

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0042

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 Friday, 11 February 2011

9 (The hearing starts in open session at 9.34 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: Situation in the Central African Republic, in the case of The

17 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/08 -- I am sorry,

18 01/05-01/08.

19 PRESIDING JUDGE STEINER: Thank you very much. I welcome the Prosecution

20 team, the legal representatives of victims, the Defence team, Mr Jean-Pierre Bemba

21 Gombo. Good morning to our interpreters and court reporters. We are going to

22 continue today with the questioning by the Prosecution of Witness 42. For that

23 purpose, I please ask the court usher to bring -- to turn into closed session, court

24 officer, briefly, in order for the court usher to bring the witness in.

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

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

2 (The witness enters the courtroom)

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

4 (Open session at 9.37 a.m.)

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

6 WITNESS: CAR-OTP-PPPP-0042 (On former oath)

7 (The witness speaks Sango)

8 PRESIDING JUDGE STEINER: Thank you. Good morning, Mr Witness.

9 THE WITNESS: (Interpretation) Good morning, your Honour.

10 PRESIDING JUDGE STEINER: Did you manage to rest a little bit?

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

12 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony to
13 this Court, Mr Witness?

14 THE WITNESS: (Interpretation) I'm ready to give the members of the Court an
15 account of everything that happened to me.

16 PRESIDING JUDGE STEINER: Thank you very much. Witness, I have to remind
17 you that you are still under oath. Do you understand that, sir?

18 THE WITNESS: (Interpretation) Yesterday I understood the meaning of the oath
19 that I took. You know, when you come before a court, you have to give an oath.
20 You have to tell the truth before God. It is true you are human beings. You see
21 to -- you administer justice, but God is listening to us as well, so I'm confident and I
22 still am mindful of the oath that I took.

23 PRESIDING JUDGE STEINER: Thank you, sir. We want to remind you that you
24 are under protective measures, that your voice and image that are broadcast outside
25 the courtroom are being distorted so that people outside the courtroom cannot

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1 identify you by your voice, or by your face. It is important, sir, that when we are in
2 open session you do not mention names of family members, of neighbours, not give
3 any information that can lead to your identification. If need be, we go into private
4 session. In a private session you can speak freely because nobody outside the
5 courtroom can hear what you say. Do you understand that, sir?

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

7 PRESIDING JUDGE STEINER: And, Mr Witness, if at any time you feel tired,
8 distressed, or for any reason you need a break, just let us know and you will have as
9 many breaks as you need. Is that fine with you, sir?

10 THE WITNESS: (Interpretation) Yes, I understand. You know, I'm a human
11 being too. If I speak and I feel tired, I can tell you that and you can give me
12 authorisation to go and take some rest.

13 PRESIDING JUDGE STEINER: Exactly, Mr Witness. So, then, the Prosecution will
14 continue questioning you and, for that purpose, I give the floor to Mr Mourad.

15 MR MOURAD: Thank you very much, Madam President. Thank you, your
16 Honours.

17 QUESTIONED BY MR MOURAD: (Continuing)

18 Q. Good morning, Mr Witness.

19 A. Good morning, sir.

20 Q. Yesterday we talked about the arrival of the Banyamulengue to PK12. Can you
21 tell us or estimate their number when they arrived to PK12?

22 A. Thank you for your question. Yesterday I told you that when they arrived at
23 PK12 after crossing the checkpoint, the news of their arrival went throughout the
24 neighbourhood and everyone started to flee towards the main road to see the soldiers.
25 Everyone was talking. I too was part of the people who were along the side of the

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1 road and I saw them go by. You've asked me for an estimate. I think the number
2 would have been about a thousand people. There were a great many of them.
3 The -- it was a very long column of troops. They took a long time to cross the place,
4 cross through the place where we were.

5 MR MOURAD: Thank you very much, sir.

6 Madam President, I would like to display to the witness document

7 CAR-OTP-0027-0808. It's a confidential document, Madam President.

8 THE COURT OFFICER: Document CAR-OTP-0027-0786 at page 0807, is that the
9 document you requested?

10 MR MOURAD: It's document CAR-OTP-0027-0808. It's a single page document.

11 That's document number 4 on the OTP list of documents. It has an EVD. Okay,
12 thank you.

13 THE COURT OFFICER: It will be available shortly. It is now available on your
14 screens. It's a confidential document and its reference is EVD-T-OTP-00139. You
15 can see the document by pushing on the button "PC1".

16 MR MOURAD:

17 Q. Mr Witness, do you see this document on your screen?

18 A. Yes, I can see it.

19 Q. Sir, do you recognise this document?

20 A. This document, I do recognise it. I sketched it myself when the investigators
21 from the ICC met with me, and to take stock of everything -- well, to explain
22 everything, I had to make a sketch showing the various locations that were occupied
23 by the Banyamulengue. That is why I made this drawing.

24 Q. Thank you very much, sir. And do you see the signature on the bottom left
25 corner of the sketch?

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1 A. Yes, I can see that. It is my signature and at the bottom you can see my name
2 as well.

3 Q. Thank you very much, sir. I would like now to give you a chance to explain
4 what has been drawn on this sketch. I will try to help you step-by-step to describe
5 what's in there. Is that acceptable to you, sir?

6 A. Thank you, sir. May I begin?

7 Q. Let me ask you specific questions about the sketch. Yesterday you mentioned
8 that the Banyamulengue dug some trenches, and I would like you to show us on the
9 sketch where those trenches are.

10 A. Before I show the various trenches that were dug by the Banyamulengue, I'd
11 like to explain this sketch that I've drawn. Where you see point "A," that is the
12 arrival, the place where you arrive from the centre of town, and the arrow indicates
13 where the centre of town is. "C" represents the checkpoint where the soldiers were.
14 "B" is the police station, the gendarmerie. I can't make out the letter beside, but
15 I think that's the shelter, just facing the police station on the other side of the road,
16 and the various services are there: the police, the health authorities, the people in
17 charge of the checkpoint.

18 Once you cross the checkpoint -- to the right, the road to the right, that is the road that
19 leads towards Damara, and you see the letter "J." The Banyamulengue, when they
20 arrived from Bangui after they crossed the checkpoint, they took the road heading
21 towards Damara; that is to say they headed to the right. And just beside, you see the
22 word "habitation." That means that is the places where one finds the various
23 dwellings of the inhabitants and (Redacted). When they
24 arrived --

25 MR MOURAD: Madam President, may we go to a private session. It seems the

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1 witness will describe his location.

2 PRESIDING JUDGE STEINER: Court officer, please.

3 *(Private session at 9.52 a.m.) Reclassified as Open session

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

5 MR MOURAD:

6 Q. Madam Witness -- Mr Witness, I apologise. Now we are in private session so
7 you can continue describing freely the sketch and where (Redacted). Please go
8 ahead.

9 A. Thank you, sir. As I was saying a few moments ago, the place where I wrote
10 "habitation," that is where the various dwellings are of the civilian population. The
11 road to Damara is the road that the Banyamulengue took, and when you go down
12 that road, you come to a stream and that is labelled "Sö," S-O, and when they got
13 there they realised that there was no village there at that point so they stopped and
14 they turned around. And as I have already told you, people learned about their
15 arrival, so they went to that particular spot there.

16 There was a girl who was renting a house (Redacted). She was among the
17 various people who were watching the soldiers go by. One of the Banyamulengue
18 greeted this girl, and when they arrived at that place where there were no longer any
19 houses, they stopped there and then they came back to the place where one of them
20 had greeted the girl.

21 At that particular place they went into the neighbourhood to try to find the house of
22 this girl, and once they reached that house, they thought that they already had an
23 acquaintance, someone they knew who would help them settle in, so they took the
24 house of this girl. They invaded it, so to speak, and established their base. They
25 also took another compound that was beside the girl's house, and that was when they

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1 began to make this line that you can see, that is to say dig the trenches, and they
2 would put armed soldiers at these spots. They dug these trenches at regular
3 intervals and the line of this -- these trenches crossed the two roads and went all the
4 way to the cattle market. They turned their backs on the north and looked to the
5 south. So, all in all, that is what I can tell you about this sketch. If you have any
6 other questions that you would like to ask me, please ask them and I will answer in
7 detail.

8 Q. Thank you very much, sir. Would you, please, tell us what letter "E" in the
9 sketch refers to?

10 A. Letter "E" represents -- letter "I" represents the maternity clinic and that clinic is
11 found at the intersection of the two roads. There's also -- you can see beside that,
12 you can see the compound for the Begoua primary school.

13 Q. Thank you, sir. I notice that you explained letter "I." I was referring to letter
14 "E" which is pointing to a place a bit to the top of the sketch.

15 A. Thank you. "E" represents the place where the troops, the Banyamulengue
16 troops, had their headquarters. They took control of a villa and that is where their
17 leader set up operations. That is where he was based.

18 PRESIDING JUDGE STEINER: Mr Mourad, should we continue in closed -- in
19 private session?

20 MR MOURAD: Madam President, just a few questions in private session, please.
21 Thank you.

22 Q. Mr Witness, what does letter "M" refer to? It's in the right bottom corner of the
23 sketch. And please let me know if you have difficulty observing the sketch on the
24 screen. We can provide you with a hard copy if --

25 Madam President, I have noticed that on the screen it's not shown the letter "M" and

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1 "L." Maybe if a hard copy is provided to the witness, that would be more convenient.

2 And I have a hard copy if that's okay.

3 PRESIDING JUDGE STEINER: It can be moved on the screen, but maybe it's easier

4 for the witness to follow a hard copy. I suppose the Defence has not any objection to

5 that.

6 MR HAYNES: Not at all.

7 THE WITNESS: (Interpretation) I can now see it clearly.

8 PRESIDING JUDGE STEINER: Mr Mourad, maybe it's better if you repeat the

9 question, please.

10 MR MOURAD:

11 Q. Sir, I was asking you about letter "M" in the sketch which is on the bottom

12 right-hand corner of the sketch. Do you know what this letter refers to?

13 A. Thank you. The letter "L" stands for (Redacted), and at the entrance into

14 (Redacted)

15 (Redacted), that's where I've written an "M." Thus, the line they set up

16 actually went through (Redacted).

17 MR MOURAD: Thank you, Mr Witness. Madam President, we can go now to

18 open session.

19 PRESIDING JUDGE STEINER: Court officer, please.

20 (Open session at 10.02 a.m.)

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

22 MR MOURAD:

23 Q. Sir, when the Banyamulengue troops dug those trenches, what kind of tools did

24 they use?

25 A. Thank you. They looked for the young girl's house, the young girl who had

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1 said "hello" to them. After finding her house, they drew up that line. I'd like to
2 point out that there are some houses on both sides of this line. Therefore,
3 they -- I mean, they used their weapons to ask the population to provide them with
4 axes, spades and other tools to dig these trenches. I mean, they were armed.
5 Therefore, people were afraid. As a result, the inhabitants gave them these tools to
6 let them dig these trenches.

7 Q. And did they return those tools to the population afterwards?

8 A. I can't say precisely what happened. They were soldiers. I wasn't going to go
9 and ask them what they'd done with these tools. Did they give them back to their
10 owners? Do they still need them? Did they confiscate them? I don't know. I
11 can't tell you whether they gave them back to their owners, or not. I don't know
12 what they did with them.

