

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0073

1 International Criminal Court

2 Trial Chamber III - Courtroom 2

3 Situation: Central African Republic

4 In the case of The Prosecutor v Jean-Pierre Bemba Gombo - ICC-01/05-01/08

5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki

6 Trial Hearing

7 Tuesday, 22 February 2011

8 (The hearing starts in open session at 9.34 a.m.)

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

10 Please be seated.

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

12 open session.

13 PRESIDING JUDGE STEINER: Good morning. Court officer, could you please call the

14 case.

15 THE COURT OFFICER: Situation in the Central African Republic, in the case of The

16 Prosecutor v Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.

17 PRESIDING JUDGE STEINER: Thank you very much. Good morning, and I welcome

18 the Prosecution team, the legal representatives of victims, the Defence team,

19 Mr Jean-Pierre Bemba Gombo. I notice that Maître Liriss has not come this morning.

20 MR HAYNES: He hopes to be with us this afternoon, Madam President.

21 PRESIDING JUDGE STEINER: So, good morning to our interpreters and court reporters.

22 We are going to continue today with questioning of Witness 73, and for that purpose I ask,

23 please, court officer to turn briefly into closed session and for court usher to bring the

24 witness in.

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

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

2 (The witness enters the courtroom)

3 WITNESS: CAR-OTP-PPPP-0073 (On former oath)

4 (The witness speaks Sango)

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

6 (Open session at 9.38 a.m.)

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

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

9 THE WITNESS: (Interpretation) Good morning, Madam President.

10 PRESIDING JUDGE STEINER: Did you manage to rest last night?

11 THE WITNESS: (Interpretation) Yes, I was taken to my hotel yesterday and I had a
12 very good rest.

13 PRESIDING JUDGE STEINER: Good. Are you ready then to continue giving your
14 testimony, sir?

15 THE WITNESS: (Interpretation) Yes, I am willing to continue. That is why I came
16 here, Madam President.

17 PRESIDING JUDGE STEINER: Thank you, Mr Witness. Before I give the floor to the
18 Prosecution that will continue questioning you, I need to remind you that you are under
19 oath. Do you understand that, Mr Witness?

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

21 PRESIDING JUDGE STEINER: I also would like to remind you that you are under
22 protective measures, that your image and your voice broadcast outside the courtroom are
23 being distorted. That means that no one outside the courtroom can identify you by your
24 face or by your voice. But it is important that, when we are in public sessions, that you
25 don't mention any names of family members, of neighbours, that you don't give any

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1 information that could lead to your identification. If need be, sir, we go into private
2 session and then you can speak freely because nobody will be able to listen to what you
3 are saying. Do you understand that, sir?

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

5 PRESIDING JUDGE STEINER: And finally, Mr Witness, if you feel tired or distressed, or
6 for any reason you need a break, just let us know and you will have as many breaks as
7 you need; is that fine with you, sir?

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

9 PRESIDING JUDGE STEINER: So I'm giving the floor to the Prosecution to continue
10 with the questioning. Mr Mourad.

11 QUESTIONED BY MR MOURAD: (Continuing)

12 MR MOURAD: Thank you very much, Madam President. Thank you very much, your
13 Honours.

14 Q. Mr Witness, good morning, sir.

15 A. Good morning, sir.

16 Q. I'm glad to learn that you rested well last night, and now I'd like to continue from
17 where we left off yesterday. You told us about the crimes committed by the
18 Banyamulengue against you and your family. I would like to ask you if you know of
19 any of those persons who committed crimes against you or your family were punished for
20 those crimes.

21 A. Thank you for your question. Well, who could have punished those people?
22 When they lived in our neighbourhood, who could possibly have spoken to them? Let
23 me give you an example. There was a gentleman who had been introduced as being the
24 chief leader, and their leader supported them in everything they were doing. There was
25 nobody there to punish them. They just did what they liked, that's all.

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1 Q. And, sir, who is this chief leader you're referring to?

2 A. The chief in question was indeed their commander. You asked me whether there
3 was anyone who could punish them. That is why I said "No." They behaved just as
4 exactly as they wished. There was nobody there to punish them. Even their leader was
5 there when they committed those abuses. Their leader at the time was their commander.

6 Q. Do you know the name of this leader, sir?

7 A. His rank was that of commander. He was referred to as (Redacted) People called
8 Him (Redacted).

9 Q. Thank you. Mr Witness, have you applied to participate as a victim in these
10 proceedings?

11 A. No, I didn't apply to be a party to the proceedings, because after the events we just
12 were there. We got no advice and, in spite of everything that we had experienced, we
13 really didn't know where to go to complain. We didn't even have the strength to file a
14 complaint. To whom would we have done that? It was with great relief that we saw
15 the International Criminal Court come. The ICC came to the field to carry out
16 investigations. Thank you, or thank God, we were asked to come and explain what had
17 happened to us.

18 MR MOURAD: Madam President, may we please display to the witness document -- the
19 last document in the list of the OTP? It's document
20 ICC-01/05-01/08-900-Conf.Anx34-R_02, and it's a confidential document.

21 THE COURT OFFICER: The first page of the document as referenced by counsel is
22 available on your screens.

23 MR MOURAD: Madam President, I was thinking that maybe if the witness is to be
24 provided with a hard copy it would assist him more to familiarise himself with the
25 document? I have a hard copy that is unmarked.

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1 PRESIDING JUDGE STEINER: Any objection from the Defence?

2 MR HAYNES: None, Madam President.

3 MR MOURAD:

4 Q. Mr Witness, would you please take a moment to browse through this document in
5 your hand and tell us if you know what this document is?

6 A. Yes, okay.

7 Q. Have you seen this document before, sir?

8 A. No, this is the first time I've ever seen this document. No one has ever presented
9 this document to me in the past. This is the very first time I've set my eyes on it. I
10 apologise, I hadn't seen the other pages. Now that I've turned the pages I discover that,
11 yes, my signature is indeed there. So that means that I did have an opportunity to work
12 on this document and that is why I signed it. When you showed me the document
13 initially I only saw the first page which is why I didn't recognise it, but now that I've
14 looked at the other pages I recognise that I already know this document.

15 Q. Thank you very much, sir. Sir, do you recall who filled the answers in this
16 document?

17 A. The person who helped me to fill in this form was (Redacted).

18 These are the two people who helped me to fill in this form.

19 Q. Whose handwriting is it in this form?

20 A. This is (Redacted)'s handwriting.

21 Q. Do you recall when those questions were answered?

22 A. It was on the -- well, the form bears the date 28 April 2010. 28 April 2010.

23 Q. Can you please go to page 9 of this document. You will find the number of the
24 page at the top of each page. I'm talking about page number 9.

25 A. Yes. Yes, I'm getting there.

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1 Q. Sir, I look at the page you are looking at and it's not the page I'm referring to. It's
2 page number 9.

3 PRESIDING JUDGE STEINER: Sorry. Mr Mourad --

4 THE WITNESS: (Interpretation) Thank you.

5 PRESIDING JUDGE STEINER: -- apparently the witness was given a redacted copy?

6 MR MOURAD: Madam President, it's the least unredacted version that we received.

7 Q. Mr Witness, do you see section D, right in the middle of this page? There is a
8 handwritten answer to question number 1 in section D. Can you see this handwritten
9 answer?

10 A. Yes, this is the page that I have before me right now.

11 Q. Are you able to read this answer to yourself, or would you prefer that we read it to
12 you?

13 A. Well, if I try to read it and am unable to decipher some of the words, I will ask for
14 help. "Following the attack of 25 October 2002, that encouraged the attack of PK12 by the
15 MC soldiers of Jean-Pierre Bemba Gombo, on 25 October 2002. On 30 October, the
16 soldiers of the -- 30 October, the soldiers of -- forced their way into my home. They dug
17 out large holes and set up "montures" - literally in the French - in our compound.
18 "They came into my house and threw my daughter -- or, rather, my wife onto the ground,
19 who was a minor. They deflowered her and raped her. They threw me with my wife
20 until I followed. They threw me out of my house and compelled me to leave the
21 neighbourhood with my wife, with my family, and looted all the property, furniture and
22 belongings in my home. (Indiscernible) of war applied to the international competence,
23 asked for reparation, Wednesday, 30 October 2002."

24 Q. Thank you very much. That will be enough. Sir, my question to you is in relation
25 to what was mentioned in this answer about your daughter, and I would like to ask you if

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1 what is stated in this answer is correct or not?

2 A. I'd like to thank you for that question. Where it concerns my daughter, what
3 happened to her was difficult. Well, it was difficult because we didn't know who to turn
4 to in order to complain, to request legal intervention. They seized my daughter inside
5 the house in order to deflower her, but that's not the problem. This was my fourth
6 daughter who had already a child.

7 Where her attackers were, they were there and they sent my daughter to go and buy them
8 cakes. You know, when she left, everything that happened there, neither my wife nor
9 myself could be aware of what could have happened to her there.

10 Then, everybody should obey them and one of them ended up sleeping with my daughter.

11 This person visited us frequently, brought spices, other condiments which he took from
12 people, and one day he even asked me if I would accept that he marry my daughter.

13 Well, first of all, he addressed my wife and it was my wife who told me this. And we
14 thought that he was still having relations with -- well, no, that he was still dealing with
15 our daughter, but hadn't -- or, rather, he was courting our daughter, but that he hadn't
16 actually slept with her at that time.

17 It was my wife who gave me this information. When my wife told me all that, I thought,
18 well, what can I do? These are people who have no concerns. If they deflower small
19 girls without any scruples, without a care, that means they can do whatever they want
20 with my daughter.

21 THE INTERPRETER: Please, asks the Sango interpreter, can you ask the witness to
22 slow down a bit.

23 MR MOURAD: Mr Witness, I'm sorry to interrupt you, but could you please slow down
24 so -- excuse me, so the interpreters can interpret what you're saying. Madam President, I
25 don't need the document in front of the witness any further. He can just tell the story on

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1 his own.

2 PRESIDING JUDGE STEINER: Court usher, please.

3 MR MOURAD:

4 Q. Mr Witness, please go ahead and continue your story and please slow down in your
5 answer.

6 A. Understood. That's all that I can say. When they took her, you know, it wasn't
7 two or three. What I wanted to add was that this man came one day to say that he
8 wanted the hand of our daughter. He was ready to provide a dowry of more than
9 500,000 francs and I said, jokingly, that I did not refuse, you could take our daughter.
10 Perhaps this would be an opportunity for me to go to your country, to see what happens
11 there.

12 I said to my wife, ah, so it is in this way that he often brings us spices and other
13 condiments. Is it he who deflowered our daughter? In fact, we have no power. We
14 have no power. We can't do anything. And I said to my wife to not get annoyed, but to
15 remain calm because we were powerless faced with this episode. This is what happened
16 to my daughter.

17 Q. Thank you, sir. Just so I understand you correctly, did you, yourself, see what
18 happened to your daughter?

19 A. As I stated here, we are before the Court and I took an oath to tell the truth. What I
20 can tell you is that they didn't seize my daughter in my presence to sleep with her. I told
21 you that as this man visited us regularly, he had even asked my daughter to bring him
22 cakes for his breakfast. I didn't know that he was courting my daughter.

