

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 Monday, 14 February 2011

9 (The hearing starts in open session at 2.05 p.m.)

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

12 THE COURT OFFICER: Good afternoon, your Honours, Madam President.
13 We are in open session.

14 PRESIDING JUDGE STEINER: Good afternoon. Please could the court
15 officer call the case.

16 THE COURT OFFICER: Situation in the Central African Republic, in the case
17 of The Prosecutor versus Jean-Pierre Bemba Gombo, case reference
18 ICC-01/05-01/08.

19 PRESIDING JUDGE STEINER: Thank you. I welcome Prosecution's team,
20 the legal representatives of victims, the Defence team, Mr Jean-Pierre Bemba
21 Gombo. Good afternoon our interpreters and court reporters. We are going
22 to continue today with the questioning by the Prosecution of Witness 42, and
23 for that purpose I ask, please, the court officer to turn briefly into closed session
24 in order for the witness to be brought into the courtroom.

25 *(Closed session at 2.07 p.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 2.08 p.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 afternoon, Mr Witness.
- 9 THE WITNESS: (Interpretation) Good afternoon, Madam President.
- 10 PRESIDING JUDGE STEINER: Did you manage to rest a little bit during the
- 11 weekend, sir?
- 12 THE WITNESS: (Interpretation) Yes, I did not have a very good weekend.
- 13 That is because on Sunday I called my wife back at home to ask her whether
- 14 the children were all right and she told me something that saddened me. My
- 15 child that I talked about here was attacked. The attackers used an axe and
- 16 she -- he, the child, has injuries to the head. There are four wounds, so when
- 17 my wife told me about that it saddened me so I didn't have a very good
- 18 weekend.
- 19 PRESIDING JUDGE STEINER: Mr Witness, have you shared this information
- 20 with the representatives of Victims and Witnesses Unit?
- 21 THE WITNESS: (Interpretation) But I am here. How is it possible for me
- 22 to share that information? It was while I was in the waiting room that I got
- 23 the telephone and that is when I called my wife. On that day they were all
- 24 there, so they heard the information.
- 25 (Trial Chamber confers)

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1 PRESIDING JUDGE STEINER: Mr Witness, just for the record, when did you
2 receive this information? Yesterday?

3 THE WITNESS: (Interpretation) It was during the week, because I called
4 last Wednesday and that is when I received the information. That was the
5 day on which I began my testimony here, and last Friday I called once again
6 and even today before coming into the courtroom I also called my wife who
7 gave me some information. She also told me that she has had a medical
8 certificate issued that she will attach to the complaint to be lodged in our courts.
9 That is what she told me this morning.

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

12 *(Private session at 2.14 p.m.) Reclassified as Open session

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

14 PRESIDING JUDGE STEINER: So you received the information Wednesday
15 when you started giving your testimony before this Court; is that correct, sir?

16 THE WITNESS: (Interpretation) Yes, I received that information on
17 Wednesday. I was still in the waiting room before coming into the courtroom.

18 It was then that I called my family and they gave me that information. So
19 those who assist me in the waiting room also heard that information. I was
20 able to go on and testify and on Thursday I was also able to return to the
21 courtroom, and before I came to the courtroom on Thursday I called my wife
22 who provided further information.

23 On that day I asked (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 I told her that that was a good thing, and today in the waiting room I asked the
4 people assisting me to call my wife once again and she told me that (Redacted)

5 (Redacted)

6 (Redacted) And I asked her why

7 she changed her opinion and she told me that it was more logical. She had
8 been told it would be more logical (Redacted)

9 (Redacted)

10 So I am distressed. It is because of that (Redacted) that I am here. He was the
11 one who had been attacked by the Banyamulengues. It was almost the same
12 period and today I am giving testimony relating to those events and it is at this
13 very moment that (Redacted), so in any case I am just
14 overwhelmed by these events.

15 PRESIDING JUDGE STEINER: Mr Witness, did your spouse, or your wife,
16 mention (Redacted)

17 THE WITNESS: (Interpretation) When I asked her (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 As you are aware, I am not there to have been able to witness what happened,
23 and I told myself that since I am here before the Court I have to talk about it
24 because it is something that lies heavy in my heart and it makes me sad and I
25 have to get it off my chest.

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1 PRESIDING JUDGE STEINER: Thank you very much, sir, for sharing your
2 concerns with us, and my question is: Do you feel able to continue giving
3 your testimony in this Court today?

4 THE WITNESS: (Interpretation) But I am here to give my testimony. As
5 you I know, this is something that happened while I was already here. That
6 cannot prevent me from continuing my testimony. If you have questions, you
7 can put them to me. I'm ready to give you answers.

8 PRESIDING JUDGE STEINER: Thank you, Mr Witness. Court officer, let's
9 turn into open session please.

10 (Open session at 2.20 p.m.)

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

12 PRESIDING JUDGE STEINER: Mr Mourad, Mr Witness, we are going to
13 continue then and, if at any time you prefer to have a break or to talk to
14 someone in Victims and Witnesses Unit, you just let us know and we will
15 suspend the hearing immediately. Do you understand that?

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

17 PRESIDING JUDGE STEINER: Mr Witness, I need to ask you, or to remind
18 you, that you are still under oath. Do you understand that?

19 THE WITNESS: (Interpretation) Yes, I do.

20 PRESIDING JUDGE STEINER: Thank you very much. Mr Mourad.

21 MR MOURAD: Thank you very much, Madam President. Thank you very
22 much, your Honours.

23 QUESTIONED BY MR MOURAD: (Continuing)

24 Q. Good afternoon, Mr Witness. I am sorry to hear about what happened
25 to your son and I hope that doesn't affect your testimony. Please, as Madam

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1 President indicated to you, if you feel tired or you can't concentrate during
2 your testimony, please let us know. Is that acceptable to you, sir?

3 A. Yes, that is understood.

4 Q. Sir, last Friday you stated that the Banyamulengue troops arrived in
5 PK12 on 7 November 2002, and I refer to the English transcript, the edited
6 version, page 13, line 5, and similarly on the French transcript, the edited
7 version, page 14, line 17. You also mentioned that they left on 15 March 2003.
8 In the English transcript that is page 14, line 17, and in the French that is page
9 16, line 8. During this period, from 7 November 2002 until 15 March 2003,
10 were you in a position to observe the daily activities of the Banyamulengue
11 troops in PK12?

12 A. Before I answer your question, you talked about 15 March. What are
13 you referring to specifically? Can you please explain to me what you meant
14 by 15 March?

15 Q. Sir, I am referring to the date that you said that the Banyamulengue
16 troops left PK12.

17 A. Yes, that is correct. I understand now.

18 Q. Would you like me to repeat the question?

19 A. No, I have understood. When you say that the Banyamulengues left
20 PK12 on 15 March, I think that is correct. That is what I did not understand.

21 Q. My question to you, sir, is the time they stayed in PK12, from
22 7 November 2002 until 15 March 2003, were you able to observe their daily
23 activities in PK12?

24 A. Thank you, counsel. As you know, I live at PK12. I am at PK12 day
25 and night, so I was able to observe whatever they did and that up until

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1 15 March, which is the day that the change took place -- the change took place,
2 AND which coincided with their departure, so I was there and I saw
3 everything they did.

4 Q. Sir, how many soldiers, or let me rephrase, how many of the
5 Banyamulengue troops were based in front of your house?

6 A. Thank you. I cannot give you an estimate here. There were many of
7 them and they were moving about all the time. They were going and coming
8 along the line. I am not in a position to estimate their number. There were
9 many of them. When they were moving about, some would go away.
10 Others would go into the neighbourhoods to loot people's property. There
11 were many of them, but I cannot give you an estimate.

12 Q. Thank you. You also mentioned that some of the Banyamulengue used
13 your shower, and I am referring to the transcript of last Friday, page 8, line 13
14 to 16, in the English version, and page 9, line 2 to 7, in the French transcript.
15 How often did they use your shower?

16 A. Thank you for that question. After their arrival, they had not built any
17 showers at their base. I had a shower which was clean and well kept. That is
18 how come they were attracted by that shower and that is where they went to
19 ease themselves. All those who needed to go and ease themselves in a latrine
20 went to that shower. I also had a well in my compound. There was no tap
21 water in that area, so they came to my compound to fetch water and go and
22 prepare their food.

23 PRESIDING JUDGE STEINER: Mr Mourad, I am sorry to interrupt you.
24 When you make reference to parts of transcripts, are you sure that these are
25 parts of transcripts of public session?

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1 MR MOURAD: Your Honour, all of them are public, except the last one, but I
2 didn't specify the location, so I assumed that that won't need a private session.

3 PRESIDING JUDGE STEINER: You can continue. I just call the attention of
4 both parties, Prosecution and Defence, that when mentioning a part of the
5 transcript to be sure that this part does not belong to a private session. You
6 can continue, please.

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

8 Q. Mr Witness, can you estimate the period of time that the Banyamulengue
9 troops used your shower?

10 A. I told you, they arrived at PK12 on the 7th and they set up this line of
11 demarcation. Immediately after, as soon as they discovered that there was a
12 shower right beside, they began to use this shower the very same day, the 7th.
13 Everyone who needed to relieve himself, who needed to go to the toilet, would
14 go there to relieve themselves. They didn't have to wait for a day or two to
15 use the shower.

16 Q. I'm talking about like how many days did they use the shower? If you
17 can estimate it in days or in weeks, for how long did they come to use your
18 shower?

19 A. I told you that after they arrived on the 7th, and after they established
20 this line, they operated over that line until 15 March 2003. The soldiers would
21 move forward, or come back, and this base close to the line remained
22 operational until 15 March, so I can tell you it was from 7 November until
23 15 March 2003.

24 Q. Thank you, sir. Did you give them permission to use your shower?

25 A. Did they ask me for permission so I could say "Yes" or "No"? If they had

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1 asked I would have said "No." I dug that latrine for my family, not for just
2 anyone to use. They were armed men. They had the strength. They came.
3 Could I have said "No"? They were armed, they had come and they wanted
4 to use the shower as they wished. I couldn't have said "No." They did it by
5 force.

