometimes he would come to the chief of general staff.
22 He always would go to the different areas in order to supervise the soldiers.

23 Q. Sir, at page 18, lines 4 to 8, you told the Court that those who came to the
24 CAR - referring to people from Zaire - to work on odd jobs, cooking and shoe shining
25 and other activities. These people, were they also known by the CAR population as

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1 Banyamulengue?

2 A. At the beginning, we didn't consider them Banyamulengue. We considered
3 them Zaireans. They carried out manual odd jobs, manual labour, in order to get
4 money for their families. We never had a problem with them, but when their
5 compatriots the Banyamulengue came, a lot of these shoe shiners joined them in the
6 rebellion and that's the reason why we said that they allied themselves with them.

7 Q. Sir, at page 51, lines 21 to 24, you mentioned that your second wife left you as a
8 result of being raped. Where is this wife who deserted you now?

9 A. Thank you, Prosecutor. She left me and she joined her family. Some years
10 later she decided to come back, but she was already dying and she died two months
11 later. I had to say, or I was able to say, that she died of natural causes, so I can't say
12 that it was the Banyamulengue who were responsible for her death.

13 Q. Thank you, sir, for that clarification. Sir, at page 27, lines 4 to 7 of the unedited
14 transcript, you stated, and I quote, "Behaviour of our brothers who came from the
15 other side was very bad. They eat with the populace, the young girls, the young
16 boys, old men, old people. They will take you and they did what they wanted to do
17 with you." Why do you say this?

18 A. I said this because when they arrived they had no consideration for the flag of
19 our country. They had no choice. They slept even with small girls, with men.
20 They did everything that they wanted to do with anyone. Nobody could protest
21 against this behaviour. They behaved as if they were in their own country and that
22 is why I said that their actions were terrible.

23 Q. Sir, how did the Banyamulengue soldiers address Jean-Pierre Bemba when he
24 came to your neighbourhood?

25 A. Mr Prosecutor, I wasn't there to understand what was being said amongst them,

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1 between them and their leader. I wasn't there to understand their complaints;
2 otherwise, well, we brought our own concerns to the authority. He understood.
3 And then the abuse and violence lessened. *I wasn't there to understand what was
4 said between them and their leader.

5 Q. Thank you. But are you in a position to tell this Court by what name or title
6 that the Banyamulengue who were in your neighbourhood addressed Jean-Pierre
7 Bemba?

8 A. When they were running, they said, "Oh, the president has arrived." And
9 when we asked which president it was, they said it was President Bemba. And so
10 we decided to go meet him as well, to speak to him, because we said to themselves (sic)
11 that he was our president too. So that was how he was called.

12 MR BIFWOLI: Madam President, your Honours, we've exhausted our follow-up
13 questions, and we request to get into a private session to elicit names which the
14 witness mentioned in his testimony.

15 PRESIDING JUDGE STEINER: Court officer, please, let's go into private session.

16 *(Private session at 3.03 p.m.) Reclassified as Open session

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

18 MR BIFWOLI:

19 Q. Sir, I would like to remind you that we are now in private session and, therefore,
20 you can mention the names of the people that you talked about earlier on in your
21 testimony.

22 Sir, at page 50, lines 22 to 23 of the transcript of 21 January 2011, you mentioned that
23 one of your wives died as a result of the Banyamulengue gunshots. Could you
24 provide the names of your wife that died?

25 A. Her name was (Redacted).

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1 Q. Thank you. Again, at page 49, lines 3 to 15, you mentioned that one of your
2 wives was raped. Please tell the Court the name of your wife who was raped.

3 A. Her name was (Redacted).

4 Q. Sir, at page 51, line 21 to 24, you mentioned that one of your wives left you as a
5 result of being raped by the Banyamulengue. Please tell the Court the name of your
6 wife that left you.