13 Q. Thank you, sir. A while ago you mentioned that they had a headquarters
14 where their commander stayed. Can you explain who exactly stayed in these
15 headquarters; that is letter "E" in the sketch in front of you?

16 A. Thank you for that question. I said that when they got to PK12 and we came
17 out to see them, we saw these troops marching past. After they had gone through
18 PK12 we went home, and then suddenly they had spread out throughout (Redacted)
19 and were starting to set themselves up along that line. The troops had commanders
20 who were giving them instructions, orders, to dig the trenches, set up their equipment
21 in the trenches.

22 Why did I say "headquarters"? Because, in my opinion, this was the headquarters;
23 because if somebody did not behave well or made -- committed a serious offence,
24 they would take that person to what I've called the headquarters. Even my child
25 was dragged over there. That's why I knew it was their headquarters because there

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1 was a military commander and somebody from the general staff of the army had
2 come to intervene because of my child.

3 Q. Thank you, sir. And the rest of the Banyamulengue, you mentioned that they
4 stayed in people's houses. Can you tell us what was the reaction of the owners of
5 those houses in your neighbourhood?

6 A. As I said, they came in and around 3 or 4 in the afternoon. They went all the
7 way to the outskirts of the village, what I have written down as "O" on the sketch, and
8 then they came back towards the house of that young girl who said "hello" to them,
9 they looked for her house and, shortly after, they set their line and their commanders
10 gave them instructions to dig trenches. That was their military technique, because
11 they had to spend the night there. I don't know, I suppose. It was nightfall, the sun
12 wasn't shining anymore, and that's where they spent the night.

13 The next day, another group moved on towards the Damara road, chasing the rebels.
14 The other troops remained on that line. They could not give up their base. They
15 needed the equipment they had around their base, and they had to deploy other
16 equipment in the field. That's why the next day some troops remained on that line
17 and others moved towards Damara chasing the rebels, as they didn't know the area
18 very well.

19 They were very cautious as they moved forward, but there were troops. And the
20 military knew very well this area, but the Banyamulengue at first were extremely
21 cautious, so they fell back on their base. After three days they reached PK22, and it's
22 in PK22 that they had skirmishes with the rebels.

23 Q. Sir, my question -- let me repeat the purpose of my question. I just want to
24 know what was the reaction of the people, the owners of the houses that the
25 Banyamulengue stayed in?

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1 A. The Banyamulengue were like a cat. If a cat comes into a house, do you think
2 they -- a mouse is very happy to share the house with a cat? The Banyamulengue
3 were like cats. Once they moved into their houses, populations fled. They had
4 already started taking all sorts of things, and that showed that they were not people
5 who could co-exist peacefully. These were fore-running signs that foreshadowed
6 what they were going to do later.

7 Q. Sir, can you tell us how many houses did they occupy in your neighbourhood?

8 A. As I said, I mean the house in which that young girl lived, which was a very big
9 house, about 20 metres long perhaps, and it had small flats that were rented for single
10 people, men or women, because PK12 was a strategic crossroads. There were a lot of
11 trucks that drove through it, so a lot of girls had decided to come and live in PK12 to
12 lead their lives.

13 After setting up that line, they moved into all the houses on this line, on both sides of
14 the line. They just took them over. There were a lot of them. They couldn't just
15 occupy that girl's house; the commanders lived in the girl's house, but the other
16 troops had moved into other houses. Sometimes they went to go and talk with their
17 commanders. There was a non-stop movement along the line. That's all they were
18 doing, moving to and fro.

19 Q. And, sir, what happened to the belongings of the owners of those houses?

20 A. When they took over a house, what did people have? Sort of foam mattresses,
21 carpets, radio sets to listen to the news. That's the sort of thing they would take.
22 They just took this property, well, buckets, axes, heating wood and they cooked their
23 own food. They didn't have any military rations. I mean, they weren't given any
24 food. They had to feed themselves, and that was the first time I'd seen soldiers
25 rolled out without being provided with food. They had to manage to find food.

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1 They went looking for heating wood themselves to cook their food. If they didn't
2 have any wood, they would break doors, windows. They just took everything they
3 wanted from the houses they'd moved into to make fires. That's why people started
4 to flee the district when they saw what they were up to. That's how the inhabitants
5 reacted. The owners of the houses did the same.

6 Q. Thank you very much, sir. Can you tell us for how long did the
7 Banyamulengue stay in PK12?

8 A. As I told you, they came on the 7th. That's the date I remember, 7 November.

9 They set up that line, they deployed their equipment and material on that line. Some
10 of the troops moved towards PK22. That's why I saw what happened on the
11 Damara road. But there's another road. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted) Were there troops deployed on the other road? I don't know, but I know
15 that at the time they occupied that entire line. After a while, some of them moved on
16 chasing the rebels who had fallen back towards PK22. The rebels - Bozizé's

17 rebels - got there on 27 October. They tried to move towards the city. They actually
18 got within three kilometres of the Boganda lycée or high school and that is where they
19 had skirmishes with the loyal troops. You could see bullet holes on the buildings,
20 but at that point obviously the loyal troops were stronger and when the rebels fell
21 back they kidnapped the government's spokesman whose name is Prosper. They
22 captured him and kept him in a warehouse and the inhabitants came to look at him.

23 The children came and made fun of him, "So you eat as much as you like and we
24 suffer. You deserve everything you're getting." He just sat there with his arms
25 crossed over his chest. The rebel troops gave him some grass to smoke. He was

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1 shown to people going by. I mean, I too came out of curiosity to see with my eyes
2 Prosper, the government's spokesman. I saw him with my own eyes. And then on
3 6 November, Bozizé's rebels took the spokesman and fell back with him towards
4 PK22.
5 As a consequence, on 7 November the Banyamulengue moved into PK12. In the
6 meanwhile, when the Banyamulengue had come the first time, they were based in
7 Ouango in the first arrondissement. They had plundered a lot. They had looted a
8 lot, stolen a lot and they had behaved in the same way in the 7th arrondissement or
9 district and the inhabitants of Ouango could hardly stand them, but now they
10 changed direction and moved into PK12 and behaved in the same way as they had in
11 Ouango: Thieving, murdering, looting. That's what they were doing. When the
12 rebels fell back with the government's spokesman, the government told the
13 Banyamulengue perhaps to free the spokesman. I don't know. So some of the
14 Banyamulengue chased the rebels and the others remained there in PK12 on the line
15 and after, on a Sunday, they moved forward and had skirmishes with the rebels.
16 As you can see from PK12 to PK22, the distance isn't very far, about eight kilometres.
17 We could hear the shooting in PK12. The fighting lasted all day, from the morning
18 until the evening. Even at 8 p.m. you could still hear the shooting. It was obvious
19 that the Banyamulengue had lost a lot of men. A lot of them were killed. As they
20 had lost a lot of men, they dropped back to their base and it's after they got back they
21 no longer showed any mercy. They mistreated everything, everybody they found,
22 young people, old people, everybody was deemed to be a rebel and they started
23 killing everybody in PK -- the people in PK12. An uncle of mine was killed during
24 these events. I believe I can break off here and if you have more questions I am at
25 your disposal to answer them.

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1 Q. Thank you very much. Can you please tell us when the Banyamulengue left
2 PK12?

3 A. After setting up their base, they chased the rebels, and when the rebels retreated
4 they kept on chasing them. As soon as the rebels reached a town such as Damara, or
5 Sibut, they moved towards that town to chase them. They moved towards Boali,
6 Bossangoa, (indiscernible), the various towns in the hinterland that they occupied.
7 That is how they were moving forward. They did not leave PK12 entirely.
8 When they moved out, other reinforcements would arrive. I don't -- I can't say
9 whether the same troops were there, or if some had left and been replaced by others,
10 but there was a constant movement. They'd left Bangui on 15 March 2003. On that
11 day the freedom fighters, Bozizé's man, arrived. And before reaching Bangui there
12 was a battle in Bossangoa where the Banyamulengue suffered heavy losses.
13 After that clash they dropped back towards PK12 and once they had got to PK12 since
14 they couldn't stay there they decided to leave. They were walking one behind
15 another. Some of them went through the hills. In the centre of the town you could
16 see those who were leaving, walking one behind another, and those who were lucky
17 survived but they really suffered heavy losses, but they left PK12 on 15 March 2003.

18 Q. Thank you very much, sir. Excuse me. Just a point of clarification. You
19 mentioned that the Banyamulengue came for the first time. Which year was that?

20 A. The first time they came was in 2001, because at that point in time -- well, what
21 happened? There had been a coup d'état, in particular on 28 May 2001. Why did
22 they come? Because the President who had tried to launch a coup had a lot of
23 members of his ethnic group in the army. Most of the officers were members of this
24 ethnic group, and during the putsch or coup, there were a lot of soldiers who were
25 from his ethnic group.

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1 After the failure of the coup, (indiscernible) resigned, but then the government said,
2 "Well, since there are a lot of officers who belong to his ethnic group in the army, we
3 have to do something," and as you know the former Head of State used to live in an
4 area where there are a lot of officers from his ethnic group, various arrondissement,
5 the 6th arrondissement for instance, and there were a lot of retaliation was being
6 carried out. People tried to kill officers who belonged to the same ethnic group as
7 the former Head of State and a lot of the members of that ethnic group fled to the
8 other side of the river and the government came to the conclusion that they had to
9 take initiatives, because some officers from that ethnic group may have remained
10 hidden within the population and could cause a lot of damage. That's when they
11 called on the Banyamulengue to come, but as the brains behind the coup lived in the
12 Ouango area, the Banyamulengue were based in that district.

13 PRESIDING JUDGE STEINER: Mr Witness, sorry to interrupt you, the interpreters
14 are asking you please to speak a little bit slower. They are having difficulties in
15 following you. Thank you.

16 THE WITNESS: (Interpretation) Well, in that case I will resume.

17 MR MOURAD:

18 Q. Thank you very much, Mr Witness. I would like now to direct your attention
19 to what's happened to you personally and your family. This is your chance to tell
20 your story to the Court, so please go ahead and just mind not to mention names of
21 your family members. Please go ahead. Thank you very much.

22 A. What happened to me? Before the Banyamulengue got to PK12, I had a fair
23 amount of money. I had two big boys. As I had a bit of money, I had decided to
24 give some money to my boys so that they could trade. As a result, two of my boys
25 became tradesmen. One of them was trading spices.

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1 THE INTERPRETER: The witness used the French word.

2 THE WITNESS: (Interpretation) He would buy peanuts, oil, and other ingredients

3 that he would sell in the market. The other boy, my other son, set up a shop in

4 which he would sell little trifles.

5 Before the rebels started fighting against the Banyamulengues, well, at that time there

6 was no market because there was gunfire almost everywhere. The commercial

7 activities were not going on well and my son was compelled to bring back all his

8 goods and sell them at home, so if there were neighbours who needed anything, they

9 would come and buy items in our house. Unfortunately for us, when the

10 Banyamulengues arrived, they used the road near our house and set up their line

11 right (Redacted), and as you know, the Banyamulengues did not have any food

12 rations. They took the livestock belonging to the civilian population. So, in order

13 to prepare their food well, they needed spices. They needed salt, Maggi cubes,

14 onions, and since the market was not functioning at that time, they had difficulties

15 having supplies, and since my son was selling his stuff at home, that is where they

16 came and got their supplies. The first time they came and took supplies free of

17 charge. They came back and did the same thing the second time. But the third time

18 they said, "No, this is too much." He said that he had children and it was thanks to

19 the sales of those small items that he was able to feed his children. He told them that

20 they had taken supplies freely the first and second times and they had to pay. My

21 son is a big man and so he resisted them.