23 In the meantime, he had already slept with my daughter, at his place, and I have to tell
24 you that everything happened in a confidential way. I knew nothing of what was
25 happening. He had already finished sleeping with my daughter before coming to tell me

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1 that he was prepared to give me a dowry of 500,000 francs.

2 I answered him that I could not prevent him from taking my daughter as his wife.

3 During this time, he was regularly sleeping with my daughter. In fact, it was my wife
4 who gave me all this information. So I have to clarify things, things did not happen in
5 front of my eyes; not in my presence.

6 Q. Sir, you've just stated that he regularly slept with your daughter. Can you please
7 elaborate more what you mean by that?

8 A. I don't know what to say with regards to their meetings. I'm just repeating -- well,
9 I'll repeat what I said previously. First of all, he said -- he told my daughter to bring him
10 cakes for his breakfast. You know, when a man decides to court a girl, this is something
11 that you don't necessarily know.

12 Was he already sleeping with her? Did they already have a relationship? I don't know
13 anything -- didn't know anything about what was happening. When your daughter's
14 already been deflowered and she's having a sexual life, you can no longer control her. It
15 was thanks to my wife that I obtained the information. I would not be able to tell you
16 anything with regards to the frequency of their relationship. I suppose it was with the
17 consent of my daughter that the two were doing that. You know, at home, I didn't just
18 deal with that; I was thinking of my other activities. It was only afterwards that I learned
19 all this information.

20 PRESIDING JUDGE STEINER: Mr Mourad, if you allow me, I just need a follow-up
21 question, and for that purpose could you please go into private session for a while.

22 *(Private session at 10.16 a.m.) Reclassified as Open session

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

24 PRESIDING JUDGE STEINER: Thank you. Mr Witness, we are in private session so
25 you can speak names that nobody outside the courtroom can hear you. Which daughter

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1 of yours you are talking about?

2 THE WITNESS: (Interpretation) I'm speaking about my daughter who is called (Redacted)
3 (Redacted).

4 PRESIDING JUDGE STEINER: And how old was she at that time?

5 THE WITNESS: (Interpretation) In the year 2002, she was (Redacted). She was (Redacted) years old.

6 PRESIDING JUDGE STEINER: Mr Witness, in the statements you gave to the
7 Prosecution, it is stated that (Redacted) was born in (Redacted), which means that in 2002 she
8 was (Redacted) years old. Is that a mistake in the statements in relation to her age?

9 THE WITNESS: (Interpretation) Where it concerns the birth certificate, you know,
10 when I was interviewed, things lasted for a long time. If you ask me the question now
11 what age she had, you want me to give a quick answer to that, it's difficult for somebody
12 who has a lot of children because, normally, I would have had to have had the time to go
13 back to home, get out the birth certificates to know what age which child had. But when
14 I'm asked the question like that, suddenly to tell the age of the child, I can make a mistake.
15 She was born in (Redacted), of course.

16 If I answered you in haste that she was (Redacted), that was a mistake. I didn't have the time to
17 make my calculations properly. If you think, well, (Redacted), and you take it up to 2002, that's
18 actually (Redacted) years, but I made a mistake when I said (Redacted) years. That's what happened.

19 PRESIDING JUDGE STEINER: But then just for the Chamber to understand because
20 maybe we had some problems with interpretation, (Redacted), that was your (Redacted) years old
21 daughter, she was the one that was sleeping regularly with the Banyamulengue and she
22 was being -- he was courting her and asked for her to marry him, the one that was (Redacted)
23 years old. Just for us to understand, Mr Witness.

24 THE WITNESS: (Interpretation) It was her.

25 PRESIDING JUDGE STEINER: Thank you. Mr Mourad, you want to continue in

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1 private session, or we can go back into public session?

2 MR MOURAD: Your Honour, just a few questions in private session, if I may.

3 Q. Mr Witness, do you know the name of the person who slept with your daughter?

4 A. There weren't many people; one person Just one person slept with her. There
5 were a lot of them in the field. I can't remember the name of the person. If the situation
6 was calm, then it might have been possible for me to identify the person, to know his
7 name and to be able to say where he was living, but when you see people who are armed,
8 walking around the neighbourhood, it's not easy.

9 I repeat here that my daughter wasn't raped; it was just because the person in question
10 had seen my daughter, he liked my daughter, and this person, this person, he -- well, he
11 wanted to buy the products that my daughter was selling. Perhaps he liked my
12 daughter and he invited her to bring cakes to the house. You know, when a woman
13 brings cakes or beignets, this is something that's done. I was at home. I was dealing
14 with my occupations but the -- she didn't -- he didn't regularly sleep with her as his wife.
15 Things happened, and my daughter came home. I couldn't know what was going on. It
16 was only afterwards that I was made aware of what happened to my wife, and it was
17 thanks to the mother that I was able to find out what had happened. This is how it went.
18 What could I do having been told? The person in question wasn't a normal person. I
19 couldn't go and complain to the chief of the village, or elsewhere. This is how I let the
20 story die. This is what happened.

21 MR MOURAD: Thank you, sir. Madam President, we may, with your leave, move
22 back to open session.

23 PRESIDING JUDGE STEINER: Court officer, please. You please, Mr Mourad, inform
24 the witness that we are going into open session.

25 MR MOURAD: Certainly, your Honour.

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1 (Open session at 10.26 a.m.)

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

3 MR MOURAD:

4 Q. Mr Witness, we are now in open session, so please try not to mention names or any
5 other information that may identify you. Do you understand me, sir?

6 A. I understood you.

7 Q. And please, if you feel that you need to reveal some information that may identify
8 you, please let me know so we can request a private session for that purpose.

9 A. Understood.

10 Q. Sir, you told us a while ago that you had a conversation with this person who you
11 said he slept with your daughter. Can you tell us in which language you talked to this
12 person?

13 A. I did not know that person. He didn't know me. It's not like we chatted. We
14 didn't have chatty relations. I mean, if it was in a normal situation and somebody comes
15 and asks for the hand of your daughter, you know that person, you know the parents, you
16 know where that person lives and that's how you start to have conversation, but these
17 were people who just turn up without any kind of precise objective. They come to ask
18 that, you see? For example, "Take the cakes for 200 francs, whatever. Bring this to my
19 house." That's what they say, you see?

20 Now, we have the doughnuts, or fritters. I don't know. I mean, did they have these
21 sexual relations? Was this with force? With consent, or without consent? This is
22 something I can't know. The person in question, this person is somebody with whom we
23 have no reason to have a conversation. It wasn't a normal situation. He wasn't my
24 son-in-law. If this person presented himself as my son-in-law, then this is something that
25 we could have had a possibility to have exchanges and converse about this. This wasn't

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1 a normal situation. The person wasn't my son-in-law.

2 Q. Thank you, sir. I understand but, in the few occasions that he talked to you, which
3 language did he use to talk to you?

4 A. Let me repeat once again. Well, if you are facing a man who introduces himself as
5 an ordinary human being, then you ask him to sit down and then you can perhaps ask
6 him the question, "Brother, how are you?", but that was not the situation there. This was
7 a person carrying a weapon, who had come and asked my daughter to bring fritters over
8 to his house for him. Things went on with violence, with threats, and those deeds were
9 committed over there. But he and I, well, we didn't converse. You are right to talk
10 about conversation if he had actually come to speak to me in a normal fashion, to joke
11 around with me, and he told my wife whether she could ask me, or whether she could tell
12 me, that he wanted to marry my daughter and that he was willing to pay a dowry of
13 500,000 francs CFA, but he said that jokingly. In response I said, once again joking,
14 "How can someone who wishes to marry a girl go into the house of the in-laws with a
15 weapon in wartime?"

16 This question of conversations, chats and dowries, well, all this took place in Sango. He
17 spoke to my wife. Among them there were people who spoke Sango, but he didn't speak
18 Sango fluently like we do. He did so haltingly. We realised that this person did not
19 speak Sango fluently. We could tell. Some of them did speak some fairly basic Sango,
20 and this person spoke to my wife in Sango and it was apparent that it wasn't his language
21 and he wasn't speaking French either. I can add that.

22 Q. Thank you, that's very clear. Now, just when you say, "Some of them didn't speak
23 Sango very well," who do you mean by "them"?

24 A. When I say "some of them," well, when there are 20 or 30 people, two or three may
25 have learned to speak French. Now, if that person begins to speak, even though his or

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1 her French isn't very good, you can generally understand the message they are trying to
2 get across, and among those attackers there were some few who did speak Sango, but
3 their Sango was somewhat different from the Sango spoken by people of the Central
4 African Republic.

5 Q. Sir, just for the clarity of the record, I would like to ask you which armed group did
6 this person belong to?

7 A. These people were part of an armed group. These were not the armed people who
8 had their base in Bangui, no. These were the rebel troops, who arrived in our area.
9 They were not part of the armed groups, the irregulars, no. This was a group of 200/300
10 soldiers, and they were the ones who came into our area by force. They did not
11 cooperate with other armed groups. They operated on their own, they spoke only their
12 own language and there were no other troops or elements belonging to a different armed
13 group. The reason I say this is that they spoke only their own language. They were all
14 of the same nationality.

15 Q. And what is the name of this group, if you can just mention the name of the group?

16 A. What is their name? Their name is the Banyamulengue. The Banyamulengue,
17 that is their name.

18 Q. Thank you. Sir, did you have a chance to talk with your daughter about this
19 incident?

20 A. When this event occurred, her mother came to me and spoke about this. You know,
21 she is my daughter, and in fact if this gentleman's approach had been a normal one, if he
22 had approached us normally, if this gentleman had used the normal means in society to
23 ask for my daughter's hand, I would have taken him seriously and I would have called
24 my daughter to have a talk with her, but what could I do in the circumstances? When
25 her mother told me that this man was sleeping with our daughter, I could do nothing at

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1 all. In fact, my daughter herself was ashamed and didn't dare speak to me about it.
2 When my wife told me all about this, I thought to myself, "Is there any point in asking
3 questions about this?" So I stayed silent, and I can say that my daughter and I never
4 spoke about this matter.

5 Q. Sir, you mentioned that you learned about these incidents from your wife. Do you
6 recall when did you learn about these incidents? And, if you don't remember the exact
7 date, you can make a reference to what happened to you and your family when those (Redacted)
8 Banyamulengue attacked you in the house?

9 A. Thank you, sir. To provide you with the various dates concerning the episode
10 involving my daughter, well, I really can't answer you. Otherwise probably it was in
11 2002, but I cannot remember precisely the exact dates, or the times of day. You know,
12 those events were difficult ones. Everybody was distressed. The dates, well, you
13 couldn't really remember all the dates. Could it have been Monday, Tuesday? Well, I
14 cannot remember this precisely any more.

15 On the other hand, you asked me about the time when the attackers came to our
16 compound. I think I told you all this yesterday. When you are experiencing such a
17 difficult situation, it's all very well to ask the question over and over again. Our answer
18 will always be the same. When they got there, when they got to my place, I was present
19 and my wife was too.