6 Q. Sir, also on Friday you talked about reinforcement, and I quote, "They
7 didn't leave PK12 entirely. When they moved out other reinforcements would
8 arrive," and I am referring to the English transcript, page 14, line 7 to 8, and in
9 the French transcript page 16, line 2 to 3, both edited versions. Sir, my
10 question to you is: Do you know where this reinforcement came from?

11 A. When I was talking to you about reinforcements, that is the truth. They
12 arrived on the 7th. A column of soldiers took the road towards Damara and
13 established that line. That column went along the road heading to Damara.
14 For instance, Damara, Sibut, Kabanda, Bogoro, moving ahead. They moved
15 ahead along that road. Oddly enough, I also learned that others were moving
16 on the Boali road, so that meant there was another group that was also
17 operating on the Boali road, Boali, Bossangoa, et cetera, so that clearly
18 indicated that there was another group that was operating on the Boali road.
19 Those who were operating on the Damara road went along their way and, you
20 see, there was this other group on the other road so, you see, they received
21 reinforcements and they were operating on the -- this other road.

22 Q. Sir, do you know from where this reinforcement came from; which
23 country or which town this reinforcement came from?

24 A. Yes, they came from the Équateur Province. The Banyamulengue came
25 from the Équateur Province. That is the town, Équateur Town, at the border

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1 on the left bank of the Ubangi River. All the towns, all the people along that
2 bank, that shore, are -- that is part of the Équateur area.

3 Q. Do you know who sent these reinforcements?

4 A. Who is the boss of the Banyamulengue? The authorities - the
5 government authorities - did not go there to bring the Banyamulengue. They
6 just contacted the leader of the Banyamulengue so that he would send the
7 reinforcements.

8 Q. Sir, a while ago you mentioned a certain location where the
9 Banyamulengue moved to. Can you please for the record tell us which towns
10 or locations did the Banyamulengue fight Bozizé's rebels?

11 A. I said that the first clashes occurred at PK22 three days later, after their
12 arrival which was on the 7th. During the clashes, they had many casualties,
13 and so they had to report that to their leader to get reinforcements because, you
14 see, they lost a great many men during these clashes. That is why they asked
15 for reinforcements. That was the goal of this first -- of having this first group
16 of reinforcements. After, after the clashes, the rebels withdrew, moving
17 towards Damara, and the Banyamulengue continued to move forward driving
18 back the rebels all the way to Damara. I didn't hear about any attacks in
19 Damara. Seeing who was driving them back, the rebels continued. The
20 Banyamulengue set up a basis -- a base at Damara and they moved towards
21 Sibut. At Damara, there are two crossroads. They took the road that heads
22 towards Sibut. They went as far as Galafondo and there were clashes at
23 Galafondo. They clashed with the rebels there and the rebels fell back to Sibut
24 and the Banyamulengue went on to Sibut. I didn't hear people talk about an
25 attack at Sibut. The rebels continued to fall back and the Banyamulengue

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1 continued to go after them. So they went forward in accordance with the
2 falling back of the rebels.

3 Q. Sir, how did you know about that, about this movement and this town
4 that fighting took place in?

5 A. I am a son of the country. I find out about these things. The events
6 occurred in my country and it was my duty to find out about what was going
7 on. I had relatives. I had people who were moving about who were going to
8 PK12, going back to Bangui, and they were informing people. They told
9 people what was going on in Sibut. The information was out there. I didn't
10 need to travel there personally to see what was happening. I got this
11 information from the theatre of operations. The information came to us in
12 PK12.

13 Q. Sir, did you ever see Mr Bemba at PK12 in the period from October 2002
14 until March 2003?

15 A. In my statement I said that Bemba had come to PK12.

16 Q. Do you recall the date when Mr Bemba came to PK12?

17 A. I didn't remember the date, but it was in November.

18 Q. Can you estimate how long after the arrival of the Banyamulengue troops
19 to PK12 on 7 November 2002? Do you know how long did Mr Bemba visit
20 PK12 after the day of the arrival of the Banyamulengue?

21 A. Thank you. I told you that the Banyamulengue arrived on 7 November,
22 early in the month, so they began their acts of violence and abuse at that time.
23 They began to hold people up, to beat people. You know, the radio stations,
24 the international press, were broadcasting the information about the events
25 going on at PK12. Certainly Mr Bemba must have heard this information and,

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1 as the head of the Banyamulengue, he didn't have to go to the theatre of
2 operations where the fighting was going on. He did not go -- he did not come
3 immediately after their arrival. He came towards the end of the month. So
4 he first left -- let his soldiers operate for a while before he came to visit them.
5 What I can tell you is that he arrived in the course of November. It's the
6 month that is important here.

7 THE INTERPRETER: Said the witness in French. The month of November.

8 MR MOURAD:

9 Q. Was that before or after what happened to you and your family?

10 A. I think that Mr Bemba arrived after we were subject to these assaults.
11 Since what happened to me was reported publicly, and even the parliament
12 discussed it sufficiently, and since a great deal of violence and abuse went on
13 he had to come. So he came after the violence and the abuse that we were
14 subjected to.

15 Q. Sir, do you recall which time of the day did Mr Bemba arrive to your -- to
16 PK12?

17 A. I've already told you that I don't remember the date, nor the day he came.
18 I didn't know that there was going to be a trial so that I should jot down all the
19 dates. Besides, when he came, did he bring anything good for me to jot down
20 all the dates? He came to visit his troops in the field, particularly at PK12, and
21 I travelled to that place to see exactly what was going on, but trying to
22 remember the dates or the time of his arrival what would -- would there have
23 been a point in doing that?

24 Q. Thank you. Let me rephrase my question. My question was about
25 what time during the day, was it the morning, the afternoon, or at night? Just

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1 what time during the day was this visit?

2 A. He arrived at approximately 8 or 9 a.m.

3 THE INTERPRETER: It was in the morning, says the witness in French.

4 MR MOURAD:

5 Q. How long did this visit last?

6 A. I wasn't at the centre. During the events the soldiers would patrol in the
7 centre, and I was a peasant so what would I be doing there? It would have
8 been risky. Certainly the soldiers might have thought that the person would
9 have been a spy, so I couldn't go there. I was at home in my home and I
10 received the information at home, the information according to which Bemba
11 had arrived with his soldiers and that he was at the headquarters, and it was
12 from the headquarters that he went to the maternity clinic in Begoua and that
13 was the place where he held his meeting. There were buildings all around, so
14 it was a good place for him to have his gathering, his meeting, quietly. I went
15 there too, but I didn't try to find out exactly what time he arrived, or how much
16 time he -- I really couldn't tell you how much time he spent at the
17 headquarters.

18 Q. Did this visit last more than a day?

19 A. No, it could not have been an entire day, not even half-a-day, because he
20 came just to visit his troops and to talk to them. Furthermore, you should
21 realise that the people were unhappy after the acts of violence and abuse, so he
22 too was not calm or serene. He could not stay for a long time, given the
23 situation in the field, so he just came and spent some time with his troops and
24 then he went off again. He was not in a position to stay very long in PK12.

25 Q. Sir, in which language did Mr Bemba speak to his troops?

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1 A. Sir, Mr Bemba spoke to his troops in Lingala; in the language of his
2 country.

3 Q. Did you learn about what Mr Bemba told his troops in this meeting?

4 A. I said that I was at the house when Mr Bemba arrived and I got the
5 information at the house. Everyone fled to the headquarters to see this
6 gentleman and to find out why he had come and, when he had finished at the
7 headquarters, he gathered his troops together by the maternity clinic and I
8 arrived at the point in time when he said the following: "If you brutalise the
9 population and the population rises up against you, where are you going to
10 find food to eat?" That is what I learned or heard from him when he was
11 speaking to his troops. He was speaking in Lingala. I don't understand
12 Lingala but, in the meantime, in the Begoua neighbourhood, there are a few
13 little fellows from Zaire, a few Cameroonians as well also in our
14 neighbourhood, and the cattle market was a place with all kinds of different
15 people, and the little Zairian fellows came to Bangui to do odd jobs to earn
16 some money and they were the ones who explained to us what this gentleman
17 was saying. They told us "Oh, this person is saying this, this gentleman is
18 saying that," so I'm not making anything up.

19 Q. Thank you, sir. Can you please explain to the Court the meaning you
20 understood from Bemba's speech to his troops?

21 A. Thank you, sir. This is the interpretation that I'm giving of the address
22 that he made to his men, "If you brutalise the population and they rise up
23 against you, how are you going to find any food to eat?" I've already told you
24 that Mr Bemba sent his men to Bangui with -- without any food, without any
25 rations. He just said to them, "Well, when you get to Bangui you will have to

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1 feed yourselves, taking food from the population" so, when they tried to get
2 some food, getting food from the local population, gradually they began to
3 brutalise, to mistreat, the population. When the leader received that
4 information he went to Bangui to try to settle matters, calm things down, and
5 have his men see reason. That is the interpretation that I gave to his speech.
6 When he learned that his men were mistreating the local people, he decided to
7 go to Bangui to reprimand them, to make them see reason so that they would
8 stop these acts of violence and abuse.

9 Q. Sir, can you estimate the number of troops gathered to meet with
10 Mr Bemba that day?

11 A. I told you that I don't know what arrangements were taken at the military
12 headquarters to greet him. I'm not a soldier, so I couldn't know what
13 measures had been taken at the headquarters. What I do know is that he
14 arrived first at the military headquarters and, since the head of the
15 headquarters was his son, he spoke to him and the chief of the military
16 headquarters gave him all the possible information. After that, the soldiers
17 were gathered together. When a chief comes, soldiers are told to be ready for
18 the gathering, the assembly. I really don't know what to tell you about the
19 arrangements that were taken at the military headquarters to greet him.