22 One of the soldiers punched him and asked him, "Who are you to be resisting the

23 decision of a soldier?" And, "Obviously, he must be a rebel. That is why he's

24 behaving in that way." And once my son was punched, he also fought back. And

25 as you know, the Banyamulengue soldiers are not really very big. They are not very

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1 sturdy, so when my son punched him, he fell to the ground, and after seeing this, his
2 colleagues came to his rescue. At that time it was actually a war. They started
3 shooting in the air to alert their colleagues who were still on the main road.
4 Shortly after that, my compound was invaded. There were weapons everywhere.
5 They seized my son, immobilised him, dragged him along the ground, and they were
6 kicking him with their ranger boots and beating him with the butts of their weapons.
7 I was there and his mother was there and we told ourselves, "Our son is not a thief.
8 How can we stand by and see him being ill-treated by others?" I asked them, "What
9 has he done for you to be ill-treating him like that?" They immediately ordered me
10 to shut up and told me that my son was a rebel and that is why I was defending him.
11 They then took him away to somewhere. I do not know whether they took him to
12 the headquarters or not, I cannot say.
13 It was on a Saturday and everything was happening when there was a light rain, and
14 since there was gunfire almost everywhere, all the neighbours fled. I was only the
15 only one left with my wife and my children, and when they took away my son, other
16 soldiers arrived. They found us and told us that we were rebels, and when I started
17 to protest, one of them pushed me to the ground and beat me with the butt of his
18 weapon. I fell to the ground and my eyes started hurting. After that, he asked me
19 to stand up and to go into the house; that is my wife and myself. My children were
20 present, my daughter and my son. In fact, they had already taken away one of my
21 daughters.
22 They came and surrounded us. They beat me and threw me to the ground. Then
23 they asked me to stand up and go into the house, and once inside the house, they
24 ordered me to lie down, face down. They also ordered my wife to lie on the ground,
25 face down. One of the soldiers placed his foot on the back of my neck while the

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1 other stepped on my foot so as to immobilise me and to prevent me from seeing what
2 they were doing.
3 They started taking away all the goods in the house. They destroyed the cupboard,
4 amongst other things. They took money, they took clothes, they took mattresses.
5 And my daughter was shouting to tell me that they were taking her elsewhere, but
6 what could I do? I was powerless. My daughter was screaming, but I could not do
7 anything. At one point my daughter started shouting, "Papa, they are undressing
8 me. They are undressing me," but I could not do anything. At that time it was not
9 possible for me to see what was happening. As to the boys, their hands were tied up
10 and they were being violently beaten. There was also a lady called (Redacted) who had
11 built a house and put it for rent. This lady spoke perfect Lingala. The leader of the
12 soldiers at that time came and spoke with that lady, (Redacted)
13 (Redacted).
14 (Redacted)
15 (Redacted) she started
16 complaining to them in Lingala. She said, "But this gentleman, he has never done
17 anything bad, but your soldiers are looting his house. That is not normal." And
18 when she started complaining in that way, the soldiers did not say anything. They
19 continued the bad things that they were doing, and after they finished looting the
20 house, they released me. Then she spoke to them in Lingala and shortly afterwards
21 they left the compound.
22 When they ordered me to stand up, I couldn't stand up any more because my ribs
23 were hurting. I was assisted to be able to stand up and I had complaints about my
24 eyes. It was almost nightfall by then, but I did not know where my son had been
25 taken. Had he already been killed? I could not know. Despite everything, I spent

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1 the night. I had insomnia. I was unable to sleep.

2 Very early the following morning, I went (Redacted)

3 told him all that had happened and I asked him what I should do to locate my child.

4 He said, "Look, the Chief of Staff is Bemba's son," and that would be difficult for me

5 to go and meet him, so I said, "Well, let me move on." I went to the central market.

6 It was at this time that the loyalists decided to come to PK12, because up to that time

7 there were no loyalist soldiers there. When the rebels had retreated, the loyal forces

8 had not come there immediately. So I (Redacted) and I told

9 him about the violent acts perpetrated against us. I told him that they beat us and

10 they took away my son, and he asked -- he told me, "That is not my business." I was

11 surprised because I considered him as an officer of the law, and since I had spoken to

12 him about what had happened to me and he did not provide any solution, I decided

13 to return home. After I returned home, a child came and told me, "Look, I saw your

14 son there at the headquarters at the school. I saw him. His hands were tied and he

15 was covered with earth."

16 His mother, his brothers and myself, we went to that place. They were 60 metres

17 away, and we stayed on the main road. All the members of the population who had

18 been attracted by the events were there, 60 metres away, and we were looking at them.

19 When they were taking my child to the military headquarters, they came across a

20 soldier who had his weapon and who was visiting his family. Once they saw him,

21 they immediately thought that he was a rebel, so they seized him and they took him,

22 together with my son, in their vehicle and was moving about with them.

23 After seizing that soldier, they informed the Central African military headquarters

24 that they had succeeded in capturing a rebel and so the (Redacted)

25 (Redacted), came to the Banyamulengue's headquarters. All the members of the

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1 population were there.

2 Then the Banyamulengue's Chief of Staff - that is, Bemba's son - together with the

3 Central African Army Chief of Staff, started a discussion about what was happening.

4 My son and the soldier were still there, tied up, and that is when they officially

5 presented the captured soldier to the senior officer. I don't know whether they

6 considered that as an act of bravery, or not. I cannot say. They then handed over

7 the soldier to the Chief of Staff, who took him back to Bangui, and so the member of

8 the population -- the members of the population thought that at least justice had been

9 administered.

10 The officer left with the soldier and the boy and, when they arrived at the central part

11 of the town, the senior officer released the soldier saying that he was not guilty of

12 anything. My child was covered with soil, he was dirty, (Redacted)

13 gave him 500 francs and told him to buy some soap to wash his body, to wash himself.

14 He also told him not to go back to PK12, but to remain in Bangui; that is, if he had any

15 relatives in Bangui. My son thanked him and then (Redacted) went on his way.

16 Later on, my son went to the house of one of our family members. His grandmother

17 prepared a decoction that he applied on the boy to treat him. My son remained with

18 his grandmother until the Banyamulengues left PK12. As you know, because of the

19 beatings that he had received, he could not hold anything with his hand. All his

20 nerves had been damaged. He could not move his fingers freely and, after the

21 events, we went to the rehabilitation centre for handicapped persons. So after

22 arriving at that centre, they started to rehabilitate his fingers and it was only after that

23 that he started regaining some movement in his fingers, but despite all that he could

24 not hold a heavy item.

25 I continue suffering as a result of what happened to us. They raped my daughter

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1 while they were taking her away. After she had been released, I did not have the
2 courage to go and see my daughter. It is her mother who went and saw her. She
3 was covered in blood and she said, "Look at what the Banyamulengues have done to
4 this child." I asked her, "What?" And she said, "Look, they have done a very bad
5 thing to her." I was there and I was crying, and each time that I remember these
6 things and I start talking about them, I have tears in my eyes.
7 As you know, my daughter was ten years old. She could no longer go to school,
8 because she was stigmatised at the school. The other pupils were making fun of
9 her - that is, the Banyamulengue's wife, and so on and so forth - so she dropped out of
10 school because of that. I could not do anything. I allowed her to continue like that.
11 So I am very disappointed. I'm very upset. If she had continued with her studies,
12 maybe she could have become an authority. Maybe she could have become
13 someone important today. So she cannot do anything because she had dropped out
14 of school.
15 Her brothers who had been tied up were taken to the kitchen. They were the ones
16 who were splitting the firewood and preparing the chickens. So their job was to
17 light the fire, to pound cassava and many other duties. They were (Redacted)
18 (Redacted).
19 (Redacted)
20 difficult time for me. Imagine an adult, like myself, crying. That is because I am
21 affected in my very being, in my flesh. I have nothing else to add to that, so if you
22 have further questions please you can put them to me.
23 MR MOURAD: Thank you very much, sir, for sharing your story with the Court.
24 Madam President, I think we may have the break now, if you prefer, and maybe we
25 continue after the break with the details of the story of the witness. Thank you very

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1 much.

2 PRESIDING JUDGE STEINER: Thank you. Mr Witness, we are going to have a
3 break now in order for you to take some rest. It's almost 11 o'clock. We'll be back
4 here in this courtroom at 11.30. Take some time for yourself and we will continue
5 after the break. I will ask, please, the court officer to turn into closed session in order
6 for the witness to be taken outside the courtroom and, in the meantime, we are going
7 to suspend this hearing and resume at 11.30.

8 *(Closed session at 10.52 a.m.) Reclassified as Open session

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

10 (The witness stands down)

11 THE COURT OFFICER: All rise.

12 (Recess taken at 10.54 a.m.)

13 *(Upon resuming in closed session at 11.36 a.m.) Reclassified as Open session

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

15 PRESIDING JUDGE STEINER: Welcome back to the courtroom. I ask please, court
16 officer, to reintroduce the witness into Court.

17 (The witness enters the courtroom)

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

19 (Open session at 11.38 a.m.)

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

21 PRESIDING JUDGE STEINER: Thank you. Mr Witness, welcome back.

22 THE WITNESS: (Interpretation) Good morning again, your Honour.

23 PRESIDING JUDGE STEINER: Did you manage to rest a little bit during the break?

24 THE WITNESS: (Interpretation) Yes, I did take some rest and I thought about
25 things and I am thinking about what the question that the Court asked me a few

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1 moments ago.

2 PRESIDING JUDGE STEINER: Mr Witness, the Prosecution will continue
3 questioning you. If there is any question you don't feel comfortable with you can
4 say that to the Prosecution and maybe he can rephrase the question or go to another
5 question. So feel free to ask these kind of questions to the Prosecution.

6 THE WITNESS: (Interpretation) I've understood that entirely.

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

8 THE WITNESS: (Interpretation) I am available to the Court. I'm here to speak to
9 the Court. I'm ready.

10 PRESIDING JUDGE STEINER: Thank you, Mr Witness. The Bench would like to
11 remind you for you to please make an effort and not mention any names during
12 public sessions. Sometimes, because one name is said in the middle of your
13 testimony, we have to order this name to be redacted and expunged from the
14 broadcast. If we have many orders of redactions, the broadcast cannot be sent
15 outside the courtroom.

16 And Mr Mourad, this is what happened in the last part of your questioning. We
17 were not able to broadcast the last 20 minutes of the witness's questioning, so I'm
18 asking please the Prosecution and Mr Witness to be very careful in order not to
19 jeopardise the safety of the witness, of family members, of friends. So names and
20 references that can identify you, your family members, your friends can only be made
21 in private session, not in public session. Do you understand that, Mr Witness?

22 THE WITNESS: (Interpretation) I understand.

23 PRESIDING JUDGE STEINER: Thank you very much. And Mr Mourad, if you
24 anticipate that this kind of information is going to come up, please ask for private
25 session. Thank you. You have the floor.

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1 MR MOURAD: Thank you very much, Madam President. Thank you very much,
2 your Honours. Madam President, I will do my best to avoid mentioning names, but
3 I actually anticipate with my follow-up questions to the witness's own victimisation
4 that maybe the names will come up and I am afraid that I won't be able to interrupt
5 the witness during his answers. So I seek your guidance, your Honours, if we can go
6 to private sessions for the following part regarding the follow-up questions of his
7 story.