20 Q. If I may rephrase my question, because I think my question was put in a poor way.
21 I was referring to when you learned about what happened to your daughter, was that
22 after the incident that happened to you and your family in your compound when (Redacted)
23 Banyamulengue attacked you? Was it after that incident or before? I was trying to
24 assist you to find the date, in reference to what happened to you.

25 A. It was well after the date they arrived. Before they arrived we lived in peace; it was

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1 after they arrived that we began to suffer all these abuses.

2 Q. And you told us that (Redacted) Banyamulengue attacked you and your wife around a week
3 after they arrived to PK12. Then you mentioned the incident that happened to your
4 daughter. This incident that happened to your daughter, was it after or before those (Redacted)
5 Banyamulengue attacked you and your family in your compound?

6 A. Thank you, sir. I now understand your question. They first came and attacked us,
7 and this relationship that this Banyamulengue had with my daughter began after that
8 attack took place against us.

9 Q. Do you remember how long after the attack that took place against you and your
10 family? If you don't remember, it's fine.

11 A. When they arrived -- the attack took place seven days after they arrived.

12 Q. Sir, did you take your daughter to a doctor after this incident or did you treat her in
13 any other way?

14 A. To tell the truth, at the time, hospitals were no longer functioning. The
15 out-patients' surgery in our neighbourhood --

16 THE INTERPRETER: The English booth notes that there's no translation coming from
17 Sango.

18 THE WITNESS: (Interpretation) The soldiers went to that out-patients' ward and got
19 medicines from there. They did this by force and nobody could go there, nobody else
20 could go there. When this relationship began between my daughter and that
21 Banyamulengue, as I already said, hospitals were no longer functioning. Even the
22 hospital, the Amitié hospital, was operating at reduced capacity.

23 After the incident that happened to my daughter, the elder women in the neighbourhood
24 began to think about how to get hold of traditional medicine for her. Some of them
25 offered me that special mixture be prepared and that it should be applied to my daughter.

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1 Because hospitals in the city were no longer operating, so my daughter simply called on
2 traditional treatment. That is how we went about treating my daughter, and her mother
3 complained about the absence of hospitals. That's what I can say about this situation.

4 MR MOURAD: Madam President, may I have a moment with my colleagues to consult?
5 (Prosecution counsel confer)

6 MR MOURAD:

7 Q. Sir, thank you very much for sharing with us this information. We only have five
8 minutes before the break, so I'll just ask questions, short questions, and if you can provide
9 me with short answers, and then we will continue after the break.

10 Do you know in your neighbourhood some other victims to the crimes of the
11 Banyamulengue in the period from October 2002 to March 2003? And if you do, please
12 say so without mentioning the names for the time being.

13 A. I understand. Thank you. The question you just asked me is a most welcome one.
14 You know, I am not the only victim. When these things happened I tried to be there
15 during these events so as to be in a position to report, to report the whole sequence of
16 events in the future.

17 Let me give you the example of (Redacted). What happened to me and
18 my wife had already happened to him well before. This was the day after he was
19 assaulted and that is when the other Banyamulengue came to my place. These events
20 were intolerable.

21 Let me also give you the example of an elderly person that they assaulted, and they
22 robbed him of all his livestock. One day, he said to them that that was enough, that they
23 should stop; and when he tried to protest in this way, they killed him. On that day, the
24 whole neighbourhood was sad and it was raining.

25 I can also give you other examples because there were many attacks in our

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1 neighbourhood. I wouldn't want to talk about the minor ones. I have mentioned only
2 the most striking of these events. These attacks took place after they had forced their
3 way into my home.

4 MR MOURAD: Thank you, sir. We will resume with these answers after the break.
5 Madam President, it seems it's right on to take the break, if you please.

6 PRESIDING JUDGE STEINER: Mr Witness, we are going to have a half-an-hour break.
7 Then you can take some rest. It's almost 11 o'clock. We'll be back at 11.30. I'll ask the
8 court officer, please, to turn into closed session in order for the witness to be taken outside
9 the courtroom. In the meantime, we are going to suspend and resume at 11.30.

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

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

12 (The witness stands down)

13 THE COURT OFFICER: All rise.

14 (Recess taken at 10.59 a.m.)

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

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

17 PRESIDING JUDGE STEINER: Welcome back. So, please, court usher, could you
18 please introduce the witness into the courtroom.

19 (The witness enters the courtroom)

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

21 (Open session at 11.38 a.m.)

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

23 PRESIDING JUDGE STEINER: Thank you very much. Mr Witness, welcome back to
24 the courtroom.

25 THE WITNESS: (Interpretation) Thank you, Madam President.

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

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

3 PRESIDING JUDGE STEINER: Mr Mourad, you have the floor.

4 MR MOURAD: Thank you, Madam President.

5 Q. Welcome back, Mr Witness.

6 A. Good afternoon, Prosecutor -- good morning.

7 Q. Sir, I would like to clarify a point with you. Just before the break you mentioned
8 that what happened to your daughter, and I'm reading from the transcripts at page 8, line
9 19 to 22, and you say, "They seized my daughter inside the house in order to deflower her,
10 but that's not the problem. This was my fourth daughter, who had already a child."

11 And later on you explained that your daughter was ten years old. I would like to clarify
12 with you if indeed your ten-year old daughter had a child, or not.

13 A. When she was ten, I noted that I committed an error when I said 17. '92 to that year,
14 that would have been ten years. When she was ten, she couldn't give birth, she couldn't
15 conceive.

16 Q. Thank you. You also mentioned, page 14, line 22 to 23, in the English unedited
17 version, "I couldn't go and complain to the chief of the village or elsewhere. This is how I
18 let the story die." My question to you is: What is the content of your complaint?

19 A. If I had to file a complaint and if it was a son of a country, I could make a complaint,
20 but I said I couldn't complain, or file a complaint, because the person who was responsible
21 wasn't from here. Before whom was I going to present myself to discuss this problem?
22 Even if I filed a complaint, it wasn't going to end up anywhere. Before doing so, I had to
23 find the person responsible and ask myself if this person was going to go to the courts
24 to -- and I'd also have to find the person, and would that person end up in court, be
25 answerable for their acts? Was that going to happen? And I thought that it wasn't

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1 just -- it wasn't worth it.

2 Q. Sir, what impact did this incident that happened to your daughter have on you and
3 your family and your daughter?

4 A. It didn't have any kind of impact.

5 Q. What happened to your daughter, was it known to the people in your
6 neighbourhood?

7 A. In the neighbourhood where I used to live, there was nobody in the neighbourhood.
8 Out of 33 houses, only three were inhabited and the people who were living in these
9 houses were people who were tired, they had nothing, they had decided to remain. All
10 the others had fled. What happened to me on that day really was something out of the
11 ordinary and under threat. Everything happened in a matter of minutes. It was only
12 afterwards.

13 THE INTERPRETER: The interpreter corrects: Everything happened surreptitiously
14 and it was only afterwards that I realised what was happening.

15 MR MOURAD:

16 Q. Sir, I move on now to what you told us in your last answer before the break about
17 what happened to (Redacted), and I'm reading from your answer at page
18 22 in the English unedited version, line 12 onward, "Let me give you the example of (Redacted)
19 (Redacted). What happened to me and my wife had already happened to him
20 well before." Can you please give us the details of what happened to (Redacted)
21 (Redacted), and please try not to mention names because we are in public session?

22 A. Understood. (Redacted)

23 (Redacted) So what happened to his family, one

24 afternoon I was seated under a mango tree (Redacted). (Redacted) had an

25 older son who was selling products, like oil, onions and other such products, (Redacted)

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1 (Redacted). His mother also helped sell these articles. During this time he went to try
2 and get money through other means, and when these bandits came they took these
3 articles on credit without saying when they were going to pay. They took goats, ducks.
4 They cooked. They ate them. One day, one of them introduced himself. He called the
5 wife of (Redacted), asking for oil and onions to do the cooking. The wife could not
6 oppose that and therefore gave him for a value of 200 or 300, and also salt as well, and he
7 left. Thereafter, he never came back.

8 Towards 2.30, 3 o'clock, his older son came back from his walk and he said to his mother,
9 but -- well, he saw, "But the products that we sell, there aren't any more. Is there a
10 possibility to go and get more, to increase the number of them?" And his mother replied,
11 saying that it was with these soldiers who had come to take it on credit without paying,
12 and when the mother said that to him the child reacted. He started to get angry with his
13 mother. He was very angry. He started shouting. And his father, who was next to
14 him, also didn't want this child to get angry in such a way and he asked his child to calm
15 down and not to shout to draw the attention of these people, but the child didn't want to
16 hear this. He continued shouting and that alerted and drew the attention of these crooks.
17 The child shouted so much to display his anger, he said, "Listen, it's not me who called
18 you. If you need something, go. Go and see the president. He's the one who got you
19 to come."

20 And as these people heard the name of the former president they got up, because they
21 saw that the child - this child - was addressing them. They came. There were more
22 than 60. Some who were further behind also came. There was a whole group in the
23 compound. There were very many of them. One came -- one of them came to ask
24 questions. The commander introduced himself first to ask questions to this child. He
25 said, "Listen, why did you mention the name of the former president?", and he said, "Go

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1 and see him. He's in the town centre. If you need anything go and see him, but don't
2 come and take by force what belongs to us."
3 My -- me, myself, I was standing up in my compound. They took over the compound.
4 Even behind the house, they took positions. You couldn't get near. All of a sudden one
5 of them armed his rifle, he wanted to shoot the child, and the commander intervened to
6 calm his troop down and withdraw his arm -- weapon, and when the commander
7 withdrew his weapon another also shot and the shooting alerted others who came
8 towards the house, the compound.
9 But I'm telling you, Prosecutor, that the child was beaten up. He tried to speak to his
10 troops, but the behaviour of the child had got other people angry who beat him up. I
11 was standing up in the corner of my house, next to the well, and I was watching what was
12 happening. You were not allowed to look in their direction. Almost nobody, just my
13 wife and I. There was nobody. I was there watching; watching what was happening.
14 I tell you, Prosecutor, the child was beaten up. Even (Redacted), he was beaten up
15 too. There were lots of them, a dozen, on (Redacted). Some on his oldest child, the
16 others on him. Everything was happening in just indescribable chaos. Some of them
17 were going into the house. They were trying to pillage things; others as well during this
18 time. He was being -- he was subjected to a beating, but (Redacted) he was elderly.
19 He begged the commander to get them to stop it, and his wife -- they knocked my
20 (Redacted) wife to the ground. The boys wanted to run but, because they had taken
21 over the whole area, they ordered them not to move.
22 So the boy, the person who used to sell onions, they beat him up. They kicked him in.
23 They kicked him in and he became unconscious.
24 THE INTERPRETER: "He lost consciousness," repeats the witness.
25 THE WITNESS: (Interpretation) Instead of leaving him, they decided to take him to the