20 Q. Can you just tell the Court if it was a small group of soldiers or a large
21 group of soldiers?

22 A. The Banyamulengue who came from Équateur and who were committing
23 atrocities in Begoua, it was they who grouped together to speak to them.
24 What's true is that he spoke about the defeat that they had undergone and
25 other information as well. It was soldiers who had come from the other side

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1 and those who stayed in PK12 it was to them that he spoke, and the others who
2 went to the town or province I can't speak about them. He came just for a few
3 hours and he just spoke to those who were present in PK12.

4 Q. Were you in a position to recognise any of the Banyamulengue troops
5 who attended this meeting?

6 A. It wasn't other people. It was people, soldiers, who were on the
7 demarcation line. There was another team which were making progress, but
8 there was another which was there. You see, they couldn't just empty their
9 base, so even if some people left to the front, others remained there to patrol
10 the Begoua neighbourhoods and it was to them that he spoke.

11 Q. Were there any commanders among the Banyamulengue attending this
12 visit?

13 A. I told you here that it was the first time for me to see such an armed
14 group. A soldier is identified by his grade, by his insignia, but the persons
15 who were there, you couldn't tell if that person was a sergeant or a colonel.
16 There was nothing which could distinguish them, which could make it possible
17 to see if that person was a colonel or not. It was difficult to distinguish
18 between them, but what I can say is that person came to the headquarters.
19 There was a Chief of Staff and it was that person who was received, and he
20 certainly -- there must have been other chiefs who were under his supervision
21 and it was from there that they went to be able to speak to his men, but I don't
22 know if they were colonels or superior officers. That is something that I just
23 can't know.

24 Q. Sir, were there anyone in this visit among the Banyamulengue troops
25 who attacked you and your family?

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1 A. I told you that among the attackers there were chiefs called Sergeant.
2 When (Redacted) was crying, she was saying "Sergeant" and saying, "Look at
3 what they are doing to these people." This is a chief, so these chiefs could
4 only be present. The distance separating the -- separating (Redacted)
5 and the maternity, this was quite a lot. You have to think about 800 metres
6 perhaps. To get to the main road, 300 metres. Thereafter, from there, you
7 need another 200 metres. Certainly the military chiefs were present. They
8 could have heard what their chiefs were telling them.

9 Q. Sir, a while ago you made reference to the coverage of radio stations and
10 international press for the Banyamulengue troops and their activities in the
11 Central African Republic. Do you recall what you said in this regard?

12 A. Yes, I remember. It was a significant event. The population was
13 suffering. The newspapers wrote about this. International press also wrote
14 about this and, when the Banyamulengue were in PK12, they were committing
15 atrocities, there was a correspondent from RFI, Radio France Internationale,
16 who was called Karim, and he was there on-site, or she was there. She
17 covered the events. She even interviewed -- had live interviews with victims,
18 people who lived there. They spoke about rapes, they spoke about victims,
19 they spoke about pillaging. She broadcast that live. She broadcast the voice
20 of the victims live and then she also asked questions to interview the President
21 of the Republic. She asked questions with regards to the relations that there
22 were between the population and the Banyamulengue and he said that there
23 was no problem, but in the field the people were suffering. The population
24 was being raped. There was pillaging. Acts of humiliation were being
25 carried out. When she said that to the Chief of Staff, he laughed saying that

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1 there was nothing. The population were living in good terms with the
2 Banyamulengue.

3 Q. Sir, can you tell us for how long did this coverage to the events in PK12
4 lasted?

5 A. I don't need to remember the dates, but I know that the events took place
6 in the month of November. The information on RFI is normally broadcast at
7 13.30 and it's at that time that everybody was listening to the radios to follow
8 the news. That is where we heard what I just said. The President was
9 interviewed and he reacted. The population was suffering at that time. They
10 were victims of rape and theft, but where it concerns what day it was that's
11 something I can't remember, but what I do know is that the events took place
12 in the month of November.

13 Q. Sir, apart from the coverage of Mr Bemba's visit in PK12, was there any
14 other coverage to the events that took place in the Central African Republic
15 from October 2002 until March 2003?

16 A. Please, could you ask the question again?

17 Q. Sir, I was asking you, apart from Mr Bemba's visit, was there any media
18 coverage to the behaviour of the Banyamulengues' troops in PK12, or
19 elsewhere in the Central African Republic, from October 2002 until
20 March 2003?

21 A. The members of the international press, it was they generally who
22 broadcast what was happening to us in Africa, so every time there were events
23 of such significance, it was they who were generally ready to denounce that
24 and spread the message as wide as possible. When there were atrocities that
25 were committed, they speak about it. They are -- they speak about it as soon

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1 as they are informed of them. They speak about it on the radio.

2 Q. Sir, did you personally follow this media coverage?

3 A. Well, where it concerns Karim France I followed that myself on RFI at
4 13.30. I listened to the news from Africa, so this was something that was
5 broadcast. Myself, I listened to the complaints of the inhabitants. She even
6 had the voice of a man whose daughter had been raped. I listened to that
7 myself and, having broadcast the reactions of the population, she left and she
8 interviewed the Head of State on the relations that there were between the
9 Banyamulengue and the population. The Head of State had said that they
10 were -- had good terms. This was not true. We were suffering. We were
11 suffering. The instruction had been given to mistreat us and that is the reason
12 why that happened. I wasn't the only person who heard that. If you asked
13 the question to other people in Bangui, they will also be able to confirm that.

14 Q. Sir, how often did you listen? Let me repeat my question, sir. How
15 often did you listen to the media coverage to the events in 2002/2003?

16 A. Where I am concerned personally, there wasn't a particular frequency.
17 When you have such events, I would be stuck to the radio, RFI, because this
18 station gave the true information, so I had to follow it every day, follow the
19 news every single day, from that station. I was -- I didn't make a choice, oh, at
20 13.30, Afrique Soir, or at 9 o'clock, or before going to bed. No, I was stuck to
21 the radio to follow the news.

22 Q. Other than RFI, was there any other radio station or other sources of
23 media, like TV or newspapers, you were following about those events?

24 A. RFI was broadcasting, BBC Africa as well. These were the two stations
25 that were giving such news. There were also the local newspapers which

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1 were covering the events. Le Citoyen was also covering the events. For the
2 local newspapers you have to have money to go and buy that edition. If you
3 don't have money, you can borrow it, an old one from a friend of yours, so you
4 can follow what's happening, but where it concerned RFI there are reports on
5 the events and that's what we were following.

6 Q. Sir, in relation to the Banyamulengues' troops behaviour towards the
7 civilian population in your country, can you please give us example, if any,
8 about the media coverage that you listened to?

9 A. Where it concerned the news which was broadcast by a radio station, it
10 was that which was broadcast by Karim France on RFI. She had the voice of a
11 man who was crying on RFI. He was crying "They are raping my daughter"
12 and then she had another victim speak, and thereafter she went to interview
13 the Head of State with regards to what happened. Within the country, as she
14 wasn't informed, she couldn't broadcast news on that.

15 Q. Sir, after Mr Bemba's visit, had you noticed any change in the
16 Banyamulengues' behaviour towards the population?

17 A. The message that he had passed on was stimulating them to push people
18 to commit more theft, rape and pillaging, particularly of foam mattresses.

19 Q. Sir, do you know the locations where these abuses take place after
20 Mr Bemba's visit?

21 A. I told you that they behaved in the same way everywhere. Whether in
22 Damara, there were rapes, killings, the same things in Sibut, the same thing in
23 Boali, Bossembélé, Ndjo (phon), in Bossangoa, Busu, all these towns saw the
24 same behaviour; rape, killings, theft. There was not a change in their
25 behaviour. No change.

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1 Q. Sir, how did you know about these abuses that took place outside PK12?

2 A. I told you when events occurred in the country, each inhabitant can try to
3 get information. I'm not very highly educated, but at least I can say that I am
4 educated so I tried to contact my relations, the people that came to Bangui, who
5 came to -- who came from provincial towns. During our -- when we started
6 having exchanges with them, they told us what had happened and they
7 pointed out to us that things -- it was the same behaviour basically, and that is
8 how we managed to get information with regards to what was happening in
9 the province.

10 Q. Sir, did you have a chance to talk to someone who witnessed himself or
11 herself those abuses, or who has been a victim to those abuses?

12 A. I had the opportunity to have exchanges with certain people. For
13 example, in (Redacted)
14 and they started to commit these atrocities. His chief got the flag and left to
15 say "No" to the Banyamulengue, but (Redacted)
16 (Redacted) I was there at the funeral, I was present
17 during the funeral, and during the funeral we spoke about the circumstances of
18 his death, we spoke about that between us and that is how we managed to get
19 information with regards to what was happening concerning the events that
20 were taking place very far from us. But the civil servants were coming to get
21 their salaries from Bangui and that was an opportunity to talk to them also
22 about the events that were taking place in their towns and they said, "Well, I
23 lost this. I lost that. I suffered this. I suffered that".

24 THE INTERPRETER: And the Sango booth asks if the witness can be asked to
25 speak more slowly.

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1 PRESIDING JUDGE STEINER: Mr Witness, the interpreter is asking you
2 please to speak a little bit slower. He is having difficulties in following you,
3 so please, in order to facilitate our interpreters' job, slow down a little bit.
4 Thank you very much.

5 MR MOURAD:

6 Q. Mr Witness, I noted that you mentioned people you met in Bangui and
7 PK22. Apart from those two locations, you mentioned other places where
8 abuses took place. Do you recall anybody that you met in those other
9 locations and please try not to mention specific names or addresses in your
10 answer. Thank you very much.

11 A. I think that I spoke to you about the case of PK22. I spoke about the way
12 in which we got information, in particular the information that came from the
13 province. I told you that people came from the province in order to get
14 supplies from the capital. We met them and we exchanged information,
15 information relating to what was happening there, and they said that, "This is
16 what the Banyamulengue are doing to us. It's really insufferable. We can't
17 have any poultry," and we said to them, "Well, listen, in PK12 we are also
18 suffering these same abuses" and this is how we exchanged information with
19 each other.