8 PRESIDING JUDGE STEINER: Let's try to do it in open session, and always
9 reminding the witness not to be so precise in some details.

10 MR MOURAD: Thank you very much, your Honours.

11 Q. Mr Witness, good morning and welcome back to the court. Mr Witness,
12 I would like now to follow up on the stories that you have shared with us just before
13 the break. Please don't take offence if my questions sound a bit repetitive, but it's
14 very important to clarify the details of the story. And as Madam President
15 mentioned a while ago, if any of my questions you would like me to rephrase, please
16 let me know. Do you understand, sir?

17 A. I understand completely.

18 Q. Sir, before continuing with my questions, just the last reminder: Whenever
19 you are telling your story again, or answering my questions, if there is a name that
20 you need to mention, please refrain from doing that at this point because we are in
21 public session, unless you -- it's very important that you say it. So please indicate
22 that to you us so we can request from the Bench that we move into private session.
23 Is that understood, Mr Witness?

24 A. I've understood.

25 Q. Thank you very much, sir. Sir, you talked about what happened to you and

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1 your family. Do you recall when was that?

2 A. Everything I had told you about earlier, the events, occurred in 2002 when the
3 Banyamulengue came into Bangui.

4 Q. Thank you very much. Do you recall how long after they came to PK12 this
5 happened to you?

6 A. I told you a few moments ago. When they arrived, they deployed throughout
7 the entire neighbourhood and they formed -- they created this line that I was telling
8 you about. This line (Redacted), and they did as they wished.

9 I was beside, I saw them. They dug their trenches and they spent the night. I was
10 also at (Redacted).

11 In the morning, when I got up and went (Redacted), we looked at one another.

12 We said, "Good morning" to one another. And when they wanted to pursue the
13 rebels as far as PK22, there was heavy fighting during which they suffered casualties.
14 And when they came back, they started to commit acts of violence and abuse because
15 they lost many men at PK22. When they came back to PK12, they started to commit
16 acts of violence and abuse, taking objects.

17 Since they didn't speak Sango, they would say to people "pesa ngai
18 mbongo" -- which -- well, those who didn't have money, were whipped. What
19 happened to me, well, they didn't come directly to the house. When they came, they
20 took some time to set up operations and to make observations. The rebels were
21 beating a retreat after three days. After that attack, that was when they fell back and
22 started to commit these acts of violence and abuse throughout the entire
23 neighbourhood. And everything that happened to me was on a Saturday. I told
24 you a few moments ago that I suffered these acts of violence and abuse on a Saturday
25 and it was a day of light rain.

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1 Q. Thank you very much, sir. Do you recall which months were that? You
2 mentioned that it was in 2002. Do you recall which month in 2002 were they?

3 A. It was in November. They arrived on 7 November. It was during the month
4 of November. That is when I suffered all these acts of violence and this abuse.

5 Q. And, sir, what time in the day was this attack?

6 A. It wasn't in the morning. It was around 4 in the afternoon, as it rained. And it
7 was on a Saturday, at 4 in the afternoon.

8 Q. Thank you very much, sir. How many -- how many persons attacked you that
9 day and your family?

10 A. When the events occurred, no one could move about. My children, my whole
11 family, we were stuck inside. And the people who were selling various products, for
12 example, food or foodstuffs, were selling from their home or from their compounds.
13 Three of them came to get these various products. And since they took once, twice,
14 my son put up a resistance the third time. He didn't let them take some money. He
15 resisted and that is how it came to be that he was beaten up. He was a man and he
16 tried to fight back. He was able to get the assailant down on the ground, so the
17 others came about -- came around him and encircled him and they started to beat him
18 up and fire shots into the air. I don't know how many of them there were. Some
19 were on the line, others came from the base. And in the final analysis, my entire
20 compound was invaded. I really couldn't tell you -- more than 60? I really couldn't
21 know. They were shooting shots into the air.

22 The entire locality realised that things were happening in my compound. The
23 neighbours were also terrorised. They had to go inside their houses and hide. It
24 was very, very tough that day. And each time I remember these events I find it very
25 difficult to bear. I couldn't really estimate the number that day, because the first one

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1 who arrived took advantage. He came into the house; he looked for things.

2 Another one came; he looked to -- around to find things. Some people took various
3 items. Some of them took money. I really couldn't tell you how many of them
4 there were that day.

5 Q. Thank you very much, sir. Had you seen any of the attackers before that day?

6 A. Well, if it were people from the local population, I would have known.

7 I would have known the names of a particular person or another one. Otherwise,
8 well, I'm not used -- I never took the time to talk to them. Even if I knew, I really
9 wouldn't have the courage to ask for accounts. The ones who did these things to
10 them -- to me, they continued to go about. What could I do to ask them to account
11 for their actions?

12 Q. Sir, do you know which language they were speaking among themselves?

13 A. Amongst each other, they spoke Lingala.

14 Q. Did they speak to you at that time?

15 A. At the time of the events, they didn't need to speak to me. They started to
16 assault my son and so he intervened and I asked them, "What did he do?" They
17 were trying to speak in French and they said, "Your son is a rebel. Your son is a
18 rebel." That's what they said in French. They really couldn't form a proper
19 sentence, so they just said, "Your child rebel, your child rebel." So they -- so we were
20 able to deduce this.

21 Q. Are you able to tell us in which accent did these speak these French words you
22 referred to?

23 A. What kind of accent? Well, the accent was like the Lingala that they speak, the
24 French that you speak. You have your own mother tongue and you have French as a
25 second language, a secondary language, but I think you express better -- yourselves

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1 better in your main language than in your second language. When you speak a
2 second language, that second language is influenced by the mother tongue so people
3 can realise what's the origin of the person, so there are a number of hints or
4 indications.

5 The accent was the Lingala accent. I understand a few Lingala words. I do
6 understand them. I don't speak that language. Because, you see, because we are
7 neighbours, we live right before the former Zaire. My village is located close to a
8 town in Congo, and in the centre of town, we are -- well, you see, we are right beside
9 the Congo. I've had opportunities to cross. So the language that they were using
10 was Lingala. Not only that, in the neighbourhood where I live, there are some
11 people from Zaire who have come to do odd jobs. One of these people lives close to
12 my home. (Redacted), because when there is a conflict within that
13 community, he's the one who settles the matter. He speaks and I understand.

14 Q. Sir, this French they spoke, if you compare it to the French spoken in your
15 country, what can you tell us about that?

16 PRESIDING JUDGE STEINER: Maître Liriss?

17 MR LIRISS: (Interpretation) Your Honour, Defence would like to object. We let the
18 first question about accent go by, but now he's been asked what kind of French this
19 person spoke. The witness is not a linguist. I believe this question should be either
20 asked in another way, or you should bring in a linguist, an expert.

21 PRESIDING JUDGE STEINER: Mr Mourad, any comment?

22 MR MOURAD: Madam President, I'm not asking the witness about his expertise,
23 just his own observation, and the assessment of his own observation would be for
24 your Honours to assess in the end.

25 PRESIDING JUDGE STEINER: You can proceed.

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1 MR MOURAD:

2 Q. Mr Witness, allow me to repeat my question again. I was asking you about the
3 French which was spoken by those people who attacked you. If you compare this
4 French with the French spoken by the people of your country, the Central African
5 Republic people, how can you -- what can you tell the Court about that?

6 A. But French, when you've learned French and you can speak French, you can see
7 that somebody has learned the language because they learned it at school, but for
8 somebody who has never been to school and speaks some French, I would call that
9 kind of French sort of slang-like French, because one of the things they said
10 they -- they said they were village people who had been enlisted and they had
11 learned to shoot. This person who was speaking said he had learned to shoot in one
12 day and then he was given a uniform. One of them told me himself. I mean, these
13 are basically people who came from a village and they couldn't speak real French, or
14 they could just use some slang. The word "rebel" is obviously something they heard
15 quite frequently, and then they knew how to say child, enfant in French, and so in
16 French they were saying, "Ton enfant rebelle," "Your child rebel." What I mean is
17 that they didn't know how to build a sentence with a subject, a verb and a direct
18 object. They just used sort of Pidgin French. It's not the French you learn at school.

19 Q. And, sir, if you compare this French to the French spoken in your country, was
20 there any difference between them?

21 A. The French we speak in the Central African Republic is very different from the
22 sort of French they were using. I'll repeat myself. Their French was not literary
23 French. It was slang. I mean, when they spoke to me they just used two words,
24 you know? I mean, three words, "Your child rebel."

25 THE INTERPRETER: The witness repeats, "Enfant rebelle," child rebel.

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1 THE WITNESS: (Interpretation) It's up to you to work out what they mean. So
2 that's not the French we speak in the Central African Republic. I don't know if over
3 there they teach French to children, but -- I don't know, or maybe their schooling is in
4 Lingala, or another language. The Central African Republic was a French colony
5 and we learned French at school, so obviously that's different from somebody who
6 has never learned French at school. That's all I can say.

7 MR MOURAD:

8 Q. Thank you very much, sir. Were any of those people who attacked you
9 carrying any guns, or weapons of any kind?

10 A. But who attacked me? They were the Banyamulengue; the people I described
11 earlier, the ones who arrived on 7 November. Other soldiers, they're the ones
12 who did it. They built their line and that line (Redacted), and then
13 went -- they went off to steal things. Maybe they had been told they should plunder,
14 I don't know, but before answering your question I'd like to add something.
15 The Central African Republic has been rocked by crises, armed conflicts. There have
16 been foreign troops who have intervened in the Central African Republic to restore
17 peace. This was the first time I saw foreign troops -- sorry, military troops who
18 cooked for themselves and then committed crimes against the civilian population.
19 So what was their mission? Destroy the population? Loot the population?
20 Somebody should tell me why they came. Did they come to help the population?
21 What did they come for? All the other troops that came into the Central African
22 Republic, not one of them behaved like that.
23 There was a case of various peacekeeping missions that were deployed in the Central
24 African Republic, such as SEN-SAD and then -- and NISAD. When they were here,
25 in our country, no Central African complained that his daughter had been raped, or

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1 somebody had been killed, or his mattress stolen.

2 These were not real soldiers. They were rebels and that gives ground -- gives

3 credence to the argument that somebody called (Redacted), who would go

4 every (Redacted), I mean he wasn't taking part in the crimes.

5 The other soldiers were doing that. Since they were committing crimes and he was a

6 Christian, he did not take part. (Redacted)

7 (Redacted) he was he a peasant. He wasn't a soldier. He had been

8 enlisted, dressed and he had been forced to cross the river with the other

9 Banyamulengue.

10 So this leads me to the conclusion that these were people from the countryside,

11 peasants, farmers, who had never had a sort of foam mattress, never had a radio set,

12 never had the possibility of having weapons, so they just took everything they could

13 see. They were bandits.