7 A. (Redacted)

8 Q. Thank you. Again, at page 53, lines 11 to 25, as well as page 54, lines 1 to 10,
9 you mentioned that your four daughters were raped by the Banyamulengue. Please
10 tell the Court the names of your four daughters that were raped by the
11 Banyamulengue.

12 A. Thank you, Mr Prosecutor. The first one was (Redacted). The
13 second was (Redacted). The third, (Redacted). And
14 the fourth, (Redacted).

15 Q. Thank you, sir, for the names. At page 52, lines 9 to 20 of the transcript of
16 21 January, you mentioned that the Banyamulengue beat to death (Redacted)
17 (Redacted). Please tell the Court the name of (Redacted) who was
18 beaten by the Banyamulengue.

19 A. His name was (Redacted).

20 Q. Thank you. At page 27, lines 15 to 25, you mentioned (Redacted)
21 (Redacted) who were raped. Do you
22 know the names of these children who were raped?

23 A. One, her name is (Redacted). I don't know the name. The other
24 one was (Redacted), and two other children.

25 Q. Sir, at page 33, lines 18 to 16, you identified that (Redacted) and her (Redacted)

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1 sisters were raped. Can you tell the Court the names of her (Redacted) sisters who were
2 raped?

3 A. That was (Redacted) her name is (Redacted), and then the (Redacted)
4 was (Redacted). I've forgotten the other name of that person.

5 Q. Thank you very much, sir, for your answers. Sir, we thank you very much for
6 your time and testimony. We have come to the end of our questioning. The judges,
7 the legal representatives and Defence may have some questions for you. Once again,
8 the Prosecution thanks you, sir. Thank you.

9 PRESIDING JUDGE STEINER: Court officer, please, let's turn into open session.

10 (Open session at 3.11 p.m.)

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

12 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. The
13 Prosecution has finished to question you and now we are going to give the
14 opportunity for the legal representative of victims to put to you some questions.
15 Are you fine with that?

16 THE WITNESS: (Interpretation) Yes, that is fine.

17 PRESIDING JUDGE STEINER: Thank you very much. Maître Zarambaud?

18 QUESTIONED BY MR ZARAMBAUD:

19 MR ZARAMBAUD: (Interpretation) Thank you, your Honour.

20 Q. Mr Witness, I am Maître Zarambaud-Assingambi. I am a lawyer in Bangui
21 and the Court has designated me to defend the interests of certain victims, including
22 yourself. I have prepared some questions to ask you and I hope you don't mind. I
23 hope that's not an inconvenience for you.

24 A. Yes, I agree, sir.

25 Q. Thank you. I think that the Prosecutor and the legal representatives of victims

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1 are covering much the same ground, so many of the questions that I wanted to ask, a
2 good part of them, have already been asked by the Prosecution and, as I said earlier
3 to the Presiding Judge at her request, I won't be taking a lot of time because some of
4 the questions have already been answered; for example, the question about the date
5 on which Bozizé's rebels entered your neighbourhood or the entry of the
6 Banyamulengue in your neighbourhood. You have already answered all of those
7 questions.

8 My first question which I'll be asking you, it's not necessarily the first one on my list
9 but, in any event, the Central African Republic and the Congo-Kinshasa, which is
10 now -- are two neighbouring countries that are separated by a river, aren't there
11 Central African people who go to the other side of the river, to the Congo? And
12 aren't there Congolese people who go to the Central African side, either to work or to
13 trade goods? That's my first question.

14 A. Thank you, sir. That does happen because we are neighbours. I haven't seen
15 that with my own eyes. I haven't seen Central African people go over there, but in
16 my country where I live, I have met several people from Zaire. If you go to Bangui,
17 you might realise what I'm saying is true. When you go to my neighbourhood and
18 you ask people questions, you'll see.

19 Q. So, some Congolese people did come. Did many Congolese people to your
20 neighbourhood? Did you have some opportunities to hear Congolese people speak
21 amongst themselves?