20 Q. Thank you, sir. Last Thursday when you were talking about the
21 Banyamulengue in PK12, you stated, and I quote, "We saw their commanders
22 using vehicles they had stolen from people's homes. At the beginning they
23 didn't have any vehicles," and for the Court the reference is the edited version
24 of the English transcript of the hearing of 2 February 2011, page 66, line 7 to 9,
25 and in the French edited transcript it's page 71, line 10 to 12. Sir, my question

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1 to you is: Can you tell the Court how many vehicles did they take from the
2 people?

3 A. At the start, well, I told you that when they arrived there were no
4 vehicles. They arrived between 1500/1600 hours and when they arrived they
5 spread out into the neighbourhood and they established their line of
6 demarcation and they carried out patrols in the neighbourhood, but I don't
7 know how to answer you with regards to their internal organisation, but the
8 next day, given that I am a child of that nation, I went to the main road and I
9 saw that there were four vehicles there and the registration showed that it was
10 a car which belonged to individuals, not military vehicles. Given the
11 registration number plate on the car, certainly some of these were circulating.
12 When they were stopped they must have taken the vehicles. If they were
13 belonging to individuals, they would threaten a person. They would threaten
14 them with their firearms and force the owner of the vehicle to hand it over. So
15 they took cars from individuals so that they could use them for themselves.
16 This is what I saw.

17 Q. Thank you. Sir, with reference to these registration number plates you
18 refer to, were they from the Central African Republic, or from another country?

19 A. The licence plates were from the Central African Republic. They seized
20 those vehicles in the Central African Republic and the vehicles belonged to
21 Central Africans. These were civil servants and others who were moving
22 about, or going to their farms, and they did not know that they would be
23 ambushed. As soon as the soldiers saw such vehicles, they stopped them and
24 forced out those from inside the vehicle and then they would take the vehicles.
25 So what I'm saying is that the licence plates on those vehicles were from the

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1 Central African Republic.

2 Q. Sir, did you personally see the Banyamulengue troops taking those
3 vehicles from the civilian population of the Central African Republic?

4 A. I did not receive that information from someone else. I was a witness to
5 all those events. For example, I was in the market when I saw a pick-up arrive.
6 They forced out all the passengers from the vehicles and demanded that the
7 key should be given to them, and that was done so they actually seized that
8 vehicle. So what I'm telling you is not something I heard from someone else; I
9 observed it personally. As you know, when there are such crises, soldiers
10 usually behave in the same manner; that is, they forcibly take away vehicles
11 belonging to private individuals.

12 Q. Sir, this incident that you are referring to where they took this pick-up,
13 do you remember the date when this took place, or the month if you don't
14 remember the specific date?

15 A. This was in November and I would like to reiterate what I have already
16 said. The Banyamulengues arrived at PK12 on the 7th and from that day they
17 progressed right up to 15 March 2003, but the events that I'm telling you about
18 happened in November when they came to chase the rebels. They would go
19 on foot and then come back to their base. It was during the third skirmish
20 that they stayed there, they lost a lot of men and then they retreated to their
21 demarcation line. It was their highest ranking leaders who seized the vehicles
22 in order to monitor their soldiers who were at the front, so the front was
23 several kilometres away so they could not go there without using a means of
24 locomotion. It was for that reason that they seized vehicles to be able to
25 follow their soldiers who had gone to the front.

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1 Q. Thank you, sir. Sir, in several occasions you referred to the
2 Banyamulengue troops as they are stealing foam mattresses. Did you
3 personally see that with your own eyes?

4 A. Thank you for that question. First of all, when they arrived and
5 established their line, this was between 3 and 4 p.m., the following morning
6 they started going after the mattresses and, when they used force to take over a
7 house, then they would forcibly -- or they would put in the mattresses that they
8 had seized from private individuals. The second example I can give relates to
9 when I would go to town to take some money. Upon my return, I stopped at
10 the roundabout to have a rest. It was at that time that to the north of the
11 crossroads that I saw a bush taxi which was coming in and it was full of foam
12 mattresses. It was really packed with foam mattresses. The driver could not
13 see very well because of those mattresses. There were frames of bicycles and
14 mopeds which were tied on top of that bush taxi. I was at the town centre and
15 I could see that taxi. There was a Banyamulengue sitting at the front of the
16 vehicle and he was carrying a weapon and his hand was on the trigger. He
17 was sitting on the hood of the vehicle, so they had no priorities. They were
18 just moving about in a disorderly manner. The authorities were there. The
19 soldiers were there. No one could speak to them. I wondered to myself
20 where they were taking all those items. I decided to go after them so as to see
21 where they were taking those items. There is a location called Port Beach and
22 that is where you cross to go to Zongo. That is in the Équateur Province. I
23 thought that they were going to take all those items there, so I decided to
24 follow them slowly. I was able to see the vehicle upon arrival. There were
25 armed Banyamulengues surrounding that taxi and they were deviating all

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1 those who were bring -- those who were coming, that is for example, people
2 who were coming from Damara, no one could pass using the right side of the
3 road because that is where they were carrying out their operations. And I also
4 avoided the area that was banned, so I saw foam mattresses, I saw radio sets, I
5 saw kitchen utensils. There were items of all sorts. They packed all those
6 goods at that location and it was from there that they would take them across
7 the river, and so I told myself but an army that is coming to reinforce the
8 government can take the liberty of looting the goods of the population in that
9 way, and this is simply something that I was thinking to myself. When the
10 investigators arrived, I told them about all that. I told them that I myself
11 personally went to the location where they were storing the looted goods.
12 These are the few examples that I can tell you about.

13 Q. Thank you, sir. Sir, in the beginning of your answer you made a
14 reference to a taxi bush that you saw carrying mattresses and other items, and
15 you mentioned that there were Banyamulengue in this vehicle. Can you
16 please tell us how did you know that the people in this vehicle were
17 Banyamulengue?

18 A. What I saw is not what usually happens when it is Central Africans,
19 because bicycle frames are never tied on the top of bush taxis. Usually those
20 taxis take people to the farms or to the market, but crossing the entire town
21 with such goods and going to the Équateur Province, well, you also have to
22 know that those vehicles were coming from the north of Bangui, from the road
23 towards Bossangoa. That is the north of the country. The vehicle would
24 cross the entire town with the looted goods to go and store them where they
25 normally stored the goods, and it was from there that they would take them

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1 across the other side of the river. I told you that I was at the crossroads when
2 I saw the vehicle pass by. The driver of the vehicle was a Banyamulengue and
3 the soldiers in the vehicle were also the Banyamulengues, so those items were
4 very highly valued by them and so they were the ones personally responsible
5 for the security of those goods and they would even identify particular items as
6 belonging to each or the other of them. Those who were inside the vehicle
7 were armed and those who were on top of the vehicle were armed, and when I
8 arrived at the store house I saw them. They were all armed and some of them
9 were offloading the items.

10 Q. I understand your answer, sir, but I would like just for the purpose of
11 clarity why you saying they are Banyamulengue? How could you identify
12 them as Banyamulengue and not anybody else from other armed groups?

13 A. I have told you that on the day the Banyamulengues arrived at PK12 they
14 did not collaborate with the loyalist troops; that is the Central African troops.
15 They did not operate jointly with the Central African soldiers. They operated
16 separately. They had their own interests. I have told you that Bemba had
17 recruited peasants to send them there, so everything they saw had a value for
18 them. Bicycle frames, foam mattresses, radio sets, all of that. Someone
19 cannot take three, four, five radio sets just for himself, so why were they taking
20 them away? It was to sell them. A normal professional soldier, a trained
21 soldier, cannot go to the field and take mattresses or radio sets. That is not
22 possible. Please try to think about it. A professional trained soldier cannot
23 go to the field and take old bicycle frames, or mattresses. To take them to
24 where?

25 Q. Sir, thank you very much for this clarification. A short while ago you

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1 stated that you followed this vehicle to a place called Port Beach, as I recall it.
2 During this time, were you in a position to hear them talking either to each
3 other or to somebody else?

4 A. This was like loot. They really helped themselves. What could be the
5 relationship between them and the civilians? These were armed soldiers and
6 the others were peasants, so if you are the one you cannot come and ask them
7 why they are taking away those goods. That would be asking for death. No
8 one could approach them to ask them such questions, so it was actually more
9 logical to stay at a distance and try to see what was happening. No one could
10 approach them. Everyone stayed at a respectable distance. Even if you are
11 not intelligent, even if you are the last of the peasants, when you saw how
12 those people behaved you would know immediately that these were not real
13 soldiers. These were people who came with other intentions.

14 Q. Sir, in relation to their physical appearance, were there any feature that
15 you noticed about them that you can describe to us?

16 A. I have told you that a real soldier -- in fact, all soldiers move around with
17 his military equipment, his gun, his uniform and his boots, and they would
18 wear the same colour of beret. Then you would know that these were soldiers,
19 but the people that we saw we could not be sure that they were soldiers.
20 Some of them were wearing plastic sandals, some were wearing boots, some
21 were wearing Rangers, maybe military trousers and a civilian shirt. All was
22 mixed up. It was laughable. When you saw the way that they were dressed,
23 you could say that they were fakes.

24 Q. Thank you, sir. I was referring specifically to the people you saw in this
25 bush taxi.

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1 A. The people that I saw in that bush taxi were soldiers, rebels, because after
2 having attacked me, after having looted me, I saw how they behaved. The
3 person who grabbed a glass will know that that glass belonged to him. They
4 did not argue. Everyone was trying to grab something that would belong to
5 them. Some people picked up beds, bicycle frames, valuable items. They
6 obviously seized a vehicle and, if one of them was able to drive, fine. That is
7 how they would convey the goods to a secure location. These people were
8 Banyamulengues. It was no one else.