14 If they had been soldiers, I mean when you recruit soldiers you need to pay them

15 every month because they are men. Any man has needs, including sexual ones, and

16 when he's got money he uses his wage to pay a woman. He doesn't need to beat up

17 a woman, or rape her, because if he's got money I mean he will find women who will

18 accept his money for sexual intercourse. But since they were enlisted they had been

19 told they would get their money from the population, they accordingly applied the

20 instructions they had been given. The boss --

21 THE INTERPRETER: To use the witness's word.

22 THE WITNESS: -- in my opinion organised war crimes in the Central African

23 Republic, because he hired people and sent them to the Central African Republic

24 without giving them any money. These people he recruited, how were they going to

25 live? As they didn't have any money, they started doing whatever they felt like

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1 doing, raping women, stealing money, stealing food, simply because they had no
2 money themselves, but if they had been paid -- we've heard that there is a document
3 that clearly shows that he received money and that was to pay for these
4 Banyamulengue, but what did he do with this money? Why didn't he pay them? If
5 you ask me questions about this, I could tell you who my sources and the amount of
6 money. He, Bemba, organised the war crimes in the Central African Republic,
7 because he sent people there and he did not pay those soldiers. Those soldiers lived
8 off the population and raped women and men. I mean, he is the one to blame.

9 MR MOURAD: Thank you very much, sir. Madam President, may we turn into
10 private session briefly?

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

12 *(Private session at 12.12 p.m.) Reclassified as Open session

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

14 MR MOURAD:

15 Q. Mr Witness, we are now in private session and so you can mention names
16 because whatever you are going to say is only heard inside the courtroom, so feel free
17 to mention any names or any information you wish to share with the Court.

18 A while ago you were talking about the money for the Banyamulengue and you
19 wanted to share with us some information. Please go ahead.

20 A. Thank you. I never said money was given to the Banyamulengue. What I
21 said is that the boss of the Banyamulengue, him, Bemba, because he's the one who
22 sent them to the Central African Republic, if he had paid the Banyamulengue, because
23 basically they were working for him and they should have been paid for that, if they
24 had moved into a foreign country but been paid, they would have used their wages to
25 pay for food, or pay for the sexual services of a woman. They would not have had to

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1 roughen up the population, but they were enlisted by force and were told that they
2 should live off the population. They consequently stole things from the population,
3 clothes, beds.
4 They would take all that by force. That's why I say such behaviour is what enables
5 us to say that Bemba organised war crimes in the Central African Republic because he
6 enlisted people, he did not pay them, and these people came and committed crimes
7 against the population. He is the one to be blamed. He is responsible for that,
8 because he didn't pay them. If they had been paid, they would not have behaved in
9 that way.
10 Second, one of those soldiers who was nicknamed "(Redacted)" by his colleagues,
11 because (Redacted)
12 (Redacted) and he never took part in these crimes.
13 Afterwards, he came (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted) they had been enlisted, they had been forcibly enlisted, they had been
17 taught how to load a weapon, and then they had crossed the river, they had been
18 given weapons and now they were there in PK12 and that's what makes me say that
19 they were peasants who had been enlisted. They were not given any money. And
20 the crimes that were committed are Bemba's responsibility because he did not pay
21 them. That's what I can say.
22 Earlier I said that there had been peacekeeping forces in the Central African Republic.
23 The French Foreign Legion, for instance, the SEN-SAD forces. They intervened
24 during political and military crises in the Central African Republic because even the
25 NISAD also was deployed after the Bangui agreement. They intervened in the

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1 Central African Republic, but they never plundered foam mattresses. Never did
2 they rape Central Africans. They were well-organised. They had food, military
3 rations. They were in a camp. And they acted according to military discipline.
4 They never created any trouble.
5 But compared with the Banyamulengue, it shows that they were real bandits. They
6 were rebels, they weren't soldiers. They had no military concept or instruction,
7 because a soldier is somebody who respects and defends the population. It's not
8 somebody who comes to steal the population's property. And I believe that the
9 government, the Patassé government that was in power at that point in time, in my
10 opinion, signed an agreement with Bemba and promised Bemba that they would give
11 him money, but why didn't he pay that money to the Banyamulengue?
12 Then they would have come to the Central African Republic not to rape people, rape
13 women, they would have used their money to buy their food and so forth. That's
14 what should have happened. But as they did not get any money I am led to say that
15 he, Bemba, is to be blamed for those war crimes in the Central African Republic that
16 were committed by these troops. He kept that money for himself. Maybe he put it
17 onto his bank account overseas and then he just sent some animals into the field and
18 told them live off the population.
19 As a consequence -- but, I mean, the five billion that he was paid by Patassé in
20 diamonds, why didn't he pay the -- his troops? I mean, the documents are there.
21 PRESIDING JUDGE STEINER: Mr Witness, thank you for being here giving so
22 many information to the Chamber. I wanted to ask you, please, to try as much as
23 you can to be more concise in your answers to the Prosecution because we know the
24 Prosecution still has many, many questions to put to you and, in order for the
25 Prosecution to complete its questioning, it's important, sir, that you try as much as

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1 you can to give more objective and concise answers because only then we can have
2 the whole picture of the Prosecution case.

3 Don't take offence if I'm asking you to do that. It's exactly in order to allow us to
4 know in details what happened to you and to your family. Thank you very much,
5 sir. Prosecution, please.

6 MR MOURAD: Thank you very much, Madam President. Thank you very much,
7 your Honours.

8 Q. Mr Witness, you mentioned a while ago that (Redacted)
9 (Redacted). I would like to know if (Redacted) about the kind of
10 training the Banyamulengue received before coming to the Central African Republic?
11 A. As I said earlier, among those troops, he's one of those troops and as he was one
12 of them he had to stay with the others, but the way he behaved was different from the
13 others because he came -- because he (Redacted) and, therefore, did not want
14 to behave like the others. He saw how the others had beaten me up. He knows
15 (Redacted). I mean, he could get by in French, (Redacted)
16 (Redacted).
17 (Redacted) and therefore I've tried to understand.

18 (Redacted) in our country we are peasants. We were enlisted. They were simply
19 taught how to load a gun, how to shoot a rifle, how to take out a cartridge. That's all
20 we were taught. And immediately afterwards we were told to go into the Central
21 African Republic, but once we were in the Central African Republic we were to fight
22 to be able to feed ourselves. (Redacted) they had no uniforms. It's only after they'd
23 crossed the river that they were given uniforms. (Redacted)
24 (Redacted), really. As he could see that the others were committing crimes (Redacted)
25 (Redacted) about their organisation, but what (Redacted) is that they weren't

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1 professional soldiers, they were civilians.

2 But I am here, I have to tell the truth so that people can clearly understand what

3 occurred and be able to ascertain who is to be blamed for what. I've nothing to hide

4 otherwise justice would be meaningless. I've come before the Court not to hide the

5 truth but to be able to let the Court know everything I know about the

6 Banyamulengue. I didn't come here to hide the truth but to get all the information to

7 the Court that is needed to establish the truth.

8 Q. Thank you very much, sir. During (Redacted), apart from

9 how to load a gun, did (Redacted) any kind of training the Banyamulengue received

10 about how to treat the civilian population?

11 A. During (Redacted) the following: The others are very nice

12 because the orders we were given were as follows; when you get someone, don't joke

13 with anybody. You're going there to fight. And I could give you more details, but

14 you asked me to remain concise so I consequently won't be able to give you all the

15 information I know.

16 Earlier you asked me to avoid giving too many details, so I'm restricted in what I can

17 say. In fact, I wanted to give you all these details.

18 Q. Thank you very much. Let me put the question in another form and you can

19 just ask the questions the way you would like without -- and try to be concise as well,

20 but don't try to hold back important information for the case.

21 My question was: Did (Redacted) anything about training the Banyamulengue

22 received with regard to how they should treat civilian population in the Central

23 African Republic?

24 A. (Redacted)

25 (Redacted) about what was happening. On that day

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1 (Redacted) they had damaged it and during (Redacted)
2 (Redacted) we are
3 peasants. We are not soldiers. We are not professional soldiers, but we have been
4 forcibly enlisted. Bemba was the boss. He ruled in this situation. Nobody could
5 refuse his orders. He was seen as a supreme commander.
6 If he said so-and-so should be enlisted, people had to obey, and that's how these
7 people from the countryside were enlisted. They were simply taught how to load a
8 gun, how to fire it, and so forth. It's only afterwards that they left their country,
9 crossed the river to come to Bangui. And acting this way, did their boss, i.e.,
10 Bemba, have any concern as to their fate? I don't know. Taking civilians and
11 sending them to the frontline without any kind of training, obviously he
12 wasn't -- didn't care about them. All he was interested in was money. He saw
13 these men as sheep. But if he had been sincere, just by looking at the troops he had
14 sent to the Central African Republic, he would have to answer the question: How
15 many went home? Did one-quarter of them get back? I can say that they paid a
16 heavy price for what they did, because he sent soldiers who were not trained into the
17 Central African Republic. And (Redacted) that the training they got
18 consisted in learning how to load a gun and firing it, and that's all.
19 What I understood is that if they had been professional soldiers, they would have
20 been entitled to military rations. They should have been given food every day.
21 They should have had vehicles that would have driven around the troops to give
22 them food. In the evening, there should have been a vehicle to bring them coffee.
23 That would be what I call professional soldiers, but that wasn't the case. No vehicle
24 came to take them on patrols. No, nothing of the sort. They just deployed
25 throughout the area to steal whatever they could to be able to go to cook. They

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1 would chase hens and even dogs, ducks; they would steal all of that. And they,
2 themselves, cooked their food. They, themselves, had to.
3 Sometimes they would force some man or woman to come and help them cook, and I
4 said to myself that is not the way professional soldiers behave. And as they told
5 us -- I mean, what they said is, "Bemba told us to help ourselves, so we have to do
6 that." When they first got here in 2001, when they were in Ouango, similar orders
7 had been given. They were given the order to "clean up," clean up the Ouango
8 district because that was the stronghold of the president.
9 At that time in Bangui town women were circulating information according to which
10 all the men had to flee because any man who ventured to stay around could be killed,
11 so from east to west in Bangui, all the men were fleeing in all directions because
12 orders had been received to that effect. Those were the same orders that had been
13 issued by the leader, and the leaders in Bangui at that time were the town authorities.
14 They were the ones who instructed people to do what they had to do and they were
15 simply implementing orders received from above. That is how I understood what
16 had happened.
17 Q. Thank you, sir. My last question in private session. I would like to take you
18 back, sir, to what happened to you personally and I just would like you to mention
19 who among your family members were with you at that time. You can mention
20 their names because we are still in private session.
21 A. A short while ago I said that at the time I was attacked, I was with my wife and
22 children, and the names are in my statement. Those were the ones who were with
23 me. My daughter who was raped was also there, so it was only my family that was
24 present; my children, my daughters, and no one else. (Redacted)
25 (Redacted)

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1 (Redacted)

2 Q. Thank you, sir. How many of your family members were with you? You
3 mentioned there was your children as well. How many of your children were with
4 you in the house when you were attacked by the Banyamulengue?

5 A. I just said that (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 The others were still out, but I have just given you the names of those who were with
10 me at home; that is, in addition to their mother and myself.

11 Q. And, sir, your son that was beaten by the Banyamulengue, what was his name?

12 A. His name is (Redacted).

13 Q. Is he known by any other names, like nicknames or anything like that?

14 A. His nickname is (Redacted).

15 THE INTERPRETER: If the Sango interpreter understood well, it is somebody who
16 (Redacted). That is why he was referred to as (Redacted)

17 MR MOURAD: Thank you very much. Madam President, with your leave, may
18 we go back to public session?

19 PRESIDING JUDGE STEINER: Court officer, please.

20 (Open session at 12.39 a.m.)