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1 base to see the colonel. They took him by the arms, dragged him on the ground, (Redacted)
2 (Redacted)
3 (Redacted). They took him by the arms. They dragged
4 him. Can you imagine, they had beaten him up and he was unconscious? Instead of
5 leaving him, they dragged him. I don't know if they put him on some kind of cart, or
6 what. They themselves, they pushed him to cross the tarmac road which leads to
7 Damara. They crossed that and they said, "No, he was trying to be clever and now it's
8 time to put him down." They dropped him on the ground.
9 But what happened? Because when the events happened, the woman, despite the
10 situation, she was following to see what was going to happen to her son. I left. I
11 thought, "No, I can't stay like this." I was hidden. I was trying to follow, and I took
12 some shortcuts in the neighbourhood to see how they were beating him up. He was
13 falling. He got back up.
14 They could have left him, but when he got back up they beat him again, said, "You're
15 trying to be clever," and they -- close to the base, next to the school, the colonel was there
16 and he -- they seized him by his legs and they dragged him, his head was bouncing along
17 the ground, and they opened the jail and they pulled him in and he was lying in his own
18 blood.
19 The colonel was there. His mother was there, too, and I said to her, "Well, this child, well,
20 if these were the policemen of our own country, we could have complained, they would
21 have had pity, but look at these men. You're a poor woman. If you go there, and try
22 and ask questions, what will happen to you? I came here to look at what is going on.
23 That's why I stayed behind the outpatient surgery, which is close to the school."
24 There were many of them. They stood around their colonel, at ease. In the meantime,
25 the child was inside, indoors. At a certain point in time, they got him out of there. They

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1 made him come out of the house, and they told the colonel -- he got up on his feet. He is
2 quite a tall boy, dark-skinned, and they -- he looked at them. He spoke to them in their
3 language because they intended to kill him. They were just waiting for a sign from their
4 colonel to kill him, at least that's what I could tell from my point of view.
5 Fortunately for this young man, God was with him that day and the colonel asked him to
6 get up, and said, "Where do you live?" All this was done in French. He answered that
7 he have lived on the other side of the road. The colonel said -- I couldn't hear this. It
8 was when the child went back home that he told us about what the colonel had said. He
9 told his father this.
10 The colonel said, "Oh, we have come here to suffer for you. And if troops need to eat,
11 well, he was lucky because he today could decide something." And neither his mother
12 nor father could have even buried him. They would have done so. In other words, the
13 life of this child was in the hands of the colonel.
14 (Redacted) and, in the meantime, (Redacted) asked him whether he could walk
15 back home in view of his condition, because the boy was a sturdy one, a brave one, and if
16 necessary he would have crawled back home. In the school yard, there was nobody.
17 When you are young, it wouldn't have been a good idea to come along there because they
18 would have treated you like a rebel. Only older people could walk along that part of the
19 road. So the child crawled.
20 Fortunately, his mother saw him and they used a pushcart. He was put in there and
21 that's how he got back home. I followed them, too, and we took him back home. We
22 put him on a -- on a rug. Some people quickly went to look for leaves. Other people
23 stood around, saying that, "Oh, he should not be massaged with hot water because he
24 would die, but instead cassava should be prepared to stop the hemorrhage and he should
25 be washed with cold water." That is what we did.

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1 We used menthol, Chinese menthol, and mixed it with oil and we massaged him. That
2 day people stood on "watch" outside the house, as if there was going to be a death,
3 because people - the parents - were still suffering from the beatings they had suffered. I
4 went there to assist them.

5 A lot of damage had been done, according to the witnesses there. They had looted the
6 house and, after that, the commander himself came over to the house to say that before
7 taking the child to the hospital, (Redacted) came to reprehend his troops as if he
8 was the one to lead them and that he wanted to give the impression he was punishing
9 them.

10 He said that they should go back to the base and, in just a few seconds, everything had
11 returned to a calm situation. People had taken things away. They steal (sic) sauce pans,
12 the clay objects, and they left people behind, without anything left. And those who were
13 in charge of security around the house, who had formed a line, disappeared within
14 seconds. They all went away.

15 There was a lady, and she speaks Lingala fluently - she is a Central African national - and
16 (Redacted) and then came back to the Central African Republic.

17 That means she speaks Lingala very well. She sells beverages and other items, and it was
18 there that the troops had taken a radio to require me to buy it; and this lady came along to
19 speak Lingala, and the commander left then and gave the order to his soldiers that they
20 should withdraw.

21 When they went away, they all went to that lady's place. (Redacted)

22 (Redacted). It was as if they had just slaughtered a cow and that they were rejoicing. They
23 were enjoying this. You can see that such an assault on (Redacted) and his
24 wife -- well, all (Redacted), in fact, suffered a terrible shock.

25 If this child's mother hadn't given him traditional treatment, I think he wouldn't have

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- 1 been able to move. He, in fact, stayed two or three weeks at home without -- before
2 recovering. That's what happened to (Redacted). That's what happened at (Redacted)
3 (Redacted) house. He was beaten; he was plundered. His child was taken away in a
4 pushcart and presented to the colonel.
- 5 He was dragged over 30 or 40 yards, and then asked him to walk himself. And before
6 the colonel, they opened the jail and put him in there on the cement. Then they left to
7 report to their colonel.
- 8 Throughout that time, I was hiding in the corner, close to the school, near to the surgery,
9 the Begoua surgery. As things were going on, people would say to the colonel, "He's
10 young. He's young." And I thought that, too, I should make every effort to see what
11 was going on. He was tall - in fact, some would say giant - and handsome.
- 12 They gave themselves their own ranks. This is what happened to (Redacted)
13 (Redacted). I was hiding somewhere. I followed them, taking
14 shortcuts in the neighbourhood, and halfway there I could see what was going on right up
15 until he was freed. That doesn't mean that he wasn't kept there for a whole night; he did
16 spend some time there, in view of his health condition. He had to be released so as to go
17 back home. This is what I saw for myself; this is what happened to one of (Redacted)
18 (Redacted).
- 19 Secondly, I saw one of his daughters; (Redacted). She is (Redacted)
20 (Redacted).
- 21 MR MOURAD: May I interrupt you for a moment? Madam President, may we move
22 into private session to allow the witness to speak freely of his (Redacted)?
- 23 PRESIDING JUDGE STEINER: Court officer, please, turn into private session.
- 24 *(Private session at 12.11 p.m.) Reclassified as Open session
- 25 THE COURT OFFICER: We are in private session, Madam President.

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1 MR MOURAD:

2 Q. Mr Witness, now we are in private session, so feel free to mention any names. You
3 were describing what happened to (Redacted). Please carry on.

4 A. All right. I shall continue then. (Redacted) We
5 called her (Redacted). Unfortunately, she did not flee. When these elements were trying to
6 loot, all of a sudden they went into the room where she was. They made her go out and
7 gave people the impression that they were -- that she was in there to spy on them.

8 Her father, (Redacted), he was (Redacted). Her father introduced himself to
9 them, saying, "She's my daughter. She was afraid, that's why she was hiding." But they,
10 those soldiers, said, "You told your daughter to hide somewhere so she could spy on us?"

11 They warned him. And while he was being beaten, together with his
12 wife - (Redacted) and his wife - (Redacted) was begging these people to free his wife.
13 They stayed there for a while and then they got hold of his daughter, saying she was there
14 to spy on them. And all these innocent people were subjected to these treatments, these
15 mistreatments, and they could do nothing at all against that.

16 Behind (Redacted) house there was a small house that (Redacted) had built for his
17 son, but that house was not finished. They were all armed when they attacked the little
18 girl. They dragged her behind the main house and went into this incompleated house.

19 (Redacted), i.e. the father of the girl, and her mother were there present. They could
20 see what was going on. I think that three or four persons raped this girl. And even
21 from a distance, you could hear the girl crying and pleading.

22 Then they came back. They took a small street to go away and return to their base.

23 After that, the little girl's mother went over to her, to help her get up. The little girl was
24 crying, and then they prepared a brew with salt and leaves for her to be treated with a
25 traditional remedy. But they couldn't complain because, after all, all these people were

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1 armed.

2 Mr Prosecutor, those are the abuses that (Redacted), suffered.

3 It began with beatings. His son was dragged over the ground, then released after the
4 (Redacted) intervened. (Redacted) too was afraid. After he was released, he made an
5 effort to get up again and go back home. And so (Redacted) was also a victim of
6 looting.

7 These elements took away all the sheet metal that he had stored for the purposes of
8 building the house. They took away all this and sold it at the price of 500 francs. They
9 would call out to people who were walking along the road so that they would buy the
10 sheet metal. This is what they did.

11 These are the abuses they committed against (Redacted).

12 Q. Thank you, sir. I would follow up on what happened to (Redacted) but at the
13 moment I will take advantage of us being in private session to ask you some clarifying
14 questions. You mentioned a while ago, page 32, line 12, a lady who spoke Lingala to
15 those troops. Can you tell us what's her name, if you know it?

16 A. This lady didn't live in a rented house. This house was her own. She'd bought
17 it or, rather, she'd bought a piece of land, a plot of land, and had built a house on it. Her
18 name was (Redacted). You know, when somebody arrives in a neighbourhood, everybody
19 would call her by the most known, well-known name, so she was called by everyone
20 (Redacted) I cannot give you her name. (Redacted) was in a better position
21 than me to give you her name, but she was known under the name of (Redacted) since she
22 began to live in the neighbourhood.

23 Q. Thank you very much. (Redacted) is fine with us. You mentioned that (Redacted)
24 (Redacted). Now I would like you to describe the
25 position of (Redacted). If I may help you, with

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1 (Redacted) in your mind, which (Redacted)?

2 A. (Redacted), well, the distance to the asphalt road is more or less the same.

3 What I can say is that (Redacted)

4 (Redacted). I think that (Redacted)

5 (Redacted). But the distance to the main road, well, (Redacted)

6 (Redacted). The distance to the main road or to the Damara road (Redacted)

7 (Redacted).

8 Q. Thank you. If you are leaving (Redacted), would

9 you pass by (Redacted)?

10 A. To get to the main road, if I'm (Redacted)

11 (Redacted). When I leave (Redacted).

12 Q. You mentioned a while ago that you were next to (Redacted) when the incident
13 started to happen to (Redacted). Do you recall that?

14 A. Yes, I do remember.

15 Q. From this position, if you look at (Redacted), which part of (Redacted)
16 can you see? Is it (Redacted)?

17 A. When I'm close to (Redacted), well, your glance goes (Redacted). You can
18 look (Redacted). But in view of what happened, well, these troops, these
19 soldiers, were all over the place, (Redacted), but when I was there in that
20 position, I could see (Redacted), what was going on (Redacted)

21 (Redacted). I could follow what was going on in both those places.

22 When they began to shoot, I moved so as to be close to (Redacted). Between (Redacted)
23 (Redacted), and it was from (Redacted) that I was

24 looking at what was going on. They stayed there with their backs against (Redacted) and
25 they pointed their weapons at the people coming there, the population. Unfortunately,

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1 there was nobody there, apart from (Redacted). I

2 could see them; whether they were (Redacted), I could

3 see them.

4 Q. Thank you. You also mentioned that the rape of (Redacted)

5 took place in an unfinished house. In your position that day, were you able to see what's

6 happening inside this unfinished house?

7 A. Thank you, Mr Prosecutor, for your question. Let me repeat something. They

8 encircled (Redacted), but the house behind that was being

9 built for his son. He hadn't gone there but (Redacted). I

10 could not -- I could see the house behind because it was unfinished. What I do know is

11 that his child was dragged behind the house. I could not just take the risk of getting any

12 closer.