9 Q. Sir, do you recall the age range of those people in the taxi, the bush taxi?

10 A. These people who had seized the vehicle were not young people; they
11 were adults. They -- their age could be estimated at 30, 31, 32. Based on
12 what I saw, these were mature people. A young person would not be able to
13 hold up and confiscate a vehicle. These were adults who were able to defend
14 themselves. They were not young people.

15 Q. Sir, you talked about a location where they stored the stolen items at Port
16 Beach. Can you please describe this location to us? Was there a building, or
17 was it an empty land, or something else?

18 A. Port Beach is a place from where people would regularly cross, that is
19 between Bangui and the Zairian town of Zongo. It was from here that people
20 were authorised to legally cross the river, so the Zairians crossed from there
21 and even the Central Africans, they would cross by canoe or rafts or cart, so
22 this Port Beach was an official crossing point, so it was here that they came and
23 stored their goods before using rafts and canoes to transport those goods to the
24 other side.

25 MR MOURAD: Madam President, I have only one question left if I can ask it

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1 before the break?

2 Q. Sir, where did they loot -- excuse me, where did they store the looted
3 items in Port Beach?

4 A. They placed the goods on the ground, near the main road from the
5 N'garagba neighbourhood, the road that leads towards the town centre. This
6 location is not very far away from the French Embassy, which is located in the
7 vicinity and that is where Port Beach is located also.

8 MR MOURAD: Thank you. Madam President, I think at this point we can
9 have the break, if you prefer. I still have a few questions for after the break.
10 I was just talking about this topic. Thank you very much.

11 PRESIDING JUDGE STEINER: Thank you, Mr Mourad. Witness, we are
12 going to have a break now, a 30 minutes' break, and then you can take some
13 rest. It's 4 o'clock now. We are resuming at 4.30. I will ask the court officer,
14 please, to turn into closed session in order for the witness to be taken outside
15 the courtroom, and in the meantime we are going to suspend the hearing and
16 resume at 4.30.

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 (Recess taken at 4.00 p.m.)

22 *(Upon resuming in closed session at 4.42 p.m.) Reclassified as Open session

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

24 PRESIDING JUDGE STEINER: Welcome back to the courtroom. I hope the
25 problem with the transcript - the French transcript - has been solved. Is that

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1 correct, Maître Liriss, or Mr Haynes?

2 MR HAYNES: We don't appear to have a transcript in French or English at
3 the moment, or at least not a moving transcript.

4 PRESIDING JUDGE STEINER: Yes, I am informed that the problem of the
5 Defence managing the transcript cannot be done. It can only follow the
6 French transcript, so the problem will be solved by tomorrow. This is the
7 information I have. So, please, 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 4.45 p.m.)

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

12 PRESIDING JUDGE STEINER: Thank you. Mr Witness, welcome back.
13 Did you manage --

14 THE WITNESS: (Interpretation) Thank you, your Honour.

15 PRESIDING JUDGE STEINER: Sorry, did you manage to rest a little bit
16 during the break?

17 THE WITNESS: (Interpretation) Yes, I did have a good rest.

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

20 THE WITNESS: (Interpretation) I am at the Court's disposal.

21 PRESIDING JUDGE STEINER: Thank you very much. Just one more
22 question, Witness. Did you manage to talk to someone during the break
23 about what happened in your home town?

24 THE WITNESS: (Interpretation) During the break, the psychologist came
25 and I spoke with him, and he told me that he would see what he could do to

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1 put me in contact with my son so that I will have an opportunity to speak to
2 him and that is what we did.

3 PRESIDING JUDGE STEINER: Are you fine with that?

4 THE WITNESS: (Interpretation) Yes, what he said to me was reassuring and
5 gave me -- and this gave me an opportunity to hear my son's voice which has
6 really put my mind at ease.

7 PRESIDING JUDGE STEINER: Good. So then I will give now the floor to
8 the Prosecution that still has questions to put to you. Mr Mourad.

9 MR MOURAD: Thank you, Madam President. Thank you, your Honours.

10 Q. Mr Witness, good afternoon. I am glad to learn that you rested well
11 during the break and now I would like to continue from where we left off
12 before the break. My question to you now, sir, is how long did the
13 Banyamulengue troops store stolen items in the location you referred to just
14 before the break?

15 A. Thank you, Mr Prosecutor. They began to loot goods on the 6th until
16 5 March 2003. Not a day would go by without looting occurring. The
17 looting happened every day up until 15 March 2003.

18 Q. Sir, I would just like to clarify something that appeared on the transcript.
19 Did you say "They began to loot goods on the 6th until 5 March 2003"? Is that
20 what you said, sir, because that is what appears on the transcript?

21 A. I said that they arrived on the 7th. They spent the night. On the 6th
22 they began looting up until 15 March 2003. Up until 15 March 2003, that is
23 when the liberators came back in. That is what I said.

24 THE INTERPRETER: Message from the English interpreter: The English
25 interpreter may have misspoke earlier regarding the date.

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1 MR MOURAD:

2 Q. Sir, how many times did you see this storage location in Beach Port?

3 A. I told you that it was out of curiosity. I didn't go there to see where they
4 had stored the various items. I went to the centre of town to get my salary,
5 but after I received my salary I did a bit of a detour to go see, and that is when I
6 saw the vehicle. It was a small vehicle, but what was on the vehicle and in the
7 vehicle was beyond -- exceeded the standard, so I said to myself I had better go
8 and see where that vehicle is going. You see, the Banyamulengue were
9 carrying out acts of violence and abuse and they were in the vehicle. I had to
10 go and see with my own eyes. I went once. It was just once and then I went
11 back. From that point on, I said to myself, anyone who was leaving the
12 neighbourhood to go to the centre of town to store -- was going in order to
13 store these goods.

14 Q. Sir, last Friday you mentioned a sentence that I would like you to clarify
15 to the Court. If I pronounce it correctly, it's "Pesa ngai mbongo" and if I put it
16 in the context you mentioned it, you stated and I quote, "When they wanted to
17 pursue the rebels as far as PK22, there was heavy fighting during which they
18 suffered casualties and when they came back they started to commit acts of
19 violence and abuse taking objects. Since they didn't speak Sango, they would
20 say to people" this sentence that I will attempt to pronounce, it is "Pesa ngai
21 mbongo" and my question to you, sir, is what does this sentence mean? And
22 the reference for the Court, it is in the edited version of the English transcript of
23 hearing of 11 February 2011, page 25, line 12 to 16, and in the French edited
24 transcript page 28, line 18 to 24. And, sir, let me repeat the question: What
25 does this sentence mean?

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1 A. Thank you, Mr Prosecutor. This sentence, what does it mean? Well, it
2 means "Give me some money." When a Banyamulengue comes before you
3 and if you had a watch on you that day and you had no money he would force
4 you to take off the watch or even a pair of glasses, you would have to take
5 them off or shoes, or a nice shirt. People who were well dressed, the
6 Banyamulengue would force them to take off their clothes. They would take
7 trousers also off of people and, if a person did not have a fine shirt, they would
8 ask for a watch and if you did not have any money they might kick you, so that
9 is the explanation that I can give you about this phrase, "Pesa ngai mbongo."

10 Q. Sir, did you witness this with your own eyes, these abuses you referred
11 to?

12 A. But everything began at my home in front of my house. That is what
13 they would say to people. I was right beside. I heard. I told you that the
14 Lingala language is a language that is spoken on the other side in a country
15 that is a neighbour of ours, so I am used to hearing that language and when
16 they said "Pesa ngai mbongo" I was able to understand and the Zairians who
17 were close by would explain to us what they were saying as things went along
18 gradually. This is what I am telling you. These are the facts or the events
19 rather that I saw with my own eyes.

20 Q. Thank you very much, sir. Sir, I will move now to another topic and my
21 question to you is: Did you observe the kind of houses that the
22 Banyamulengue troops targeted with their abuses?

23 A. Well, there were several kinds of houses. Some were fine, others were
24 not as nice, or fine. Some houses to look at them you wouldn't be able to go in,
25 but the Banyamulengue came to get wealth in the Central African Republic.

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1 They didn't go into poor people's houses. They went into beautiful houses
2 that were well built in the hopes of finding valuable items, so they would go
3 into the villas, into the fine houses, to loot or to take money. As I told you,
4 they were organised. They would go in and even if you had hidden money or
5 valuables they would go into the house and find that money. That happened
6 to me, because my money, the 400 million, I put that in a book which I put in a
7 cupboard and they broke the cupboard and the first thing that they did was
8 they went for that book with the money in it. They had a way of detecting the
9 money, so they went into the villas and they would look for valuables.

10 Q. Thank you, sir. Just a point of clarification. The transcript shows that
11 the money - your money - is 400 million. Is that correct, sir?

12 A. 400 -- I didn't understand your question.

13 Q. Can you please repeat the amount of money they stole from you?

14 A. I said 90,000. In the report for the investigator, I said 90,000. Where
15 would I have found 400 million, me? You have the report of the investigator.
16 The money that I stated, it was 90,000. I never spoke of 400 million.

17 Q. Thank you, sir, it is just a clarification because it showed on the transcript.
18 It is not your mistake. Thank you very much. Sir, we were talking about the
19 Banyamulengue stealing villas and nice houses. Did you personally see them
20 targeting those houses?

21 A. (Redacted)

22 (Redacted)

23 (Redacted)

24 Every time the Banyamulengue came to the house, the dogs started barking.

25 They weren't able to enter into his compound. They tried in vain. The dogs

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1 were very aggressive and they couldn't get in. Every time they tried to get
2 near, the dogs started barking. But where it concerns the other houses, they
3 were able to get into them. Almost all the houses of PK12. They didn't leave
4 any.

5 Q. Sir, I will move on to another topic now. When the Banyamulengue left
6 your country, were they able to carry the stolen items that they were storing in
7 this location you refer to?