22 A. Most of them don't speak Lingala, they speak Mandja and many other
23 languages. They also speak Banda. Most of them don't speak Lingala.

24 Q. Just a clarification. You say that many speak Banda or Mandja. Are you
25 talking about Congolese people who come to work in the Central African Republic?

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1 A. Yes, sir. Those are the ones who speak Banda and Mandja, as I speak. Now,
2 when you go to Bangui and if you go around the town, you will see that, sir.

3 Q. Did you have any opportunities --

4 PRESIDING JUDGE STEINER: Sorry, Maître Zarambaud. You have to wait till the
5 interpreters can finish the interpretation before you put another question, please.

6 THE INTERPRETER: Many thanks, your Honour.

7 MR ZARAMBAUD:

8 Q. Regardless of that, did you already have any opportunities to hear people
9 Lingala?

10 A. I live in a country where there are also Zairian people, but not all Zairians speak
11 Lingala. I haven't heard them speak Lingala, just -- you see, there are various -- I've
12 heard them speak the various languages that I've mentioned to you just now.

13 Q. Thank you. Have you had any opportunities to listen to radio or television
14 programmes that play songs in Lingala?

15 A. Thank you, sir. I have had opportunities to listen, although I don't understand
16 the meaning.

17 Q. Thank you. Now, I beg your pardon, if you heard songs in Lingala played on
18 the radio, without understanding Lingala, if you were to hear someone speaking a
19 language, are you able to say, yes, that is Lingala being spoken by that person?

20 A. Sir, I said a few moments ago to you that people over there who speak it, if we
21 hear them speak, we realise, but unfortunately those people speak in a language that
22 we don't understand. A person might sing, but you might not necessarily
23 understand, or you wouldn't understand what was being said in the song. So I'm
24 trying to tell you, sir, that I don't understand.

25 Q. Thank you. Let me clarify my question. My question wasn't whether you

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1 understand what someone is saying in Lingala but are you able to realise that a
2 particular person is speaking Lingala without necessarily understanding Lingala, not
3 necessarily understanding what this person is saying?

4 A. Yes, that is possible. I hear without necessarily understanding. I can hear
5 and realise that it's Lingala, but the meaning, I couldn't really say what the meaning
6 might be.

7 MR ZARAMBAUD: (Interpretation) Thank you, your Honour. All of these
8 questions were intended to determine whether the person is able to distinguish
9 Lingala without understanding it. I am satisfied with the answers that he has just
10 given us.

11 With regard to the last three questions, the Bench asked me to rephrase them but I
12 didn't think it was useful to do so because these questions could be dealt with at a
13 later time. So I have concluded, your Honour, and I thank you. I'd also like to
14 thank the witness for replying, for answering my questions. Thank you.

15 PRESIDING JUDGE STEINER: Thank you very much, Maître Zarambaud. Now I
16 turn to Maître Liriss and ask Maître Liriss: We still have 30 minutes. Would you
17 like to start your questioning to the witness, or do you prefer to take a break and start
18 it tomorrow morning? It's up to you to decide.

19 MR LIRISS: (Interpretation) If you don't mind, I'd like to consult my colleagues.
20 Your Honour, with your authorisation and that of the Chamber, the Defence would
21 like to begin tomorrow.

22 PRESIDING JUDGE STEINER: Of course, Maître Liriss, if I gave you the option,
23 your option will be respected.

24 Mr Witness, thank you very much for your cooperation in this afternoon's session.

25 The Defence prefers to start your questioning tomorrow morning. Therefore, we are

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1 going to suspend a little bit earlier today. You can take some rest, and we'll be back
2 tomorrow morning at 9.30 in the morning when the Defence will start questioning
3 you. So we wish you a very good afternoon, evening, that you take some rest
4 during the night, and we will continue tomorrow morning.