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

22 MR MOURAD:

23 Q. Sir, I would ask you a very simple question, and if you wish, you can provide
24 me with a simple answer. With regard to those people who attacked you and your
25 family, were they carrying any weapons at that time?

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1 A. They were armed. They had handguns, because all the soldiers moving
2 around were armed. Under those circumstances, one could not move around
3 empty-handed, because it was with those weapons that they would threaten people.
4 So those who arrived were armed and they used those weapons to shoot in the air,
5 but I could see shells. I picked up some of those bullet shells, but I never knew that
6 there would be a trial. If I knew, I would have kept those shells. That was in 2002.
7 And it was only in 2004 that the government of the Central African Republic referred
8 the situation to the ICC. If I knew that this would lead to a trial, I would have kept
9 those shells.

10 Q. Thank you very much, sir. I completely understand you. You mentioned that
11 they were carrying weapons. Are you able to give us the names of those weapons,
12 what kind of weapons were they? They were firing weapons, but were they guns or
13 rifles? I'm trying to assist you, but you can go on with your answer.

14 A. As you are aware, the army has several types of weapons, and since we are not
15 soldiers, it is not possible for us to know, but the most common type of weapon was
16 the one that was referred to in Bangui as the Kalashnikov. So the weapons that I saw
17 were Kalashnikovs. There were other weapons on a tripod, and those were the
18 weapons that were positioned near the line that they had dug, but the weapons they
19 carried were Kalashnikovs.

20 Q. Thank you very much, sir. You mentioned that they had beaten your son and
21 that they had beaten you as well. Can you tell us where did they beat you, first, and
22 then we can move on to your son afterwards.

23 A. I was present at the time of the events. I was in my compound. My wife was
24 present. My son was in front of his kiosk and his brothers were also there. The
25 soldiers came to take spices and my son told him -- and told them, "You have come

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1 two times and you have taken things for free and I cannot accept it." And the soldier
2 asked him, "Who are you to resist soldiers?" Then he punched my son, and he
3 fought back. So those people were just young soldiers and I said the average age
4 was 12 to 35 years, so when you consider a soldier who is 12 years old he is still a
5 minor.
6 Since my son punched him and he fell down, it became an event. There were
7 warning shots fired and those who were on the road came into my compound. They
8 seized my son and dragged him on the ground. They would use the butts of their
9 weapon to hit out what was in his hand. And I told myself, "I am his father. I am
10 ready to die, because I'm not prepared to see my son maltreated in that way. What
11 has he done? What has he stolen?"
12 Then some of them turned to me and said, "Your child is a rebel and he is going to see
13 something." When I saw how they were treating my son, I told him in my language
14 that he should give in and follow them, whatever they were going to do to him. My
15 son accepted and he allowed them to take him away.
16 Another group surrounded my wife and myself. One of them punched me in the
17 face and I fell. Before that I did not have any problems with my eyesight, I was able
18 to read, but because of that shock my eyes became blurred. My sight became
19 blurred. They ordered me to go into the house with my wife and they made me lie
20 on the ground. One of them put his foot on my nape and pinned me to the ground
21 in order to prevent me from seeing what they were looting in my house. And so
22 when -- since I was lying face down I did not know the position of my wife, but I
23 knew that she was next to me, to my right.
24 So they continued looting and I could hear my daughter shouting, "Papa, they are
25 taking me away," and then later on I did not hear those shouts any more. Did they

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1 prevent her from screaming? I do not know.

2 (Redacted), because she spoke Lingala, but before they released us

3 they had looted everything. So I was punched in the face and I was also hit in the

4 house, and after the events I had -- my chest was swollen. This is why I went out

5 and (Redacted) and I told him about that, but he said that that was

6 not his business, but my hand was in a sling and I had problems with my eyes. As a

7 result, I was operated in my left eye and, as I speak to you, I can only see with my

8 right eye.

9 THE INTERPRETER: Correction from the Sango interpreter: I cannot see with my
10 right eye.

11 MR MOURAD:

12 Q. Sir, you mentioned that you talked to your son during the attack in your own
13 language. Why did you choose this specific language to talk to your son at that
14 time?

15 A. I did not use (Redacted), because as you know those of us who are from a mixed
16 marriage, our children did not speak the language of the ethnic group. (Redacted)
17 (Redacted). I said it in Sango. I said, " (Redacted), do not resist. Just allow them to take
18 you away."

19 Q. Were the Banyamulengue able to understand this language?

20 A. That, I do not know. We are neighbours. There are Banyamulengues who
21 come to Bangui and there are Central Africans who also cross over to the other side.
22 There are some Banyamulengues who speak Sango. Many of them from the
23 Équateur Province speak Sango, so maybe they understood. I do not know.

24 Q. During this time when they attacked you, did they talk to you in Sango?

25 A. When they were beating me, they had nothing to say. They were speaking to

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1 me in French about my son, "Your child rebel will see." That is what they were
2 telling me in French while the other one was stepping on me. I did not hear any one
3 of them speak Sango, because if I had heard them speak Sango I was going to say,
4 "Look, my brothers, why are you doing this to me?", but since they did not
5 understand --

6 Q. Sir, you mentioned a while ago that there were minors among them. How
7 many minors were among them at that time?

8 A. When they arrived on the 7th and when they were moving towards Damara, we
9 heard about it and came out to the road. It was laughable, because you had children
10 who were carrying weapons whose weight meant that they were -- these weapons
11 were dragged along the ground. So they were wearing clothes that were ridiculous
12 and it was laughable. Everyone who was by the roadside was laughing. Who are
13 these people who were wearing clothes that do not fit? Some had very long sleeves
14 and so on and so forth. There were many of them. I cannot tell you how old they
15 were. It is only afterwards that I understood that these were child soldiers. I only
16 understood that later on.

17 Q. Sir, it may be my mistake. My question was not precise enough. I was
18 talking about the day that they attacked you. Can you give us the age range of the
19 people who attacked you in your house?

20 A. They were adults. They were not minors. They were adults. As you know,
21 the soldiers that were positioned along the line could not be minors, so those who
22 came into my compound were not minors. Those who surrounded me and stepped
23 on me and hit me were not minors. They were adults, whose age I can approximate
24 at about 30 years.

25 Q. Sir, can you tell us what kind of items they stole that day from you?

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1 A. Regarding the looted goods, when they entered my son has a room that is used
2 as a storeroom, so there are bags of salt and onions that he usually takes to the market,
3 and after the market those items are stored in that room. In the sitting room, I have
4 two cupboards. In one of them there are my documents, while the others contain my
5 clothes. They took a suit and my shoes. I had an amount of 90,000 that they took,
6 as well as administrative documents. They took my wife's clothes. She had three
7 trunks and they broke them and took the items inside. They took the foam
8 mattresses of my children. My son had just passed his baccalaureate, and as a
9 present to him his brother offered him some gifts and all those items were stolen.
10 I had some items in the cupboard and they took all of them out. They took
11 everything that could fetch money, and they took some spare parts from that
12 cupboard and they went away with them. So if they had a tire, for example, they
13 would take it and go and try to sell it. So they looted everything I had and they left
14 me with nothing at all, so until today I continue to sleep on a mat.

15 MR MOURAD: Thank you very much, sir. Madam President, I note it's the time
16 for the break. Thank you very much.

17 PRESIDING JUDGE STEINER: Thank you, Mr Mourad. Mr Witness, we are going
18 now to suspend the hearing for the lunch break that will allow you to have lunch and
19 to take some rest. We are going to resume at 2.30 in the afternoon. I am going to
20 ask, please, the court officer to turn into closed session in order for the witness to be
21 taken outside the courtroom, and in the meantime we are going to suspend and
22 resume at 2.30 in the afternoon. Court officer, please.

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

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

25 (The witness stands down)

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1 THE COURT OFFICER: All rise.

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

3 *(Upon resuming in closed session at 2.48 p.m.) Reclassified as Open session

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

5 PRESIDING JUDGE STEINER: Welcome back to the courtroom. The Chamber

6 apologises for the delay. The Chamber was in deliberation. So court officer, please, ask

7 the court usher to bring the witness in.

8 (The witness enters the courtroom)

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

10 (Open session at 2.50 p.m.)

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

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

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

14 PRESIDING JUDGE STEINER: Did you have lunch and manage to rest a little bit?

15 THE WITNESS: (Interpretation) Yes, I had lunch and I was able to rest.

16 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony before
17 this Chamber, Witness?

18 THE WITNESS: (Interpretation) I am ready. I was a bit embarrassed, so to speak,
19 but I have regained my strength and I'm ready to give you the information.

20 PRESIDING JUDGE STEINER: Can I ask why you felt embarrassed, sir?

21 THE WITNESS: (Interpretation) I didn't say that I was ill. I said I have eaten; I have
22 regained my strength and I'm ready to answer your questions.

23 PRESIDING JUDGE STEINER: Thank you very much. So the Prosecution will continue
24 to question you. Mr Mourad.

25 MR MOURAD: Thank you very much, Madam President.

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- 1 Q. Good afternoon, sir. Before I start, I would like to thank you very much for the
2 very important information you provided us. I apologise if I tired you in any way. I
3 would like for this session to save your strength. I would like you not to repeat the
4 stories again; the story you told us is already on the record.
- 5 Now I will try to give some very specific questions, just to clarify your story, so don't feel
6 like you have to repeat your story and just try to answer my specific questions. I don't
7 like to cause you any exhaustion or to be tired because of my questions. So do you
8 understand me, sir?
- 9 A. I have understood you.
- 10 Q. Thank you very much. And also I would like to remind myself and to remind you
11 to speak slowly, to allow the interpreters to interpret what you are saying to us. Is that
12 acceptable to you, sir?
- 13 A. That's fine by me.
- 14 Q. Thank you very much, sir. Just before the break you mentioned to us what
15 happened to you and your family, and now I would like to direct your attention to what
16 happened to your daughter. Can you just tell me, if you know, how many among the
17 people who attacked you raped your daughter? Just if you know, if you can give me just
18 the number of those people who attacked your daughter.
- 19 A. Thank you, Prosecutor, for that question. Since you've asked me not to repeat what
20 I've already said, I will restrict myself to the question asked. After these events, when
21 my daughter was calling out and after our neighbour intervened, the Banyamulengue
22 went off and left us, my children and myself, because the other boys had already left, you
23 see, and it was her mother who went to her.
- 24 I was all worked up. I could not approach her. I said to myself, "There is a good
25 relationship between a daughter and a mother," so I decided not to approach her. And

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1 her mother -- it was her mother who went to her, and she came and told me that the
2 daughter had been completely destroyed. Then her mother told me, when she asked the
3 daughter, the daughter said that she had been raped by two Banyamulengue. That is
4 what she told me.

5 Q. Thank you very much, sir. Did your wife tell you if they were carrying any
6 weapons with them while they raped your daughter?

7 A. My wife wasn't present when they were raping my daughter, so I was with my wife
8 at another place. It was another team, or group, who grabbed my daughter, took her
9 away and raped her. Did they have weapons or not? I wasn't God that day, so I
10 couldn't know. My face was against the ground. I couldn't see whether they had
11 weapons or not.

12 Q. Before the break I asked you if the people who attacked you and your family were
13 carrying any weapons. Do you recall this question, sir?