13 THE INTERPRETER: Interpreter's correction: Beforehand, the witness had said that

14 he could not see.

15 THE WITNESS: (Interpretation) If a victim is taken behind, if the position taken up,

16 well, I couldn't see in that direction. I myself couldn't see in that direction so I couldn't

17 see. I just saw the victim being dragged behind. I couldn't even ask any questions

18 about that. Her own father was there. They showed him a particular place where he

19 should sit down. They were giving him this order. I couldn't of course see anything

20 from my position. All I could do was listen to the victim as she was crying out. Even

21 when she was treated later on, I didn't see this. From that distance, however, I could

22 understand that the girl was being dragged away to be raped.

23 MR MOURAD: Thank you. Madam President, may we turn back into open session?

24 PRESIDING JUDGE STEINER: Court officer, please.

25 (Open session at 12.30 p.m.)

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

2 MR MOURAD:

3 Q. Sir, we will continue now with what happened to (Redacted). You already
4 mentioned the names during the private session. Now we are in open session, so please
5 don't mention the names. Is that acceptable to you?

6 A. Yes, that is acceptable to me.

7 Q. Sir, when exactly did you see the daughter (Redacted) after her rape?

8 A. One can't speak about the exact moment but, having finished, they could not accept
9 their fault. Everything that they were doing that was bad, the pillaging, the rape and
10 other, after all that they withdrew, but instead of withdrawing they went behind the
11 house to go back to their base. How did I see the girl? Well, I said nobody could go up
12 to this place. Her mother, she went round the house and she found her daughter. She
13 helped the daughter get up and then come back in front of the house.
14 I was crossing the road, under an acacia tree, and I was observing them from there. The
15 father was there. The mother too was also there. She was crying. Now, where it
16 concerns the daughter, she was on a mat. What I said was that the mother boiled acacia
17 leaves and other leaves to make it possible for the daughter to have a warm bath, and
18 that's everything that I noted. If they were civilians who were fighting or threatening I
19 could intervene, but these were foreigners. These were soldiers. I couldn't get up close.
20 It was only afterwards that I saw the mother preparing these leaves, and that's what I saw
21 with my own eyes.

22 Q. Did you see the clothes that this daughter was wearing that day?

23 A. What clothing are you talking about? What girl are you talking about?

24 Q. About (Redacted) daughter, after her rape, did you manage to observe the
25 clothes she was wearing?

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1 A. It was the clothings that she was wearing. It was the same clothing. When she
2 was going to have a bath and be cleaned, it was the same clothing as then. But you know
3 the young girls, they don't wear wraps, cotton wraps, loincloths, but they have black
4 dresses or skirts. What I saw myself, it was the skirt that was -- it was brown, blackish.

5 Q. Sir, have you observed if any -- any traces on those clothes that day?

6 A. I can only tell you what I saw. What happened to (Redacted), it is something
7 you could only see at a distance. Personally, I was a distance away. I wasn't physically
8 present when she was being raped. I didn't have the possibility. However, given what
9 I saw and what I remember, I can imagine that such-and-such a thing happened but, in
10 terms of what happened when the girl was taken to the house and her daughter took off
11 the clothing and she put a wrap around her and then put her on a mat and she was given
12 a sitting bath, this is what I was able to observe because this was the child of (Redacted)
13 (Redacted). I was only a witness of what I observed from a (Redacted) and I
14 couldn't -- despite the fact that it was (Redacted), I could not get closer. I
15 couldn't be concerned at what's happening to (Redacted). I tried with all means
16 possible to see what was happening so that I could possibly bear witness to it later.
17 When she was taken to the hospital, she was put on a mat and it was from there that they
18 tried to treat her with medical plants. That's -- or herbs. That's what I was able to see
19 with my own eyes.

20 JUDGE ALUOCH: Mr Mourad, I'm sorry to interrupt. I'm looking at the transcript, the
21 English transcript, and I think it's line 3 - 41, 3 - where you posed the question about,
22 "(Redacted) daughter after the rape, did you manage to observe the clothes she was
23 wearing?" Did you actually -- did you in fact intend to ask him, "Did you manage to
24 observe the condition of the clothes she was wearing?" Maybe you can, yes, put the
25 question that way?

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

2 Q. Sir, when you saw (Redacted) daughter after her rape, did you manage to
3 observe the condition of her clothes; the clothes that she was wearing at the time?

4 A. The clothing that she was wearing, because you asked me the question, you see, a
5 woman was forcibly dragged into a house and she was raped but, in terms of the
6 treatment that she underwent, this is something I did not see. I was not present. But in
7 what country can you sleep with a woman while others stand up and wait for their turn?
8 Only animals can act like that. Personally I didn't see that, but I presume that. I
9 presume that it didn't happen on a foam mattress, or on a mat. That's what I presume.
10 They therefore kept her on the ground and in that house. It was in fact a house which
11 was built and there was grass growing up in this house, and it was there that she was
12 raped on the ground itself. It wasn't on a foam mattress, or on a mat. That's what I
13 presume, because a man who drags a woman in the bush doesn't have a mat with him, so
14 I presume. And also according to the clothing that I saw, that it was a skirt and there
15 was a corset. That's what I saw. When she was taken, she was taken into -- she was
16 taken in that state. She was wearing a blouse. I was ten to 15 metres from there. The
17 father was present. That's what I saw.

18 Q. Thank you very much. Sir, do you recall the number of people who took (Redacted)
19 (Redacted) daughter at the side of the house where they raped her; where she was raped?

20 A. There weren't many of them. Three? There were three of them. That's what I
21 saw with my own eyes. There were three of them. And why three? When they left
22 her in that house, well, they still had their weapons. They left by the back door and
23 they -- and one followed the other. If it was just one who had slept with her, what is sure
24 is that there were three of them to leave from the house to go back to their place. I saw
25 three persons. I didn't see three, or four. I saw three.

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1 Q. Sir, what time of the day was that when those incidents happened to (Redacted)
2 (Redacted)?

3 A. In the evening. It was in the evening; it wasn't in the morning. What happened to
4 this child, it was in the afternoon, between 2 o'clock and 3 o'clock in the afternoon. When
5 I say that -- because during the attack, it was during the attack that they did that. Others
6 were pillaging. Others were fighting and others were dragging her. So that happened
7 between -- well, it happened at 3 o'clock.

8 At 2 o'clock there was another group dragging her brother to her base, and it was at the
9 same time that another group was pillaging in the house, and they dragged the girl
10 because she was suspected of spying or carrying out an attack, and it was the same period
11 that another group was pillaging. All of this finished around 4 o'clock with the rape of
12 the young girl. Unfortunately, this attack left this family traumatised, in fear, with
13 nothing. (Redacted), and it
14 was important for me to see what was happening to him. This was a very generous man.

15 Q. Sir, who were those people who committed these abuses against (Redacted)
16 To which armed group did they belong?

17 A. This is what I can say: They're not soldiers. They're not soldiers. A soldier
18 under a flag cannot act in such a way. And I say again, these rebels -- it was these rebels
19 who had crossed over and who had come in this group.

20 When they arrived, did they cooperate with the FACA? No. What was their objective?
21 They came and they behaved as they wanted to. They were only the rebels from the
22 other side of the river. This was a group who was a part of those who came.

23 It wasn't another armed group; it wasn't another soldier; it wasn't a policeman; it wasn't
24 somebody from the FACA, no. These attacks were not committed by another armed
25 group; it was the group that came from the other side of the river. It wasn't another

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1 armed group.

2 Q. Sir, do you know of any of those who committed those crimes against (Redacted)
3 (Redacted) and his family was punished?

4 A. You know, they committed these acts with ferocity. When somebody attacks you,
5 they don't do it as a joke or by fraternising with you. Something who can end up in
6 justice, well, when he commits these acts, he might be afraid. It was their commander
7 who commanded the attacks, who took part in these attacks. They were not afraid of
8 doing anything, doing these atrocities, committing these atrocities, because after their
9 heinous crimes, they were very happy. Others who were pillaging had booty. They
10 were very happy.
11 They didn't take account of the fact they had attacked anyone, because having committed
12 such an act, it was as if they had forgotten or they didn't take into account the
13 consequences of what they had done. They were certain that nobody could cause them
14 any problems.

15 Q. Thank you, sir.

16 PRESIDING JUDGE STEINER: Mr Mourad, if you don't mind, if I put some, just
17 follow-up questions.

18 MR MOURAD: Certainly, your Honour.

19 PRESIDING JUDGE STEINER: Sorry to interrupt you, but just for me to understand.

20 Mr Witness, I would like you to be more precise in relation to the chronology of the facts.
21 On page 29, from line 19 to 22, you said that when the son of (Redacted) was beaten
22 up, you left. You were trying to follow and took some shortcuts in the neighbourhood to
23 see how they were beating him.

24 Then on page 30, lines 10/11, you said, "That's why I stayed behind the outpatient surgery,
25 which is close to the school." Finally, on page 33, 10, you said, "I was hiding in the corner,

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1 close to the school." And then you said that you saw when the boy, the child, was
2 released and brought back home with his mother.

3 At what time of the day was it, more or less?

4 THE WITNESS: (Interpretation) This attack which finished at 1600 hours started at
5 13.00 or 1400 hours. It started with the son. With the son.

6 PRESIDING JUDGE STEINER: And for how long did the son stay in the school under
7 arrest?

8 THE WITNESS: (Interpretation) When he arrived at the house, it was 13 or 1400 hours,
9 and it was then that he started shouting, which drew the attention of people to him. He
10 was, therefore, taken to the base around 1500 hours. Around 1500 hours. If I say
11 "1500 hours," the reason why is because I presume this according to my chronology is that
12 he was taken there, he was released at a particular time, because at 1500 hours I was
13 present.

14 When he was put into the jail, I was next to the hospital because it was -- these are (Redacted)
15 (Redacted). And when his mother decided to follow them, I did the same thing.

16 So from 1500 hours when he was taken from there - and take into account the
17 distance - this can be covered in 10 to 15 minutes. At 1600 hours, he was there. I would
18 say 17.45, 17.55, when he was put into that cell, into that jail, there was nobody there to
19 look after him.

20 Their colonel arrived and he got up. He was dragged outside to be released, and I think
21 that it must have been around 1730. He got up. I don't know. Was there an intention
22 or an expectation of a decision to kill the boy, I don't know, but he was ultimately
23 released.

24 Where it concerns the chronology, well, at 1500 hours I was at the house. Between 17.45
25 and 1800 hours, he was released on the instructions of the colonel because he saw that his

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1 state of health was concerning. And as it was a young person, his clothing was torn, his
2 shoes were taken, there was -- full of dust. His eyes were inflamed.
3 As the colonel made a sign to him -- I mean, I didn't follow this, but this sign -- I was at a
4 semi-distance when I was observing everything that was happening; and having been
5 released, he tried to walk but he fell, and I presume that at that time he was released.
6 The mother took the initiative. She found a cart and used it to transport him back to the
7 house. Because I came back around 18.30, because I had close neighbours who were
8 asking what was happening, and the time it took to tell them the events I went back home
9 at 6.30. That's what I can say concerning the chronology of the events.