5 I ask, please, the court officer to turn this session into closed in order for the witness
6 to be taken outside the courtroom. We are going to suspend now, to adjourn, for
7 today and we are going to resume tomorrow at 9.30. I would like to thank the
8 Prosecution team, the legal representatives of victims, to the Defence team, to
9 Mr Jean-Pierre Bemba Gombo, our interpreters, court officers. So let's turn into
10 closed session first.

11 *(Closed session at 3.26 p.m.) Reclassified as Open session

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

13 (The witness stands down)

14 THE COURT OFFICER: All rise.

15 (The hearing ends at 3.27 p.m.)

16 CORRECTIONS REPORT

17 The following corrections have been made in the transcript:

18 * Page 8 lines 11:

19 "If you had a mill, they would take that " is corrected by "If you had a machine for
20 grinding groundnuts, they would take that.."

21 * Page 8 line 20 :

22 "It was after the PK12 battle that they were moved on." Is corrected by "It was after
23 the PK22 battle that they were relocated."

24 * Page 15 lines 14 to15 :

25 "They were killed there and they were killed there, and the funerals were organised
26 in the neighbourhood." Is corrected by "They were killed there and they were buried

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1 there as well, and the funerals were organised in the neighbourhood"

2 * Page 14 line 14 to 15 :

3 "One day we learned that a number of people were massacred there." Is corrected by
4 "One day we learned that a number of those people who wear flowing robes were
5 massacred there."

6 * Page 15 line 7 to 9 :

7 "I couldn't say today that the Banyamulengue were associated with Miskine's people,
8 the ones who massacred them." Is corrected by "I cannot say today that the
9 Banyamulengue joined forces with Miskine's men to massacre those people who wear
10 flowing robes."

11 * Page 32 line 19 to 20 :

12 "All I know is that the Chad colony provided certain tools and certain napkins to the
13 Muslims" Is corrected by "All I know is that the Chad colony provided utensils and
14 mats to the Muslims."

15 SECOND CORRECTIONS REPORT

16 The following corrections have been made in the transcript:

17 *Page 24 lines 18 to 20

18 "They had yellow hand-bands and they had already started firing. They had yellow
19 turbans, in fact, and they were trying to cross the river." Is corrected by "They had
20 yellow armbands and they were wearing turbans. They had already started firing. At
21 the point, they too were trying to cross the river."

22 *Page 43 lines 1 to 2

23 "I wasn't there, so I wasn't in a position to understand what they were saying to one
24 another." Is corrected by "I wasn't there to understand what was said between them
25 and their leader."

26

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1 CORRECTIONS REPORT 3

2 The Court Interpretation and Translation Section has made the following corrections
3 in the transcript:

4 *Page 7 lines 3 to 5

5 "They did not give us any money." Is corrected by "They were not given any money,
6 but the money that there was that was the money that we had, thanks to the machines,
7 and that money was kept in the strong box."

8 *Page 37 line 19

9 "It was two weeks thereafter, because he had been cut." Is corrected by "It was two
10 weeks thereafter."

11 *Page 27 lines 5 to 10

12 "The advice from OCODEFAD, well, they asked us -- they made us aware of the
13 importance of not telling anyone at all what had happened to us, so we had to really
14 make an effort not to disclose the information for fear that one might find oneself in
15 prison. We had to do all we could not to disclose the information, and this is
16 allowed us to keep silent and so eventually come here." Is corrected by "Thank you,
17 Mr. Prosecutor. I think that the advice was to be discreet, so as not to be the
18 laughingstock of the neighbourhood. If people made fun of you, you had to keep
19 your cool. If you succumbed to provocation and reacted in an uncontrolled way, you
20 might find yourself in prison. You have to be very careful. If you were provoked, it
21 was better to keep on going along your way. That was the advice the organization
22 gave us for our safety, from that day until the present time.

23 RECLASSIFICATION REPORT

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

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

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1 version of the transcript with its redactions becomes Public