14 A. Yes, I remember that. You asked me that question to determine whether the people
15 had weapons, and I told you that they were soldiers. They had to have had weapons,
16 but a soldier who goes around during such events has to have weapons and they used
17 these weapons to terrorise the population, so they couldn't have come empty-handed.
18 When they came to my home to assault me they had weapons, they were armed, but I
19 really couldn't see because my eyes, my face were up against the ground. Did they have
20 any? I really couldn't say.

21 Q. Thank you very much, sir. That's very precise. Before your face was on the
22 ground, did you see if they had weapons with them or not?

23 A. A few moments ago I said that everything occurred outside. It wasn't inside the
24 house. Everything happened outside. When they dragged my daughter away, another
25 group came to take us, with my wife, and told us, "Your child rebel, you'll see." And

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1 they started to hit me with the butt of their rifle, and I received a blow in the eye and I fell
2 down. And when I fell down, they gave me the order to get up and they took me inside,
3 and as they were beating me, you see, there already was a group inside and -- well, they
4 were very organised people when it came to stealing. There was a group inside that had
5 already begun to take our various possessions.
6 They brought me inside and they gave me the order to lie down with my face to the
7 ground. I lay down and one of them held me there with his foot. He put his foot on my
8 neck so that I couldn't see what they were doing. They were breaking the cupboards.
9 They were breaking down the doors, but that day they took out many items, many things.
10 I heard my daughter call out. She said, "Father, they are taking me away," but I didn't see
11 her, I just heard her calling out.
12 It was only after their crime that they freed me. I was freed and I saw the damage that
13 was done, and I realised they had broken my cupboard, they had stolen my books and
14 various other items. It's only afterwards that I realised what they had done. So, at the
15 end, I could see that such-and-such an item was missing. There you are.

16 Q. Did your daughter sustain any injuries as a result of this rape?

17 A. I do not understand your question. What injuries are you -- do you mean?

18 Q. When your wife explained to you what happened to your daughter, did she
19 mention anything about any physical consequences that happened to your daughter as a
20 result of this rape?

21 A. My wife couldn't give me all that information because I was very upset. I didn't
22 want to know about all that. You know, for us Africans, it's not easy for a daughter to
23 come and talk about such matters to her father. She would far prefer to confide in her
24 mum, but her mum didn't talk to me about this. What the mummy did is she realised
25 that her daughter had been raped. She was a ten-year-old girl. She was a virgin. But

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1 there was obvious traces, there were obviously traces of blood, so she was aware that her
2 daughter had been raped.

3 Q. These traces of blood on her that your wife saw --

4 A. On that day she was wearing underpants. They tore it off, and after her rape you
5 could see the blood running down her legs and also blood on the dress she was wearing
6 that day.

7 Q. Sir, do you know in which part of her body this blood come from?

8 A. The blood was running out from the female part of the body.

9 Q. Thank you very much. Sir, did you take your daughter to a doctor after this event?

10 A. Thank you for asking that question. As I've already told you, during these events
11 all the hospitals were closed. The market wasn't running. I mean, everybody was
12 staying at home. In fact, I had no more money. And even if I had money, where could I
13 find a hospital? And even if I took her to the hospital, what could they do with her? All
14 the doctors could do is see what had happened.

15 The hospitals weren't running. I didn't have any money. I simply treated her with
16 traditional medicine. You know, there are some medicinal plants that you can boil and
17 then the girl sits down into that potion to cure herself. Her mother was a very clever
18 woman. She managed to get this traditional medicine that we applied to the daughter,
19 but that's woman's work. What I can say is I -- no, I did not take her to a hospital, and
20 even if hospitals had been operating, I wouldn't have been able to take her. I mean, what
21 good would that have done if I'd taken her to a hospital? What answers would I have
22 got?

23 Q. Sir, for how long was your daughter treated with this traditional method that you
24 refer to?

25 A. As I said, there is traditional medicine. I gave you an example. For instance,

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1 when a woman gives birth to a child, she can use this kind of traditional medicine and it
2 was applied -- such medicine was applied to women who had given birth, and it was also
3 used to stop the bleeding. You know, there are some medicinal plants that women know,
4 and you could boil them and then the woman would use them to bathe in them, and after
5 two or three sessions, the wound would be healed.

6 Q. Sir, my question now is in relation to the perpetrators who attacked you and your
7 family at that time. Had you noticed any commanders among those perpetrators the day
8 they attacked you and your family?

9 A. That's a tough question, in my opinion. If they had been real soldiers, if they
10 hadn't just been civilians who'd been enlisted, if they had really been well-trained military
11 personnel, with the badges of their regiment or division, I would be able to identify their
12 rank and so forth, but these were people who'd been enlisted forcibly from the civilian
13 population. They had imaginary ranks. Somebody would, say, be called a sergeant.
14 Somebody else would be called a corporal or colonel. But they just used that to talk to
15 one another. It was imaginary. "Good-day, Colonel," "Good-day, Sergeant." How
16 could you ascertain who was an officer?

17 Q. Thank you very much for this clarification, sir. And among the perpetrators, were
18 there anybody there that they would call "sergeant" or "colonel" or any of those ranks that
19 you referred to, even if they don't have insignia on their clothes?

20 A. Yes, there were some. During the events there were commanders who were
21 supervising the soldiers who were on the line I talked about, and some of them would go
22 to that woman I mentioned earlier who would sell them alcohol and had rooms. They
23 would go to her place and they used to talk with her. And in her house, some were
24 called "sergeant," and on that day, one of those so-called sergeants was there and there
25 was somebody else. Both of them would go to that woman's house, that woman called

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1 (Redacted). And when the events started, those so-called sergeant and colonel was there and
2 (Redacted) used to complain to her until they freed us. So I can say that the sergeant was
3 there. As for the colonel, he was at headquarters.

4 Q. Thank you very much, sir. Did this sergeant do anything to punish those
5 perpetrators?

6 A. Thank you for asking me that question. I believe that the objective of these people
7 in Central African Republic was to accumulate wealth. They hadn't come to protect the
8 population. They had come to look for wealth, before leaving again, so the concept of
9 sanction didn't exist amongst them.

10 When they started to beat up my child, if they'd been well-organised, the culprit should
11 have been arrested. They should have interviewed us so that we could explain what had
12 happened and then the military hierarchy could have punished the people who'd
13 committed these criminal acts, but they didn't behave in that way. They were rebels.
14 They'd just come to make money or accumulate wealth. They didn't have to time to
15 worry about sanctions. Some of them believed they were superior and then they would
16 send their troops to plunder, and when the stolen goods were brought back, they would
17 share them among themselves.

18 Q. Sir, allow me to ask you how did you know that the commanders shared the profits
19 of the lootings amongst the other troops of the Banyamulengue?

20 A. I said they would share the plundered goods. Why do I say that? Because if one
21 of the troops is behaving badly, i.e., steal something from somebody, and brings it to his
22 commander, the commander should have said, "Sir, you didn't come here to steal." If the
23 culprits had been reprimanded publicly, in front of the population, the population would
24 have realised that they were there to protect them and to defend justice, but that wasn't
25 the case. In other words, they were accomplices. So the commanders would send

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1 troops to plunder, and in the evening they would get together and tally up how much had
2 been stolen and then share the spoils. There was no idea of sanctions. That's why I
3 talked about accomplices. The various crimes that they were committing weren't even
4 talked about in their headquarters. We supposed that they had been given instructions
5 to act in this way, so that when they got back they would leave with loot and material
6 they had stolen.

7 Q. Sir, when those abuses happened to you by the Banyamulengue, were there in PK12
8 any other forces apart from the Banyamulengue?

9 A. As I said, after the events started I never noticed other troops apart from the rebels.
10 They made two raids. The first time they came and left, but while they were in PK12
11 they didn't harm the population. They wanted to win power. They didn't want -- they
12 didn't hurt the population, the civilian population. When they realised they had failed
13 they drew back, and then one or two months later they tried again. They tried to move
14 into the capital. When they came back the second time, they did not steal anything either.
15 They did not do anything negative against the population of PK12 where I lived.
16 For instance -- and as they drew back they kidnapped the government spokesman and
17 then that's when the Banyamulengue arrived, and when they arrived they started to fan
18 out throughout the districts whilst stealing. I don't know what they slept on in their
19 country, but what they were most interested in was the foam mattresses. They were
20 willing to die to steal a foam mattress. They couldn't see a foam mattress and not take it.
21 I don't know, maybe in their home they sleep on mats, but some of them had two up to
22 three or four mattresses on his back.

23 Q. Thank you very much, sir. Sir, do you know when the Banyamulengue fought the
24 rebels, did they cooperate with the Central African Army in doing so?

25 A. The loyalist troops in favour of the government were not held in the high esteem

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1 and they did not cooperate with the Banyamulengue, because when they moved into
2 PK12 they had their orders. They could not cooperate with the loyalist Central African
3 soldiers, and the president at the time did not trust those loyal troops. He was afraid of
4 the superior officers, and he gave his trust entirely to the Banyamulengue who reported to
5 him. He didn't need our military. When the Banyamulengue arrived, they humiliated
6 the top ranking officers. They took their clothes off them. So they didn't cooperate at
7 all, in fact.

8 Q. Sir, can you please in a concise answer tell us what happened exactly to undress
9 those Central African forces? What was this incident about, just briefly thank you very
10 much?

11 A. I am from this region. Information was floating around, so when they moved
12 towards PK12 they humiliated our generals. That is information I heard. If you go to
13 Bangui and ask the question, anybody can tell you. Apart from myself here in front of
14 you, you can ask anybody else and people will tell you that's what our high-ranking
15 officers were subjected to. That's all I can add in this respect.

16 Q. Sir, do you know why they did that? Why did they undress these personnel from
17 the Central African Army?

18 A. In my opinion, for what it's worth, that's because they were given instructions to do
19 so. They were told to humiliate the Central African soldiers, high-ranking officers.
20 That's what they were told to do. A soldier who has no rank has no such status, but then
21 you look at a colonel, a general, who's made to take his clothes off, don't you think that's
22 utter chaos? They had been given the instructions. They were told to do so by the
23 person who would call them in and our military were left to their sad fate.

24 Q. Thank you very much, sir. Just a question for clarification. Do you know how far
25 is PK12 from the Democratic Republic of the Congo?

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1 A. I can't give an estimate, because there's a river that separates the Central African
2 Republic from the Republic of the Congo and that river is called the Ubangi. There you
3 have the Central African cities, and on the other bank from the Democratic Republic of the
4 Congo also there are cities. In Bangui, the capital, you have Zongo on the other side of
5 the river, then you have Mobaye and opposite Mobaye you have a Congolese city. So
6 you have Central African cities and Congolese cities, but these cities are separated only by
7 this river and that's what determines the border.

8 Q. Thank you very much, sir. In your region, were you able to receive any radio
9 broadcast coming from the Democratic Republic of the Congo?

10 A. In the Democratic Republic of the Congo, you have a local radio station. That radio
11 station does not broadcast over a wide area. It's restricted to a rather small area and you
12 need to have an FM radio set to be able to hear it. I don't know whether this radio station
13 is still broadcasting, because in the Equator sector there might be a radio station that we
14 might be able to listen to. I don't know. I don't believe there is a radio station in
15 Equator that you can listen to, but in Zongo there is a radio station, but it broadcasts only
16 for a local audience. Its coverage is not very extensive.

17 Q. Sir, when the Banyamulengue came to PK12, do you know if they kept any kind of
18 communication or link to the Democratic Republic of the Congo?