10 PRESIDING JUDGE STEINER: Thank you, Mr Witness. When the girl was raped, the
11 mother and the son were already back?

12 THE WITNESS: (Interpretation) No, that didn't happen like that. It wasn't like that.
13 I'll say it again. At the same time when they took over the compound, if the commander
14 was responsible, he would have said, "Well, but you've taken something. It was
15 important to pay." As the child spoke Sango, he didn't understand. Because he said the
16 name of President Patassé, they deduced that this concerned them because the name of
17 the president was mentioned.

18 PRESIDING JUDGE STEINER: Mr Witness, sorry to interrupt you. For me, it's
19 important just to be more precise on chronology. That's why I'm asking, when the little
20 girl was raped, whether the mother and the son were back home at that time or not.

21 THE WITNESS: (Interpretation) This was what I was saying, but you interrupted me.
22 It was at the same time, at the time of the attack. Then another group had gone into the
23 house to loot. There were a lot of them, and the girl was frightened and so she had
24 hidden away in her room, and it was in that room that they found her.

25 If these had been normal people, they would have thought that this girl is perhaps

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1 frightened, but instead they shouted. In their minds, the fact that she was hiding made
2 her suspicious. What was their intention? This was a reason to rape her. That's what
3 I know. And it was at that moment in time that she was dragged away, and at the same
4 time others were hitting the son and others were plundering the house. That is the time
5 when she was dragged out to be raped.

6 So I say it again: It happened at the same time. The boy wasn't then -- first taken into
7 the jail and then the other child was raped. The girl wasn't silly enough to wait for the
8 others to come back and be raped. The assault began at the same time. There was
9 another group plundering and yet another one dragging the girl to rape her. So, if I say
10 that there were perhaps (Redacted) of them, but after the warning they all rushed forward because
11 they thought that something must be going on. That is not how things happened, i.e.,
12 the other child was not attacked once the other one was back. No, it all happened at the
13 same time. One group was raping the child, the other one was beating one, and yet a
14 third was plundering. This didn't happen once the boy had come back. This was what
15 I was trying to convey to you.

16 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. But this is exactly
17 what I was trying to understand because you said you followed the son and you stayed
18 hidden at the school. If the rape was at the same time, how could you assist the rape?
19 Where were you? This is what I want some clarification, please.

20 THE WITNESS: (Interpretation) Let me say. At the time that the boy was being
21 dragged off, I didn't follow him at that point in time. When you are a mother, you're a
22 mother. She was the one to follow him, and I didn't go at the same time as she did. I
23 didn't go with her.

24 As for the father, he didn't move. When his son was dragged away, the father stayed
25 there. If these had been civilians, the whole family would have followed the son, but

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1 because they were soldiers, nobody moved. The child was dragged away, and at that
2 moment in time I did not go into the compound because we couldn't get near. I didn't
3 try to interfere, and I am saying this once again.

4 I do have access to the compound of the -- or, rather, I was on the street to the compound
5 where the son was being dragged to. That's what they were doing, dragging him there.
6 And his mother was, first of all, lying down. She got up and went under the mango tree,
7 crying. I was following what was going on. I think it is important to observe and to
8 attest to what you actually see with your own eyes. They were some distance away.
9 Nobody could get close to them. I was halfway between. I was at a middle distance,
10 and as I said, when they attacked, you were not allowed to look at them in the eye. So
11 you had to conceal the fact that you were observing them. When they took the girl to
12 rape her and when they went out of the house because they had already committed this
13 reprehensible act - whether there were three of them I don't really know, or two - I
14 couldn't see that with my own eyes. They, therefore, went out from the back door. And
15 at that moment in time, the woman got up. She went around the house because the
16 (Redacted) children, well, some of them were toddlers, and they may have perhaps
17 followed what was going on with their sister. So their mother went to get the children
18 and the daughter and she brought her back.

19 She was wearing the clothes I described before. The mother went in, took out a wrap
20 and covered her with it. She went out, and close to the house there was a tree. She
21 picked some leaves to make a brew. That's what was happening in their house. I am
22 simply recounting what was happening there.

23 The medical treatment was not something I was familiar with, but I maintain the position.
24 I was in my hiding place and it wasn't until later on, when all those people withdrew, that
25 I got close, say 20 metres away, and crossed my arms on my chest to look at what was

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1 going on at (Redacted) place. And it was the mother who attached a wrap around
2 herself and left the house, the brews that she had put on the fireplace.
3 She had two daughters. Most of her children are boys. So, at that point she left and at
4 that point in time I decided to follow her. I took a shortcut and got there. I am someone
5 who lives in the neighbourhood with (Redacted) and those rebels knew me. I could
6 not publicly go and present myself. I could only hide. I did hide because I couldn't
7 publicly present myself and say, "This is why I'm here." Because in that case, they would
8 have remembered the radio set and say that that's why I had come. So that is what
9 happened. That is the answer to the question.

10 PRESIDING JUDGE STEINER: Mr Witness, we fully understand your explanation. But
11 now we have to suspend the hearing because it's time for everyone, including you and
12 our interpreters and our court reporters, for everyone to have lunch and take some rest.
13 So we are going to suspend now and resume at 2.30.
14 I'm going to ask court officer, please, to turn into closed session for the witness to be taken
15 outside the courtroom. And in the meantime, we are going to suspend and we'll resume
16 at 2.30.

17 *(Closed session at 1.11 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 (Luncheon recess taken at 1.12 p.m.)

22 *(Upon resuming in closed session at 2.38 p.m.) Reclassified as Open session

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

24 PRESIDING JUDGE STEINER: Good afternoon. Welcome back and, please, I ask
25 the court usher to bring the witness in.

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- 1 (The witness enters the courtroom)
- 2 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 3 (Open session at 2.40 p.m.)
- 4 THE COURT OFFICER: We are in open session, Madam President.
- 5 PRESIDING JUDGE STEINER: Thank you. Good afternoon, Mr Witness.
- 6 THE WITNESS: (Interpretation) Good afternoon, Madam President.
- 7 PRESIDING JUDGE STEINER: Did you have lunch and manage to rest a little bit?
- 8 THE WITNESS: (Interpretation) I was able to rest well and to have lunch before
- 9 returning here to the courtroom.
- 10 PRESIDING JUDGE STEINER: Are you ready then to continue giving your
- 11 testimony?
- 12 THE WITNESS: (Interpretation) Yes, I am ready.
- 13 PRESIDING JUDGE STEINER: Thank you. Before giving the floor to the
- 14 Prosecution, Judge Aluoch would like to put to you a follow-up question. Judge
- 15 Aluoch.
- 16 JUDGE ALUOCH: Mr Witness, may I do so, please? May I ask you two follow-up
- 17 questions on the evidence you gave just before we went for lunch? May I?
- 18 THE WITNESS: (Interpretation) Yes, your Honour.
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted) Our

5 neighbourhood has not yet been urbanised. There is a main road, but you have only
6 small roads and footpaths into the neighbourhood.

7 JUDGE ALUOCH: Thank you very much. When it was translated as a street, I
8 rather thought it was a footpath. Thank you.

9 PRESIDING JUDGE STEINER: Mr Mourad.

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

11 Q. Mr Witness, good afternoon.

12 A. Good afternoon, counsel.

13 Q. Sir, I would like to clarify something that is not very clear in my mind. There
14 are two incidents that you talked about: First, the treatment of your (Redacted)
15 daughter that her mother gave to her. This is the first incident. The second
16 incident is taking (Redacted) son to the base. Those two incidents in relation
17 to each other, when did they happen? Which incident happened before the other, or
18 were they at the same time? Please let me know if you understood my question.

19 A. I have already explained that, and I will do so again to enable you to
20 understand. I told you that when they were beating up the boy, that is my
21 (Redacted) son, there were many people present. They fired their guns into the air
22 so as to attract others. They wanted to shoot him on the spot. Fortunately, there
23 was an intervention. When the explosions took place, other people rushed to the
24 location, thinking that there was a serious problem there, so there were many people
25 in (Redacted) compound. I was there - I did not flee - and I was able to see

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1 what was happening. There were many of them in (Redacted) compound.

2 Q. I will rephrase my question. Sir, I don't want you to feel like you have to
3 repeat the whole story. My question was specifically about when the soldiers took
4 (Redacted) son to their base. This incident when they took (Redacted)
5 son to their base, did this incident happen after, or before, or at the same time that
6 (Redacted) daughter was treated after the rape?

7 A. In a nutshell, everything happened at the time that they invaded the compound;
8 that is within the same time period. One group dragged the girl outside, took her
9 behind the house into an uncompleted house. Three members of that group took her
10 to that house. They did not need to go to that unfinished house before coming back.
11 Everything happened at the same time. That is what I said.

12 Q. Thank you very much. Sir, when did (Redacted) wife treat her daughter
13 after the rape? Was it the same day that she was raped, or another day?

14 A. It was not two or three days afterwards. It was on the same day. Considering
15 that her state was worrisome, before the mother left, the leaves of an acacia plant
16 were cut and boiled in order to be used for her treatment. It was on the same day
17 and at the same time.

18 Q. You said, "... before the mother left ... the leaves were cut and boiled." Where
19 did she leave to?

20 A. After having placed the leaves to boil in a pot over the fire, she had to go and
21 look for her child; that is the child who had been taken away by those people.

22 Q. How long did the mother spend to check on her son after he was dragged
23 away?

24 A. They took the child away at about 3 p.m. Maybe they dragged him along the
25 road for about 15 metres -- 15 minutes, because (Redacted)

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1 (Redacted). When they took away the boy, the mother went and
2 took her daughter and brought her back to the house. They took her into the house,
3 undressed her and started treating her. As an adult woman, she had the presence of
4 mind to go and pick the acacia leaves and put them on the fire to boil, and after
5 putting them over the fire, she left and went towards the school to try to see what was
6 happening with her son.

7 After her departure I also followed her, and I would like to point out that after she
8 brought the child back from behind the house, after keeping her inside the house, she
9 did not stay there for more than 30 minutes. She promptly went in the direction of
10 the school to see what was happening there. That is what I wanted to clarify.

11 Q. Thank you. Sir, you mentioned before the break - I'm referring to page 33 in
12 the unedited English version, line 19 to 20, when you were talking about your
13 neighbour's son and you mentioned that - and I quote - "That doesn't mean that he
14 wasn't kept there for a whole night." I would like to clarify with you, how long was
15 this son kept at the base?

16 A. He did not spend the night there. When they took him, in fact, I do not have
17 much to say about that. He was taken away at about 3 p.m. and it took them about
18 15 minutes to reach their base, and shortly afterwards they released him; that is
19 around 5 p.m., 30 to 40 minutes afterwards.

20 After releasing him, they asked him to return home, and given that his mother had
21 gone to the base, she finally located him and brought him to the house. They arrived
22 at the house at about a quarter-to-6, so I would like to point out that he did not spend
23 the entire night there.

24 Q. Thank you very much, sir. Now I will move on to another topic. Yesterday,
25 when you were talking about the Banyamulengue, you stated, and I quote, and it's

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1 page 32, line 12 to 14 in the English edited transcript, number 70, and I quote what
2 you said, "But in November 2002 to 15 March 2003, abuses were committed on a daily
3 basis. They even committed several inhumane acts that human beings should not do,
4 but that they did." Sir, my question to you is: Can you explain to us what you
5 meant by those "inhumane acts"?