8 THE INTERPRETER: The English interpreter doesn't hear the interpretation.

9 THE WITNESS: (Interpretation) Before the arrival of the liberators, it was
10 then that they stopped these goods. There was a team which was responsible
11 for taking these goods from one side of the river to the other. That was what
12 they did. At the time that the liberators arrived, there were attacks at
13 Bossembélé. They left everything, the cars, the property, and the liberators
14 were stronger, so they could no longer look after the goods they had stocked.
15 So with what happened after the liberation, I arrived in the town centre to see if
16 these goods were still there. Had people taken them and pillaged them?
17 That's something I didn't know.

18 MR MOURAD: Madam President, I am not quite sure if all the witness's
19 answer is reflected in the transcript, because the interpreter said that he
20 couldn't catch the answer. I don't know if that is -- the beginning of the
21 answer is not reflected, or the whole answer is in the transcript.

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

23 PRESIDING JUDGE STEINER: My question is: Did the French interpreter
24 get the full answer?

25 THE INTERPRETER: The English interpreter takes a relay from French from

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1 the Sango booth, but no input was coming from the Sango booth at the time so
2 I presume that the beginning was lost.

3 PRESIDING JUDGE STEINER: Mr Mourad, I think we lost the beginning of
4 the answer. Maybe if you could just remind the witness what was the
5 beginning of your question?

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

7 Q. Mr Witness, we had a slight problem with recording the answer you gave.
8 What we recorded in the transcript starts from, I will try to read the start of the
9 answer and please tell us what was missing in the answer. I am reading to
10 you now what is in the record, "Before the arrival of the liberators, it was then
11 that they stopped these goods. There was a team which was responsible for
12 taking these goods from one side of the river to the other," and I don't want to
13 carry on to the rest of the answer but that was the beginning of the answer
14 there. Is there some part before this portion that I read to you that is not
15 reflected in the transcript?

16 A. Where it concerns the goods, property, when the liberators arrived, well,
17 the Prosecutor asked me the question with regards to the liberators when they
18 arrived were they able to take the goods, and my answer to that was that they
19 had difficulties. They were not able to take the goods, because they had to
20 think about their survival and not of the goods. I was in PK12 and the
21 liberators arrived in PK12 before going to -- before arriving in the town centre,
22 so what happened in the town centre is something I couldn't tell you, because
23 the goods were stocked in town. If these goods were evacuated before the
24 arrival of the liberators, that is just something I don't know. I speak about it
25 because the goods that had been pillaged were stocked -- stocked behind a

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1 church with a view to taking them and getting them across the river. Now,
2 when the liberators arrived and they started shooting, they left the goods
3 stocked behind Begoua church and it was from there that the population
4 started to take these goods, because somebody who has lost a radio, if they find
5 a radio, well, they -- at least they've got a radio. They get it back. Some
6 people had nothing, so the population took these goods that were stocked there
7 and which they weren't able to take when they fled. That is PK12. But when
8 you have the port in the centre that is something that I just don't know.

9 Q. Thank you. Sir, you mentioned that the -- sir, I will repeat my question.
10 Sir, you mentioned that they stored items as well behind a church in Begoua.
11 Who are you talking about when you say "they stored items?"

12 A. Well, who were the people who came to pillage in order to pillage? It
13 was those who came to get the foam mattresses and the radios. It was the
14 Banyamulengue. As it was difficult, because people, men like them, they had
15 arrived, there was no longer the possibility to take the radios and the foam
16 mattresses. I am speaking about the Banyamulengue; Bemba's rebels.

17 Q. Sir, beside this location behind the church and the other location in Beach
18 Port, were there any other locations that the Banyamulengue used to store
19 stolen items?

20 A. What I saw in terms of PK12? Well, I live in PK12. In town, I went
21 there because it was to get money out, but I think that the situation must have
22 been the same in the town -- in the towns that they occupied, because what
23 they did in PK12 and in the town, they must have done the same thing in
24 Damara where they stocked things and take things to Bangui. I mean, all the
25 towns that they occupied, I think that the same thing must have happened in,

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1 but I wasn't in these towns and so I can't say much about them, but in my
2 opinion that must have happened in the same way in PK12 and in the town
3 centre.

4 Q. Thank you very much, sir. What I am interested in is what you saw, so I
5 will confine my question to PK12 for the time being. You mentioned a storage
6 location behind a church. In PK12, was there any other location where the
7 Banyamulengue stored stolen items?

8 A. Other than the church, I didn't see another depot. I mean, I don't want
9 to lie. I think that is the -- that is the only place that I saw myself. I don't
10 have any information concerning other places where goods were stocked.

11 Q. Thank you very much, sir. During the Banyamulengue's withdrawal
12 from your country, do you know if they committed any other abuses during
13 their withdrawal?

14 A. On that day, apparently they were meant to go from Begoua, because on
15 the 14th -- well, on the 14th, but perhaps a witness who will come before the
16 Court will confirm that. On the 14th they started to get their knives and they
17 said, "This evening, this evening, the men will see. We are going to slit their
18 throats; slit the throats of all the men." They were sharpening their knives and
19 they were showing them to the men, and as God did not want it, the knives
20 that were sharpened they didn't know, because there were men like them who
21 had to come. They didn't use them, because at the time that they were
22 sharpening these knives the liberators arrived and they fled with their knives.
23 That was their last threat. If on the 15th the liberators had not arrived, it
24 would have been difficult for us, the men, because they were sharpening their
25 knives and they were telling us that "This evening you're going to see."

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1 Luckily the liberators turned up and they fled. That is a very important detail.

2 Q. Thank you very much, sir. In a very concise answer, if you may, would
3 you please describe to us how did the Banyamulengue withdraw from your
4 country?

5 A. When they fled, is that what you are talking about, from the Central
6 African Republic?

7 Q. Yes, sir.

8 A. As they were meant to fight a rebellion against the authority, I don't
9 know. I said that they came twice. The second time they left, kidnapping
10 the spokesperson, and it was at that time that the Banyamulengue arrived and
11 that they followed them. So the first rebellion failed, the second too, and it
12 was only at the third attempt that they kidnapped the spokesperson. The
13 Banyamulengue arrived after and the Banyamulengue followed them. The
14 rebels organised themselves and they came back for clashes in Bossembélé and
15 it was from Bossembélé they routed the Banyamulengue. These
16 Banyamulengue lost the fight, lost the battle, and they started to cross. In
17 order to do so, they found people and it was the people who indicated to them
18 where they had to go to cross. They asked the question, "Where were the
19 paths or the routes via the river?", and people would indicate them to them.
20 Some -- well, some would, some wouldn't.

21 Q. Thank you, sir. Sir, are you a member of any victim organisation?

22 A. Yes, after the event, because there is no justice in our country, so I stayed
23 and an NGO was created and the people responsible for it came to PK12 and
24 they told us that all the victims of the Banyamulengue could join this
25 ONG -- NGO, or become members of this NGO, in order to bring their

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1 complaints to it and the international community could help. So I thought I
2 wasn't doing much and I decided to pay for my membership to this
3 organisation and so the white people from the FTH asked questions with
4 regards to the events and the government of the Central African Republic
5 seized the Court of the matter in 2004 with regards to the crimes and the Court
6 decided to open investigations in 2007 in the Central African Republic and all
7 the matters recorded by the FIDH, I don't know if they were all sent to the
8 Court, but one morning my telephone rang and people called upon me to ask if
9 I was in agreement to testify with regards to the atrocities that had been
10 committed in the Central African Republic and I said that I was very much
11 willing to do so because I myself had been one of such victims and this is how
12 it started.

13 Q. Sir, can you tell the Court the name of this organisation to which you are
14 a member?

15 A. The organisation to which I -- or which I joined is called OCODEFAD.

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

17 A. Nothing at all. There was a lady who was responsible there and it was
18 she who created that organisation. From time to time, she received aid such
19 as mobile phones and bicycles. This was organised by the antenna, the
20 Begoua antenna, the PK22 antenna and the antennae were in different localities
21 where the Banyamulengue had committed atrocities. (Redacted)
22 (Redacted) from an NGO. As it saw that the PK22 antenna
23 was a very large one, it had to provide me with (Redacted)
24 (Redacted)
25 (Redacted) This is what

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1 happened.

2 Q. Sir, can you explain to us what is (Redacted) Why did you (Redacted)
3 (Redacted)

4 A. A moment ago I said that OCODEFAD was organised. Well, what it is?
5 It is a Central African Republic organisation for families in distress. That is
6 what the letters stand for. It has different branches, different branches in
7 different areas where there has been destruction. Now, in each one you can
8 have a president of that particular network and she saw that in Begoua (Redacted)
9 (Redacted), and the reason why (Redacted)
10 (Redacted)
11 (Redacted) and the organisation with a view to
12 participating in meetings.

13 Q. Sir, are you still a member of this organisation today?

14 A. Yes, the movement still exists, but there are problems within this
15 organisation. We participate in activities, but not regularly. We provide a
16 basis for this organisation. Now, if those who are -- those in charge call us to
17 come to meetings, we come together as victims in order to carry out different
18 activities which make it -- it makes it possible for me to help the victims. Now,
19 at the start this was the idea, but unfortunately the organisation wasn't
20 well-organised and you have to know that in this organisation there are just
21 nationals. There are not white persons. There are no persons to support
22 them financially.