19 A. As I said, those soldiers, if they had been real soldiers, they should have been
20 communicating with one another. If this had been an army - an official army - I believe
21 the officers would have had devices to communicate, such as walkie-talkies to be able to
22 report where they were and then they could have called their own country, but they
23 didn't have any such device. There were no walkie-talkies. There was nothing that
24 showed that this was a regular army. These were real peasants who had been enlisted
25 and just sent over without any communication devices. If I had seen officers with

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1 walkie-talkies, well then I would have understood that they could communicate with one
2 another, but I saw nothing of the sort.

3 Q. Were you in a position to see what's happening inside their headquarters?

4 A. I mean, what do you mean? How could I have gone into their headquarters?

5 They were talking in Lingala; we spoke Sango. Anyway, we could not gain access to
6 their headquarters. There was a villa that was fenced off and what was -- or you would
7 have needed to be God to know what was happening in there. We didn't know. It was
8 impossible to get into their headquarters. We could not know what was going on there.

9 Q. Sir, is there an airport near PK12?

10 A. There is no airport at PK12. The airport is the one at Bangui M'Poko.

11 Q. During the period from October 2002 'til March 2003, were you in a position to see
12 who was in control of the airport in Bangui that you were referring to a while ago?

13 A. But it was the government which was in control of the airport at that time. At that
14 time, the government was still in power so it was the loyalist forces who had control over
15 the airport.

16 Q. Did you see any aeroplane traffic between the Central African Republic and the
17 Democratic Republic of the Congo at that time?

18 PRESIDING JUDGE STEINER: Yes, Mr Haynes.

19 MR HAYNES: Two objections: One, it is leading. And, secondly, even if he saw an
20 aeroplane in the sky, how could he tell where it was coming from or going to?

21 PRESIDING JUDGE STEINER: You can rephrase your question, Mr Mourad.

22 MR MOURAD: Thank you very much, your Honour.

23 Q. Sir, was that airport -- are you aware if this airport was functioning properly during
24 this time?

25 A. Yes. At that time, the airport was operational. There were regular flights, so the

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1 airport was not paralysed. You had planes landing.

2 Q. Sir, during this time -- what, if any, air traffic did you observe during this time?

3 A. Unfortunately, if there had been photographs of PK12 you would have understood
4 because you have a chain of mountains there, and PK12 is located in the valley. So when
5 the Banyamulengues were progressing towards small towns, such as Damara or Sibut,
6 there was a plane that came from Gbadolite, the Capital of the Equateur Province, and
7 flew over PK12 before landing at the airport.

8 During the events, that flight -- or, rather, that aircraft made regular flights, daily flights,
9 in fact. The plane would land and then take off. This traffic came to an end when the
10 freedom fighters or liberators arrived on the 15th, so that plane no longer flew after that.

11 Personally, I was wondering about that plane. There is no airline at that location, but at
12 the time of the events there was a flight path there, and this plane was coming and going.

13 And I was wondering, is this a contract that Bemba has won in the Central African
14 Republic to enable goods or products to be evacuated and would this give him the
15 possibility of resupplying his rebel group because he needed fuel? So the Central African
16 Republic was a supply line and that simply means the flights were regular.

17 Q. Sir, are you able to describe to us this aeroplane?

18 A. I am not an aviation specialist; I am a civilian. When I see a plane, I don't know
19 whether it is a DC-10 or another type of aircraft. It flies in the air and I am on the ground.
20 I did not go close enough to find out what type of aircraft it is, so I couldn't say whether it
21 was a DC-10 or a Transel (phon) aircraft. I do not know the make of that plane.

22 Q. Thank you very, sir. Don't get me wrong, I don't mean you to specify the make,
23 but maybe if you can tell me the size of the aeroplane. Is it a big aeroplane a small
24 aeroplane?

25 A. You have a two-seater, three-seater and four-seater planes, for example, but this

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1 plane was a large plane. It was not a bush plane.

2 Q. Can you please tell the Court, when was the first time you saw this aeroplane?

3 A. A short while ago I said that I cannot tell you precisely when I saw that plane.

4 What I said was that when the Banyamulengues arrived in Bangui and started deploying
5 in the field, right into the hinterland, that plane started flying overhead. They also had
6 trucks wherever they went, with steerings on the left. That plane -- those trucks came to
7 Bangui, and I do not know whether those trucks were carrying goods or supplies because
8 they left those areas and went to Bangui. These were military vehicles.

9 The plane left Gbadolite to come to Bangui, but all I know is that these people were given
10 the green light to do everything that they wanted. This plane could be carrying
11 diamonds or other products.

12 Q. Sir, how did you know that this aeroplane was going to Gbadolite?

13 A. I did not quite understand you.

14 Q. Thank you very much, sir. I was just asking you, you mentioned that this
15 aeroplane was going to Gbadolite, so I was just asking you how did you know that this
16 aeroplane was going to Gbadolite?

17 A. I knew that this plane was going to Gbadolite for the simple reason that (Redacted)
18 was located opposite Gbadolite. I've already had an opportunity to travel right to
19 Gbadolite for a visit. There was no flight path between Bangui and Gbadolite; it did not
20 exist.

21 I knew the direct flight paths for regular flights, but that plane was flying over the hills,
22 from Bangui, and this was the direction of Gbadolite. That was new to us. And this
23 plane started flying immediately after the Banyamulengues started operating in our
24 country, and that is why I say that this plane belonged to them. No one can deny that.
25 You can put that question to anyone in Bangui and they will tell you the truth.

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1 Q. Sir, when was the last time you saw this aeroplane?

2 A. I said that that flight path was open when the Banyamulengues arrived in Bangui,
3 and when they completed their mission on 15 March that plane never returned to Bangui.
4 This means that the plane stopped its flights on 15 March, and if this had been a regular
5 flight the plane would have continued flying but, unfortunately, on the day that the
6 Banyamulengue left the country that plane stopped flying. How else would you
7 understand that?

8 Q. My last question on this topic, sir: Do you recall the colour of this aeroplane?

9 A. This plane had no colour. It was a single solid colour. You had -- you have planes
10 that, on which you have written words like "Air France" or "Toumai," but this particular
11 plane, I don't know how to describe it. The events took place a long time ago, so I'm not
12 able to tell you the colour of that plane with any certainty.

13 Q. That's fine, sir. Thank you very much for your answer. Sir, I would like to ask
14 you now about another topic and I would advise you not to reveal any names at this point.
15 You mentioned crimes happening to you. Did anything similar to this happen to any of
16 your neighbours, some neighbours that you know? Please answer with "yes," or "no,"
17 and if there are any names, please don't mention them at this point.

18 A. Yes, I have understood. The same thing that happened to me also happened to a
19 neighbour right next door to my home. This means, for example, that if someone is
20 soaked by rainfall, you should not make fun of him, as in the same way you should not
21 make fun of a hunchback.

22 When I was being attacked, all my neighbours were locked up in their own houses, but
23 then they were subjected to the same attacks as myself. I do not know whether he has
24 also been called by the Court to come and testify, but one way or the other, he also will
25 come before the Court to give his personal account of the facts.

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1 In the same neighbourhood there was an elderly person who was breeding ducks. They
2 visited that person and they took away his three ducks. Some or three days after that,
3 they came back and wanted to take some ducks, and when the old man wanted to resist,
4 they shot at him.

5 These are the few cases that I know about in PK12, but you have to know that the town of
6 PK12 is very, very large. There may be other cases and I do not know about them, but
7 I'm only telling you about what I witnessed and heard.

8 Q. Thank you very much, sir. Can you please explain to us, or describe, what
9 happened to the first neighbour you referred to?

10 A. You want to know what happened to him? He was subjected to the same fate as
11 myself. When they took something from you like a radio set, they would go and meet
12 someone and say, "Look, I have a radio set to sell." They arrived and ordered him to buy
13 the radio set. He panicked, and they forced him to pay for that item. After having sold
14 it to him, they came back and said that the sergeant had asked for the radio set, and he
15 came out of the house with the radio and handed it back over. Another person came
16 back and said, "Why are you asking about the radio set that I bought?" And this is how
17 the problem continued. That is what he told me and that is why I'm able to tell you that.
18 I can also tell you that his daughter was also raped. I do not know whether she is also
19 coming to testify before this Court, but that is what I heard and it is what I'm telling you.

20 MR MOURAD: Madam President, may we briefly go to a private session before we
21 conclude today? I just want to elicit the name of this neighbour.

22 PRESIDING JUDGE STEINER: Court officer, please.

23 *(Private session at 3.51 p.m.) Reclassified as Open session

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

25 THE WITNESS: (Interpretation) Did you ask me anything?

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1 MR MOURAD:

2 Q. Not yet, sir.

3 PRESIDING JUDGE STEINER: Mr Witness, we are now in private session, meaning that
4 you can speak freely. Nobody outside the courtroom can hear you. Mr Mourad.

5 MR MOURAD: Thank you very much, your Honour.

6 Q. Sir, this neighbour you are talking about, can you tell us his name?

7 A. Thank you. The neighbour I was referring to is called (Redacted).

8 (Redacted) and everyone was talking about it at

9 PK12; that is, that this person was beaten and his daughter was raped. After that, my
10 neighbour suffered the same fate. His name is (Redacted).

11 Q. Can you please tell us how far does he live from your house?

12 A. His house is not very far from mine. I can even say that our two houses is at the
13 same place. There's only a small path separating my house from his. From my house I
14 can see everything happening in his compound, and vice-versa, so he's aware of
15 everything that happens in my house. I think he will talk about it also, because when the
16 OTP team went there to investigate, he told them about what had happened to me. The
17 investigators were trying to find out whether I had been telling the truth, and he told
18 them the same thing. So I can conclude that his house is not far from mine.

19 Q. Thank you very much, sir. Would you -- do you know the name of his daughter
20 that was raped?

21 A. Yes. Her name is (Redacted) but I no longer remember her first name. Well, I've just
22 remembered, it is (Redacted). Her name is (Redacted).

23 MR MOURAD: Thank you very much, sir.

24 Madam President, I have no further questions for this session. I think it's time for the
25 break.

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

2 (Open session at 3.56 p.m.)

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

4 PRESIDING JUDGE STEINER: Thank you very much.

5 Mr Witness, we are going to adjourn our hearing today. We wish you a very nice

6 evening, that you are able to take some rest during the night, that you enjoy as much as

7 possible your weekend.

8 We are going to meet again on Monday morning -- sorry, we are going to meet on

9 Monday at 2 p.m., to continue your questioning by the Prosecution. Thank you very

10 much. You had a very, very tough day and you deserve to take some rest.

11 Before you leave the Court, I would like to thank very much the Prosecution team, the

12 legal representatives of victims, the Defence team, Mr Jean-Pierre Bemba Gombo.

13 Thanks very much to our interpreters, to our court reporters; to wish to everyone a good

14 weekend, and we are going to resume on Monday afternoon at 2 o'clock.

15 Court officer, please turn into closed session in order for the witness to be taken outside

16 the courtroom, and in the meantime we will adjourn.

17 *(Closed session at 3.59 p.m.) Reclassified as Open session

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

19 (The witness stands down)

20 THE COURT OFFICER: All rise.

21 (The hearing ends at 3.59 p.m.)

22 RECLASSIFICATION REPORT

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

24 ICC-01/05-01/08-3038 and the instructions in the email dated 21 October 2013, the

25 version of the transcript with its redactions becomes Public