6 A. Thank you for that question. You have already said it all. How did those
7 things happen? These are things that I experienced and I told you about. I cannot
8 tell you a lie. I saw those things with my own eyes. The fact is that it was difficult
9 to understand their behaviour. It was even difficult to understand why they had
10 come to our area. It is not possible to know who had them, or made them, come to
11 our area. Some of the inhabitants of that neighbourhood fled, but we decided to stay.
12 When at one point we decided to leave, they prevented us from leaving. They asked
13 us to stay.

14 The events that I have described to you are atrocities that were inflicted upon us; that
15 is, (Redacted) and my own family. If I tell you about certain things that
16 happened in my neighbours' families, 100 to 150 metres away, well, you will realise
17 that those events were very sad. Their behaviour was inhumane. I was not the
18 only victim; it was not just me and (Redacted) who were victims of their acts.

19 I saw everything that happened in his house. I am a witness to all of that. God is
20 also a witness to all of that. And I wondered, "What is this type of behaviour?"

21 This was -- these were acts of banditism. It was impossible to laugh aloud. When
22 you began to laugh, they immediately thought that you were laughing at them. And
23 when they saw a chicken or a goat, they immediately demanded that people walking
24 by with the chicken or the goat or, rather, close to the chicken or the goat to catch
25 them for them. Even if they were very tired, they had to catch them.

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1 In our area, lots of people fled. People were living in anxiety. They couldn't move
2 about freely to find food. They said that they had to find food among the population
3 and that, of course, is understandable because I didn't see a single vehicle bringing
4 them any food. They used the chicken, they used the people's food, they used their
5 goats, even dogs actually, and at the time it was very hard to find domestic animals
6 around, moving around in the neighbourhood.

7 When they came along and saw somebody laughing, they would take hold of that
8 person and drag him away. Let me give you an example. There was a man selling
9 bread, and this seller made a gesture to somebody passing by and they immediately
10 thought that the seller was making fun of them. They ran after him. They ran after
11 him and got hold of the person to which the seller had gestured to. They caught him,
12 they hit him and asked him why they had made those gestures against him -- against
13 them.

14 At the time, when anyone spoke Lingala, he was considered to be a friend
15 automatically. It was through the intervention of a person who spoke Lingala
16 that -- it was thanks to that that they actually released the person that they had caught,
17 but before that they had demanded that that person should pay them a ransom.

18 Even if they saw somebody going by wearing nice shoes, they would take those shoes
19 from that person and compel the person wearing the shoes to actually buy back the
20 shoes they had taken from him. If the person was able to pay for those shoes, once
21 he got back home, well, they would send -- the Banyamulengue would send
22 somebody over to his place to take away the shoes, saying that they were theirs. In
23 any case, several situations of this type arose.

24 One day, it was in the evening and it was raining, I was at home. You know, I
25 sleep -- I go to sleep very late, and one day I heard an explosion, and then I heard

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1 another one, and when I heard that one I said to my wife, "Ah, wife, those are
2 certainly the people who are shooting into the air. Is this simply a way of sounding
3 a warning?" I wondered about that, and I said to my wife, "Those are certainly the
4 Banyamulengue who are shooting into the air."
5 The next morning I saw two people come along and tell us, neighbour, do you know
6 a person called so-and-so? Listen, that person was killed because the
7 Banyamulengue came and forced -- and tried to take their ducks. They took one
8 away first, and then they took away two ducks and the third time the person tried to
9 protest and, as a result, he was killed. It was towards 4 p.m., and it was still raining,
10 when they went back and demanded from that person that he should hand over
11 another duck.
12 This person was telling us the story full of sadness. The attackers even said to the
13 wife of the duck breeder that she should provide cassava to them in the meantime
14 while they wait for her husband to give them yet another duck. And all of a sudden,
15 one of the attackers himself got hold of the duck, and the breeder tried to step in to
16 prevent him from doing so.
17 Immediately after that, the assailant withdrew somewhat and shot that person. He
18 killed him. His friend - his associate - with whom he had come along was furious.
19 He was furious to see the assailant killing that person and he decided to kill the
20 murderer himself. That made for a great deal of sadness in the whole family,
21 because everybody was armed.
22 Some of the -- some of their commanders felt great shame. I am saying this, but I
23 wasn't there. It is the members of the dead person's family who came to tell one of
24 my neighbours about this in the -- in my neighbourhood, as a result of us hearing
25 these shots being fired during the previous night. They, themselves, bought

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1 firewood, they bought coffee and saucepans, and themselves organised the funeral
2 for this man.

3 On that night, they called on the dead man's family to come and wash the body and
4 they, themselves, had to buy the burial cloth. The next day, they asked the members
5 of the dead man's family where they could bury the body and the relatives said that
6 the burial should take place in his field.

7 The story I've just told you is what we learnt, because we live 150 metres away from
8 where the murder occurred. The other instances that occurred in other places, well,
9 as for those I cannot tell you about them.

10 Now, to come back to the murder, when they realised that their friend - their
11 Banyamulengue friend - had died, some of them thought that they should not bury
12 their friend's body elsewhere, but that it should be buried within the school where
13 their base was set up. The people from Médecins Sans Frontières were the ones who
14 excavated the corpse. So those were some of the abuses they committed where I was
15 present, and I would say that I received information from some people too who told
16 me about this. That is what I can say.

17 Q. Thank you. Sir, you also stated yesterday, and I quote, "They were armed with
18 firearms and with bladed weapons. They showed no mercy. They forced people to
19 give them what they had, and they carried out their operations from house to house,"
20 and I'm referring to page 24, lines 18 to 20, in the English edited transcript number 70.
21 Sir, can you please explain to us what you mean by "they carried out their operations
22 from house to house"?

23 A. Well, it seems to me that these are thefts, because military men worthy of their
24 name could not have behaved in this way. If soldiers are deployed somewhere, they
25 are there for a specific reason. And when I talk about from door to door, porte a

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1 porte, someone who has abandoned his house and fled, well, they came along or
2 could come along with an axe, break down the door, or the window, to go inside and
3 take away the belongings. These men who had come, they'd come along without
4 anything, not even a bag, or a suitcase, where they had their belongings.
5 All they had was their weapons and their knives, but they commandeered houses,
6 abandoned houses, but when you go into a house like that, well, these houses are full
7 of stuff, full of stolen goods. Radio sets and many other things were found there.
8 They were able to find a weapon in somebody's house. That was an expensive
9 weapon. They retrieved it so as to be able to sell it to somebody else for 3,000 francs.
10 It was a 12 calibre two-shot weapon and this was sold to another person for the price
11 of 3,000. The person who bought that weapon realised that it belonged to somebody
12 else.
13 Now, what could that person do, the person who had bought the weapon? Well, he
14 decided to take that weapon and hide it somewhere in the meantime before he found
15 the rightful owner, but the person who purchased this weapon was willing to pay
16 3,000 francs to the Banyamulengue for it.
17 They collected sewing machines and many other things too. Those who had left the
18 other side of the river to come over had brought nothing with them, but in record
19 time they owned many things and that made us think about how they were able to
20 get all those belongings within such a short space of time. They committed a lot of
21 abuses.

22 PRESIDING JUDGE STEINER: Mr Mourad, if you allow me. Court officer, please
23 let's turn very briefly into private session.

24 *(Private session at 3.17 p.m.) Reclassified as Open session

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

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1 PRESIDING JUDGE STEINER: Thank you. Mr Witness, the Chamber or the Court
2 really needs that people like you come to give evidence in order to help the Judges to
3 find the truth, so we are very thankful to you, but the Prosecution still have many,
4 many questions to put to you; the legal representatives of victims have many
5 questions to put to you; the Defence has many questions to put to you and maybe the
6 Judges still have some questions to put to you.

7 In order for us to achieve this goal, we need you to try, please, as much as possible to
8 be more concise in your answers. This is on the benefit of the Court, because then
9 we will be able to ask you more questions. So, please, when asked a question, if
10 possible of course, try to be as much concise as you can, because that will allow us,
11 everyone here, to put more and more questions to you. Don't take offence on what
12 I'm saying, is the contrary. It is to facilitate - to facilitate - your testimony. Do you
13 understand that, Mr Witness?

14 THE WITNESS: (Interpretation) Yes, I do understand, but of course I cannot feel
15 insulted by this.

16 PRESIDING JUDGE STEINER: Thank you very much. Be sure that it is exactly the
17 contrary. It is because you have so much information and we need to get as much
18 information as you can give us. That's why we need you to be more concise and
19 then we can ask more questions. Thank you very much, Mr Witness. Let's turn
20 into open session, please.

21 THE WITNESS: (No interpretation)

22 (Open session at 3.21 p.m.)

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

24 PRESIDING JUDGE STEINER: Mr Mourad.

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

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1 Q. Mr Witness, to follow-up on what you just said and similarly what you said
2 yesterday, and I quote, you said, "They looted the houses and left them empty. They
3 took away everything that was valuable in the house." I am referring to page 24, line
4 6 to 7, in the English edited transcript number 70. Sir, my question to you is: Do
5 you know where the Banyamulengue kept the items they pillaged?

6 A. All the goods that they plundered, well, I'm going to talk to you about the base
7 that was set up at the school. When you open the door to one of the classrooms, well,
8 that classroom had actually become a store-room. There were many, many objects in
9 that classroom. If you go and look where the commander was living, he had two
10 men with him. In that house, in the houses that the commanders occupied, were all
11 converted into a warehouse full of belongings and objects.
12 They would empty the shops in PK12, the shops that had been abandoned. They
13 would loot all the objects there and bring them to store them in those houses.
14 Sometimes they would give sugar or other items to people who were passing by free
15 of charge. They established a line and they occupied that line. Each of them had
16 foam mattresses, sheets and many other things, but all these items, well, they hadn't
17 bought them, camping beds and so on. They were there. They would take a tour of
18 duty to guard over these objects.

19 Q. Sir, this location you were referring to where the Banyamulengue stored stolen
20 items, how did you come to know about them?

21 A. Well, how could I not have been aware of this? Let me give you one example.
22 In my own neighbourhood -- well, no, not my neighbourhood. Well, there is a
23 village chief; we are under his supervision. They occupied a house in that
24 neighbourhood. They commandeered several houses. They didn't bring in the
25 stolen articles at night-time because they were afraid. No, they did this in bright

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1 daylight, and if any pushcart owner was around or any wheelbarrow owner, or
2 anything like that, if they found him they would force him to carry all these looted
3 items to the base.

4 Unfortunately, the owners of pushcarts that thanks to the fact that they were going to
5 carry those objects, they would be allowed to go through but, no, they even would
6 seize the pushcart or the wheelbarrow and tell the owner to go away. That's what
7 they did.

8 Q. Sir, you referred specifically to rooms in the base where the Banyamulengue
9 commander stayed. Those rooms, you said that they kept stolen items in, did you
10 personally see those rooms and what they contained?