23 Q. Sir, and when was the last time you took part in activities with this
24 organisation?

25 A. It is very difficult to remember that exactly. There was a last meeting.

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1 Things weren't going well. On that day, there were NGOs who were giving
2 subsidies who wanted to meet the branch heads. We had a meeting together.
3 We told them that "We had been subject to atrocities that were committed.
4 You have said that you are going to do your best to help us, but you have made
5 a lot of promises to us, but there's been no follow-up to that. Our children
6 haven't been to school. We don't have any houses to live in." That is to make
7 them understand. Well, they gave certain aids or subsidies but that went in
8 another direction. We explained to them all the problems that we had had
9 and promised -- well, there were promises made to the officers that there
10 would be follow-up. So there were discussions with the central office. Also
11 to take into account the management of such subsidies, or donations. They
12 then came to us to meet with us and to make a report on it. We took our time.
13 We left in order to take part in that meeting. When we arrived, (Redacted)
14 (Redacted) and he said, "Was it you who
15 created the NGO? Why did you call upon white people to come and insult us?
16 We were called upon to take part in a meeting. Why are you saying that there
17 isn't one?" So we understood that there was a game which was being played
18 that the NGO wasn't well-organised. There were certain problems that had
19 been pointed out, embezzlement had been pointed out as a problem, and
20 unfortunately we couldn't do anything. So since then the organisation has not
21 been going well.

22 Q. Sir, did OCODEFAD advise you in any way on how to tell or present
23 your story?

24 A. What I'm telling you -- well, I do not know. I would like us to go into
25 closed session so that I can better explain. You have been (Redacted)

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1 (Redacted)

2 (Redacted)

3 MR MOURAD: Thank you very much, sir. Madam President, may we move
4 into private session?

5 PRESIDING JUDGE STEINER: Court officer, please.

6 *(Private session at 5.32 p.m.) Reclassified as Open session

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

8 MR MOURAD:

9 Q. Sir, now we are in private session, I will repeat my question to you so you
10 can say what you want. My question was: Did OCODEFAD advise you in
11 any way on how to tell or present your story?

12 A. This is not something to be taken lightly. On that time -- at that time we
13 were participating in meetings within OCODEFAD and one day while we were
14 at a meeting the leader said the following, (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted) Once I returned home, I reflected on the matter.

18 Why is it that I have to inform her before going to a meeting? It was
19 necessary to respect the orders of the leader, of the director, and then one day

20 (Redacted)

21 (Redacted) and during that

22 meeting the following was said, (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted) because I was enlightened.
2 (Redacted), but I said "This is not
3 possible. We are unfortunate people. We have nothing. We have been
4 deprived of everything, and then there is a white man who leaves his country
5 and comes to our country because we suffered atrocities and that white person
6 is helping us to tell the truth about those events. He has paid an air ticket to
7 come and assist us, so is it possible for that person to take us to go and (Redacted)
8 (Redacted) That is not possible. I said that was fraud. I could not accept
9 certain things and I cannot take part in such a meeting, even if (Redacted)
10 (Redacted) You are the person responsible. You set up the NGO and
11 victims joined, so we have to continue in that direction, so why should you tell
12 the victims (Redacted)
13 (Redacted), so why would this NGO have been
14 created?" So we understood that the NGO was created just to serve a limited
15 group of people. I said that I was not going to consider that information and
16 that is what prompted me to come to the Court. Otherwise, I would not have
17 travelled here.

18 Q. Sir, I have a very specific question to you. The way you told your story
19 to us today, was it affected in any way by OCODEFAD, or by your
20 membership to OCODEFAD?

21 THE INTERPRETER: Message from the Sango booth: They did not quite get
22 the question.

23 MR MOURAD: I will repeat my question.

24 Q. My question to you, sir, was the testimony you told us, your story, and
25 the evidence you provided to us here in court, was that affected in any way by

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1 meetings or any activities that took place with OCODEFAD?

2 A. No, I was not at all influenced, because on that day when meetings were
3 being held, well, I will tell you that OCODEFAD was set up in conflict zones
4 which had been affected by the presence of the Banyamulengues, PK12, PK22
5 and another location. That is where the NGO set up branches and carried out
6 a census of the victims. We thought that this was a good thing to do, but
7 instead of going in that same direction they did an about turn, and this is what
8 prompted me to reflect. And apart from that I can tell you that Maître Paolina
9 used to come regularly to Bangui with (Redacted) and what I'm telling you is
10 something that I told them. I told them that there is -- there are fraudulent
11 activities in that organisation and when she told us that these were Bemba's
12 men who were masquerading as investigators and who were later going to
13 (Redacted), I -- and she added and I can say that there are people
14 who are taking care of the victims. (Redacted)
15 (Redacted)
16 (Redacted) because all those who are coming from
17 the Court to Bangui are OTP investigators, (Redacted)
18 (Redacted) Fortunately, all the victims of PK12 and the
19 cattle market which was located at the demarcation line, that was the engine of
20 the economy, and that is why the Banyamulengues went to the cattle market to
21 commit many atrocities. I can estimate that there were more than 1,500, 1,800
22 victims that were not declared, so I thank the Court which took the initiative to
23 (Redacted) that
24 progress was made. I will mention one (Redacted) who was
25 responsible for (Redacted)

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1 (Redacted)

2 (Redacted) So it is possible that there were 2,000 to 4,000 victims. The leader
3 of that organisation did nothing for the victims.

4 Q. Can you please mention the name of this leader?

5 A. It is Madam Sayo. She is actually a member of the government right
6 now. Maybe the fact that she was appointed a member of the government,
7 the fact that she was given a salary, meant that she no longer had time to take
8 care of the victims, because she set up the NGO to assist victims. She had
9 asked us questions. She had consulted us. When she wanted to -- when she
10 had to be appointed a minister, we told her, "Yes, go ahead," because she was
11 consulted and we agreed because she could represent the victims in that
12 government. So it was with our approval that she accepted to be appointed,
13 but after that she no longer took care of the organisation. It was no longer
14 dynamic. There were no meetings and there were no advantages. It does
15 not mean that the organisation has been dissolved, but that is where we are at
16 today. That is what I wanted to add.

17 Q. Sir, who told the people (Redacted)

18 A. It was Sayo. That is the person who said that. We are in closed session.

19 I believe that there is (Redacted)

20 (Redacted) and he said,

21 (Redacted)

22 (Redacted) because he was told that if (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted) this is a non-existent problem. A Westerner, a white person,
2 cannot spend money (Redacted) On the contrary, they come to
3 help.

4 Q. Sir, you mentioned that (Redacted) was killed by the
5 Banyamulengue. I am not quite sure that the transcript reflects the name of
6 this (Redacted) Would you please mention the name of (Redacted) that was
7 killed by the Banyamulengue again?

8 A. I told you that during the fighting in PK22, and it was on a Sunday, they
9 arrived on the 7th, then that fighting took place three days later, and that
10 (Redacted) - died. His name is (Redacted).

11 Q. Thank you. You also referred to a person among the Banyamulengue
12 whose name is (Redacted) Do you know from where he is from?

13 A. Yes. (Redacted) was also from -- with the Banyamulengues. He himself
14 was a Banyamulengue, so he also came from Équateur. I know, or I believe,
15 that all of us present in this room have different convictions. That is because
16 amongst them there were certain people who were not in favour of evil. He
17 was called (Redacted)

18 (Redacted) So I believe he came from
19 the Équateur Province and he is not from the Central African Republic.

20 Q. But did he tell you where he's coming from, or you just inferred this?

21 A. Are you referring to (Redacted)

22 Q. Yes, sir.

23 A. I have already said that after I was attacked, I do not know how many
24 days afterwards, (Redacted) "Look, (Redacted), we are not
25 soldiers; we are villagers. We were simply enlisted and we were taught how

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1 to load a weapon. We were given uniforms and we came here and we were
2 brought here," so that is what he told me and he came of his own accord.

3 MR MOURAD: Madam President, may we please display to the witness the
4 same sketch we displayed before. It is a document CAR-OTP-0027-0808.

5 PRESIDING JUDGE STEINER: Yes, Mr Haynes?

6 MR HAYNES: Is it safe to venture into public session now?

7 PRESIDING JUDGE STEINER: As far as I remember the sketch is confidential
8 as well, but we are in private session.

9 MR HAYNES: Yes, okay. Well --

10 PRESIDING JUDGE STEINER: Mr Haynes, could you clarify what was your
11 point? Maybe I didn't understand.

12 MR HAYNES: Well, I thought we had ceased dealing with the area of
13 questioning which caused the witness personal concern about answering
14 questions in public session and we are now moving on to -- we have certainly
15 moved on to a different area with the subject of the man called (Redacted) and we
16 are now going to look at what is a confidential document, but which of course
17 can be dealt with publicly as long as the document itself is not broadcast.

18 PRESIDING JUDGE STEINER: And as long as names are not mentioned.

19 MR HAYNES: Yes.

20 PRESIDING JUDGE STEINER: The question relating to (Redacted) is because
21 the name was supposed to be mentioned.

22 MR HAYNES: I understand that.

23 PRESIDING JUDGE STEINER: So I ask the Prosecution whether the
24 questioning can be done in public session and the document not broadcast?

25 MR MOURAD: Madam President, I would ask him to identify something

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1 related to his residence, so I believe it is better to be staying in private session.

2 PRESIDING JUDGE STEINER: We continue in private session then.

3 THE COURT OFFICER: The document is available on your screens just by
4 pushing the button "PC1" in your remote controls.

5 MR MOURAD: Madam President, I am sorry, I didn't clarify, I would like the
6 witness to mark the document. Would that be available electronically, or we
7 have to move it to the document cam?

8 THE COURT OFFICER: It can be done electronically with the aid of the
9 SMART Board and the court usher will help the witness if need be.

10 MR MOURAD: Thank you very much.

11 Q. Mr Witness, please with the help of the court usher mark the sketch with
12 the location in which your daughter was raped, if you know this location?

13 And, your Honours, if the document can be zoomed out, because --

14 A. The angle here, that is my house. The compound is rectangular in shape
15 and that is my house there. In the compound they started beating me in the
16 yard and then took me into the house. They made me lie down and then they
17 took my daughter behind the house. It was not inside the house. They took
18 her outside of the house; that is in the yard.

19 Q. Sir, would you please mark the sketch with a sign to show this location
20 where your daughter was raped?

21 A. That is a sketch. In my compound there is a house, and then there is
22 also a shed, a type of garage, in which I park my R4 vehicle, so the garage is
23 right next to the house. If there was another sheet of paper, I would be able to
24 mark the house.