11 A. Yes, I saw them with my very own eyes. I saw them with my very own eyes.

12 Q. And how did you get to see them?

13 A. Well, you know, I don't spend all my time at home. There were times when I
14 would go outside. I would go around outside. In view of the way they behaved,
15 well, I tried to move around and walk about to find out what was going on and
16 seeing how they behaved. For instance, if an acquaintance of mine had had his
17 belongings looted, I would approach the person to speak to him or her. I would go
18 towards the school to do -- to buy some things, and from there I could see with my
19 very own eyes.

20 Sometimes, as I went by, I could see them unloading and storing the objects and items,
21 and I could hear people saying, "Good God, look, they've emptied so-and-so's house.
22 Those are that person's belongings that are being stored there." That's what I saw. I
23 saw these classrooms. Some of them were -- they were distributed. Some were set
24 aside for looted goods and belongings.

25 Q. Sir, you stated that when the Banyamulengue arrived, they were on foot. I am

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1 referring to page 22, line 11 to 12, in the English transcript, the edited version, number

2 70. Did this change at any time? Did they have any means of transportation?

3 A. No, they did not have any means of transport such as vehicles. They were

4 moving about on foot. They had no means of transport, or vehicles, to be more

5 specific.

6 MR MOURAD: Madam President, may we turn into private session very briefly?

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

8 *(Private session at 3.32 p.m.) Reclassified as Open session

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

10 MR MOURAD: Thank you, Madam President.

11 Q. Mr Witness, we are in private session now, so please feel free to mention names.

12 I would like to ask you about the son of (Redacted) that was taken away. What

13 is his name?

14 A. (Redacted) son was called (Redacted). As you know, young people in

15 Bangui are generally known by their nicknames. I knew him as (Redacted), but I know

16 that he certainly bears the name of his father, (Redacted), but he is known as (Redacted).

17 MR MOURAD: Thank you very much.

18 JUDGE ALUOCH: Mr Witness, I have one more follow-up question on the son.

19 I'm not sure whether it has to be in closed session, but I'm looking at the

20 transcript - the unedited version - at page 29. When you were describing what

21 happened to (Redacted) son, when you said, "They kicked him and he became

22 unconscious. He lost consciousness," can you explain, please, what you mean by this

23 sentence?

24 THE WITNESS: (Interpretation) I said that because he was kicked continuously

25 everywhere. They were angry. They were angry with him because he had dared to

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1 ask them why they had taken the items (Redacted), that he was not the
2 one who had called them to come there, and that if they needed things, they would
3 have gone and complained to the person who brought them there. So there were ten
4 of them on him, maltreating him.

5 JUDGE ALUOCH: So, from your hiding place, because you said you were hiding
6 somewhere in (Redacted) as you were watching (Redacted),
7 after he had become unconscious, from your hiding place, did you ever see him get
8 up, or he was carried from that place -- from that spot?

9 THE WITNESS: (Interpretation) Yes, from my vantage point I was able to see what
10 was happening. They really beat him up. They were beating him on all parts of his
11 body, and since he was no longer moving, they started dragging him by his feet.
12 They put the boy inside a wheelbarrow, which belonged to his father. I was there
13 and I saw it. He lost consciousness in front of me. As you know, if one person is
14 attacked from all sides by several people for six to seven minutes, it is something
15 serious. I saw that with my own eyes. No one told me that.

16 JUDGE ALUOCH: Thank you very much. I think I get the picture.

17 MR MOURAD: Madam President, if we can go back to open session.

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

19 (Open session at 3.38 p.m.)

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

21 MR MOURAD:

22 Q. Mr Witness, I have very few questions left and we only have 20 minutes before
23 we conclude today. I will be concise in my questions and I hope you would also be
24 concise in your answers. Is that acceptable to you, sir?

25 A. That is acceptable to me.

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1 Q. Thank your very much. Sir, are you a member of any victim organisation?

2 A. I am not a member of a victims organisation. I'm simply a victim.

3 Q. Sir, do you know an organisation by the name OCODEFAD?

4 A. Yes. Talking about OCODEFAD, well, I apologise, because when you asked
5 the question, I did not quite understand you. That is why I did not give you the
6 correct answer. But I can tell you that that NGO was created for us so that we could
7 carry out activities such as gardening and others, so in answer to your question,
8 I know that NGO.

9 Q. Were you a member of this organisation, sir?

10 A. Yes, I am a member of that organisation.

11 Q. Since when have you been a member of this organisation called OCODEFAD?

12 A. I can say that it was in 2004/2005 that that NGO became operational, and it was
13 during that period that I joined the organisation.

14 Q. Are you still a member?

15 A. Yes, we are still members of OCODEFAD. However, I have already distanced
16 myself from that organisation, because at one point I realised that things were not
17 going well and that is why I left it.

18 Q. Sir, when was the last time you participated in any activity of OCODEFAD?

19 A. The last meeting I attended was at Fatima. It was in the Fatima neighbourhood
20 that the meetings were organised. That is where we went to the meetings. I would
21 go there and I would return to my home in PK12.

22 Q. Do you remember when was that meeting?

23 A. As you know, when it was created, it was initially an NGO and then it became
24 OCODEFAD and was transferred to the Fatima neighbourhood. This was in
25 April 2005.

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1 Q. Just to clarify, 2005 - April 2005 - was that the date of the last meeting that you
2 had in OCODEFAD?

3 A. Regarding the question that you have just asked me about the various dates, as
4 you know, when we were going to the different meetings we did not know that we
5 would be questioned the dates, so we did not take notes. It was the members of the
6 bureau who were responsible for everything. I was not a bureau member so as to
7 take down or note down the various dates.

8 I know that OCODEFAD was founded in 2004, and in the course of that year we
9 regularly went to the meetings which took place on a weekly basis. Generally
10 speaking, it was the members of the bureau who would meet and then give us an
11 account subsequently. After a few months, after a few years, I realised that there
12 were things that were not working well within the organisation and this prompted
13 me to withdraw.
14 However, the meetings that you are talking about, there were really no serious
15 meetings. There was no meeting that really dealt with the serious issues concerning
16 our future. People met and talked about things that were not even relevant to our
17 future. It was for that reason that I decided -- I decided to withdraw at the end of
18 2004.

19 I mentioned the month of April 2004 but, in principle, it was around the end of the
20 year 2004 that I withdrew from that organisation.

21 Q. Sir, did OCODEFAD influence your testimony? Sorry, I will repeat my
22 question because my mic was off. My question is, did OCODEFAD influence your
23 testimony in any way?

24 A. OCODEFAD did not influence me. On the contrary, it was because I realised
25 that OCODEFAD was not working well that I withdrew from it. I did not occupy

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1 any position of responsibility in that organisation, and the people were not working
2 well so I left the organisation. In answer to your question, it was not the members of
3 OCODEFAD who told me to go and answer the Prosecutor's questions.
4 However, there were people who were telling us that there were some white persons
5 interested in what had happened to us, that they wanted us to tell them about it. It
6 was through one of my friends that I received a phone call from the investigators of
7 the OTP who had travelled to Bangui to interview us. That is how I was able to meet
8 with the investigators.

9 Q. Sir, have you received any compensation, or assistance, as a result of what
10 happened to you?

11 A. I have not received anything at all, not even five francs.

12 Q. Mr Witness, my last question: Do you agree that your previous statement, the
13 statement you provided to the OTP investigators in May 2009, be admitted into
14 evidence in this case?

15 A. When the investigators came there and met with us, we complained a lot to
16 them. They are not magicians to know what had happened there. They came to me
17 and asked (Redacted), "What happened?" I gave them the entire account.
18 They noted down everything before coming here, and I was happy with the
19 knowledge that my case was already at this level.

20 I told myself that I was no longer going to go a different way. I'm going to take this
21 path so as not to run any risk. It is true that we have come up against obstacles.
22 There were people wheeling and dealing to convince us to let the whole thing drop,
23 but I kept my courage. I know that justice is justice. I know that during the
24 investigations it is true that I gave them information, and now that I'm here before the
25 Court I cannot deny what I told them. So I'm perfectly agreed that you do what you

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1 have asked.

2 MR MOURAD: Thank you very much, sir, for your answers and for your
3 cooperation, and I'm sorry if my questions caused you any kind of tiredness.

4 THE WITNESS: (Interpretation) That is understood. I do not believe that I was
5 inconvenienced, because all the questions that you asked me were not of a nature to
6 sadden me. You simply wanted to be given clarification and understand what
7 happened. So that is not something that can distress me.

8 MR MOURAD: Thank you very much. Madam President, your Honours, that
9 concludes our examination-in-chief. Thank you.

10 PRESIDING JUDGE STEINER: Thank you very much, Mr Mourad. Before we
11 adjourn, I just ask the court officer, please, to go briefly into private session.

12 *(Private session at 3.54 p.m.) Reclassified as Open session

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

14 PRESIDING JUDGE STEINER: Thank you. Mr Witness, we are in private session.
15 I am going to ask you for a name and you can speak freely. On page 73, line 15, you
16 said, "It was through one of my friends ..." -- so you said, "It was through one of my
17 friends that I received a phone call from the investigator of the OTP who had
18 travelled to Bangui." Who is this friend of yours through whom you received this
19 phone call?

20 THE WITNESS: (Interpretation) Yes, my friend is (Redacted). I was referring
21 to (Redacted). He is the one who got a phone call first. He went to
22 an appointment and he was interviewed. It was only afterwards that he came back.
23 During that interview, (Redacted) mentioned my name. He told the
24 investigators what had happened to me, but it was only afterwards at about 4 p.m.
25 that they called. I received the phone call. They asked me to come quickly and I

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1 was told that (Redacted) and three other Congolese were present.

2 I met with them. I should like to point out that it was through (Redacted) that I

3 received that phone call, because he had already told them about what had happened

4 to me. And when I arrived, they tried to make an appointment with me for the

5 following day. I agreed and that is how I was interviewed and they took my

6 statements.

7 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. Let's turn into

8 open session, court officer, please.

9 (Open session at 3.57 p.m.)

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

11 PRESIDING JUDGE STEINER: Thank you. Mr Witness, we are going to adjourn

12 this hearing and then you can go to your hotel and take some rest. We are going to

13 resume tomorrow morning at 9.30, starting with the legal representatives of victims

14 asking you some questions and, after that, the Defence will start questioning you.

15 We wish you a very, very nice evening, a good night, that you can rest and we will

16 continue tomorrow morning. Before turning into closed session, I would like to

17 thank very much the Prosecution team, the legal representatives of victims, the

18 Defence team, Mr Jean-Pierre Bemba Gombo. Thanks to our interpreters and court

19 reporters, court officer, court usher, and we are turning into closed session in order

20 for the witness to be taken outside the courtroom and, after we are in closed session,

21 we are going to adjourn and resume tomorrow morning at 9.30. Court officer,

22 please.

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

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

25 (The witness stands down)

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- 1 THE COURT OFFICER: All rise.
- 2 (The hearing ends at 4.00 p.m.)
- 3 RECLASSIFICATION REPORT
- 4 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 5 ICC-01/05-01/08-3038 and the instructions in the email dated 29 October 2013, the
- 6 version of the transcript with its redactions becomes Public.