25 Q. Sir, the location of the rape of your daughter is not clear in this sketch?

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1 Please, if it is -- if you have a space to mark it in this sketch, please do so. If
2 not, please tell us.

3 A. This is my house. At the angle here, behind there is a main door
4 opposite the latrines where it is marked "M." So she was taken outside of the
5 house at that angle; that is the right-hand side of the house that is opposite the
6 latrine. It was just there. There is a shed there (Redacted), so she
7 was taken out of that shed near the compound and that is where she was
8 raped.

9 Q. Thank you very much. The description is very clear. I just want you to
10 use a pen and mark it with the letter "P" if that is possible.

11 A. Do you want me to mark it on the sketch?

12 Q. Yes, please.

13 PRESIDING JUDGE STEINER: Please give a hard copy. I think it makes
14 everyone's lives easier maybe to ask a witness to mark on a hard copy.

15 Mr Mourad. Mr Mourad?

16 MR MOURAD: (Microphone not activated) Apologies, Madam President. I
17 have a hard copy.

18 THE WITNESS: (Interpretation) May I speak?

19 MR MOURAD:

20 Q. Please go ahead, sir.

21 A. This is the sketch here and on it you can see the house and the red mark
22 and there is a building. The wall was built. I haven't put the roof. Beside
23 that there is (Redacted) also overlooks the facade of
24 my house, so it happened in front of the house. I was taken into the house
25 and the other one took my daughter outside and took her between the wall and

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1 that is where they took the girl, put her down on the ground and raped her,
2 between the house and the wall.

3 MR MOURAD: Thank you very much, sir. Madam President, may we
4 please mark this sketch with a new EVD-T number and I have precisely two
5 more questions and I will conclude my examination if that is possible today?

6 PRESIDING JUDGE STEINER: Yes, Mr Mourad, we go until 6.30.

7 MR MOURAD: Thank you very much.

8 PRESIDING JUDGE STEINER: Court officer, please just assign an EVD-T
9 number to the document.

10 THE COURT OFFICER: Yes, Madam President. The document that I have
11 in my hands and that it was displayed on the ELMO will be assigned reference
12 EVD-T-OTP-00601 and will be classified as confidential.

13 MR MOURAD:

14 Q. Mr Witness, you mentioned that two Banyamulengue raped your
15 daughter. When that happened, do you know if they raped her at the same
16 time, or in turns?

17 A. I said when they made me lie down on the ground and the other one held
18 me on the ground, as well as my wife, that kept me from seeing what was
19 happening. Others were looting, and the ones who came for the girl took her
20 to the building that I was building. She was crying. She was calling out to
21 me. Myself, I couldn't react, because they were holding me down on the
22 ground. After that, they went away and I didn't have the courage to ask her
23 what exactly had happened. Deep within me I knew that they had abused her,
24 so it was her mother who went and spoke to her and came back and said "This
25 is what they have done to (Redacted)," because, well, what could I have done?

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1 The next day the mother said to me (Redacted) had told her that the man who
2 put his finger in her vagina had deflowered her as well as the other one. She
3 said that to her mother who related the account to me. I had no answer to
4 give her. If it was someone from the country, a son of my country, I would
5 have filed a complaint but they were soldiers. They were bandits. They
6 came to commit acts of violence and abuse. Even if I had complained, who
7 would have taken care of matters? I thought that there was no point.

8 PRESIDING JUDGE STEINER: Mr Mourad, should we continue in private
9 session?

10 MR MOURAD: We can move, your Honour, with your leave to an open
11 session.

12 PRESIDING JUDGE STEINER: Court officer, please turn into open session.
13 (Open session at 6.08 p.m.)

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

15 MR MOURAD:

16 Q. Sir, I have a very precise question. I know you didn't see the rape of
17 your daughter, but did your wife tell you if those two Banyamulengue troops
18 raped your daughter, did they rape her together at the same time, or in turns,
19 one after another? Do you know the answer to this question?

20 A. I think that a girl, well, it wasn't two people who sleep with a single girl,
21 so the other one began. After he satisfied his desire, the other one took his
22 turn. I don't think that two people can do that together at the same time.

23 Q. And, apart from what you think, did your wife tell you anything in this
24 regard? Did she specify when the rape happened was it in the same time or in
25 turns?

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1 A. I said a few moments ago that when my wife went to see the girl in that
2 state, she came back and spoke to me and she said, "You see what they have
3 done to her?" She said to me "The girl has been completely destroyed" and I
4 said nothing to her. I began to warm some water so that the girl could take a
5 sit bath and then the next day in their discussion between the two, the
6 daughter and the mother, she said to me that two men slept with her. In other
7 words, one raped her and then another one came after. After the intervention
8 of the leader, the third decided not to do anything. Was that the case?
9 I don't know. I can deduce that she was raped by one and then by a second
10 one.

11 Q. Thank you very much, sir. My last question to you, do you agree that
12 your previous statement, the statement you provided to the investigators of the
13 ICC in August 2008 be admitted into evidence?

14 A. But we are here at the court. All those files can be considered to be
15 proof. I told you here, a few moments ago, and to go back to what I said this
16 was not the first time that the Central African Republic has had an armed
17 conflict, but at no time was there a foreign army. The ones who came were
18 bandits. They came to kill people, to loot, but the International Criminal
19 Court is here to deal with such matters, such cases of violence and abuse, to
20 shed light on matters.

21 Q. Thank you very much, sir. Just to clarify, I am asking for your
22 permission if you agree to use the statements you gave to the investigators in
23 this case so that we admit it into evidence of the case. Do you agree on that,
24 sir?

25 A. Yes, I want it to be put on the file. I'd like to tell you that I have proof,

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1 proof of the money that was provided to Bemba's soldiers, because they were
2 not compensated. They had to come and get money for themselves in the
3 Central African Republic. I have all that proof.

4 MR MOURAD: Thank you very much, sir. Madam President, I have
5 concluded our examination-in-chief for this witness. Thank you very much.

6 PRESIDING JUDGE STEINER: Thank you, Mr Mourad. Just for as a matter
7 of clarification, as long as the majority's decision is not reversed by the Appeals
8 Chamber, the statements are already considered as evidence. So just for the
9 sake of the record.

10 MR MOURAD: Of course, Madam President. I just wanted to seek the
11 approval of the witness in case we need to seek this approval at a later time
12 and he won't be available to provide this approval.

13 PRESIDING JUDGE STEINER: I understand your point, Mr Mourad.

14 MR MOURAD: Thank you very much.

15 PRESIDING JUDGE STEINER: Mr Witness, we have concluded the
16 questioning by the Prosecution. Now, we should start with the questioning
17 by legal representatives of victims, but I still have two short oral decisions to
18 issue and so I am asking the legal representatives whether they agree in
19 starting questioning the witness tomorrow morning instead of right now?

20 MR ZARAMBAUD: (Interpretation) Thank you, your Honour. We are at
21 your disposal. If, as you say, you have rulings to give right now and you
22 think it would be better for us to begin questioning the witness tomorrow, we
23 see no problem with that. I thank you.

24 PRESIDING JUDGE STEINER: Thank you, Maître Zarambaud. I am saying
25 that because we only have ten minutes and I don't believe it's going to be

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1 sufficient for both legal representatives to question the witness and to obtain
2 the answers in ten minutes. That's why I am suggesting, but of course subject
3 to your -- to your agreement on that. Maître Douzima?
4 MS DOUZIMA-LAWSON: (Interpretation) I would not state the contrary.
5 PRESIDING JUDGE STEINER: Thank you very much. Thank you very
6 much. Mr Witness, the legal representatives will start questioning you
7 tomorrow morning and now we are going to free you from your presence here
8 in this courtroom. We wish you a nice evening, a goodnight's sleep, a very
9 restful night, and we will continue tomorrow morning at 9.30 in the morning.
10 I will ask, please, the court officer to turn briefly into closed session for the
11 witness to be taken outside the courtroom.
12 *(Closed session at 6.17 p.m.) Reclassified as Open session
13 THE COURT OFFICER: We are in closed session, Madam President.
14 (The witness stands down)
15 PRESIDING JUDGE STEINER: We can turn into open session, please.
16 (Open session at 6.18 p.m.)
17 THE COURT OFFICER: We are in open session, Madam President.
18 PRESIDING JUDGE STEINER: We are having troubles here with the
19 transcripts.
20 (Trial Chamber confers)
21 PRESIDING JUDGE STEINER: I am informed that probably it will not be
22 possible to have back the transcripts. I have an oral decision on protective
23 measures for Witness 79 which should be issued today since the witness is
24 expected to come this week. I would consult the Prosecution and the Defence
25 whether they would agree that I read the oral decision and then the oral

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1 decision will be transferred to the transcript as soon as the transcript is
2 working, whether the Prosecution and Defence agree with that procedure?

3 MS KNEUER: Yes, Madam President, we agree.

4 MR HAYNES: Of course we do.

5 (Trial Chamber confers)

6 PRESIDING JUDGE STEINER: So the Chamber apologises for that. We are
7 not sure on whether the reading will be -- it will be possible to put the reading
8 of a decision on the transcript by the technicians, so the Chamber will decide
9 whether to file the decision after the hearing today, or we will issue the
10 decision tomorrow morning at the first hour. So on behalf of the Court I
11 apologise to the parties and participants and thank you very much for the
12 Prosecution team, legal representatives, the Defence team and Mr Jean-Pierre
13 Bemba Gombo. Thank you our interpreters and our court reporters, and we
14 adjourn at this point and we will resume tomorrow morning at 9.30.

15 THE COURT USHER: All rise.

16 (The hearing ends at 6.25 p.m.) RECLASSIFICATION REPORT

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

18 ICC-01/05-01/08-3038 and the instructions in the email dated 21 October 2013, the
19 version of the transcript with its redactions becomes Public

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