

Trial Hearing
Witness: CAR-OTP-PPPP-0073

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki
6 Trial Hearing
7 Monday, 28 February 2011
8 (The hearing starts in open session at 9.36 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, Madam President, your Honours. We are
12 in open session.
13 PRESIDING JUDGE STEINER: Good morning. Could, please, the court officer call
14 the case.
15 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
16 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
17 PRESIDING JUDGE STEINER: Thank you very much. I would like to welcome the
18 Prosecution's team, the legal representatives of victims. I notice that there is a new
19 face in the legal representatives' bench. Could, please, the person be introduced for
20 the record.
21 MR ZARAMBAUD: (Interpretation) Madam Pinot is our second case manager; that
22 is, of the legal representatives. Her name is Carine Pinot.
23 PRESIDING JUDGE STEINER: Welcome the Defence team, Jean-Pierre Bemba
24 Gombo. Good morning to our court interpreters and court reporters. We are
25 continuing - and maybe finishing - with the testimony of Witness 73, and for that

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1 purpose I please ask the court usher to bring the witness in. Turn first into closed
2 session, of course, court officer.

3 *(Closed session at 9.39 a.m.) Reclassified as Open session

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

5 (The witness enters the courtroom)

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

7 (The witness speaks Sango)

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

9 (Open session at 9.40 a.m.)

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

11 PRESIDING JUDGE STEINER: Thank you very much. Good morning,

12 Mr Witness.

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

14 PRESIDING JUDGE STEINER: Did you manage to rest during the weekend?

15 THE WITNESS: (Interpretation) Yes, I was able to rest well. However,
16 unfortunately, ever since I went home on Friday 'til today, I wasn't able to move
17 about because it was raining throughout the weekend, but I had a good rest

18 PRESIDING JUDGE STEINER: So, welcome to the Dutch weather.

19 THE WITNESS: (Interpretation) That is correct, I understand all that. But I did
20 rest well.

21 PRESIDING JUDGE STEINER: So we are happy about that. Are you ready to
22 continue giving your testimony, sir?

23 THE WITNESS: (Interpretation) I believe that I'm always ready. I'm always
24 prepared to answer all your questions.

25 PRESIDING JUDGE STEINER: Thank you very much. I must remind you that you

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1 are still under oath. You understand that, sir?

2 THE WITNESS: (Interpretation) Yes, I do understand perfectly.

3 PRESIDING JUDGE STEINER: I also would like to remind you that you are under
4 protective measures, that your image and voice broadcast outside the courtroom are
5 being distorted so nobody can identify you by your voice or by your face. In order
6 to keep the protection of your identity, you must avoid mentioning names of family
7 members, of friends, of neighbours, when we are in public session. If need be, we
8 can go into private session and then you can speak freely because nobody can listen
9 to you outside the courtroom when we are in private session. Do you understand
10 that, sir?

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

12 PRESIDING JUDGE STEINER: So you're going to continue to be questioned by the
13 Defence. Mr Haynes, you have the floor.

14 MR HAYNES: Thank you, Madam President, and good morning.

15 QUESTIONED BY MR HAYNES: (Continuing)

16 Q. And good morning to you, sir.

17 A. Good morning, Counsel.

18 Q. I promise you that I will finish asking you questions today, and hopefully this
19 morning. Is that okay?

20 A. Yes, that is agreeable to me.

21 Q. Good. Well, a weekend is quite a long time, but do you remember that on
22 Friday when we finished we were talking about the people who were present at your
23 house on the day that you were attacked?

24 A. Yes, I do remember very well.

25 Q. And do you remember that you told us just before we finished for the weekend

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1 that the people present at the house were you, your wife and your son?

2 A. I remember.

3 Q. The other children, where had they gone?

4 A. The other children were not at home. The eldest ones, as I have already told
5 you, well, their maternal aunt had come and told them to go away. She told them,

6 "Listen, everybody's already gone. What are you still doing here? After I return
7 from the market, I will come and fetch you so that we can go to the fields."

8 Subsequently they started leaving one after the other to go and seek refuge elsewhere,
9 so only my wife, my son and myself were left in the house. However, the boy that I
10 have talked to you about did not live at home, he lived elsewhere with his wife, so he
11 came from time to time to visit us, but after the events started all the other children
12 fled.

13 Q. And for how long did the other children remain away?

14 A. After they fled, they spent a lot of time there; that is, with their maternal aunt.

15 The fields were 15 kilometres from the village and, when they came back from those
16 farms, it was simply to go to the market and then they would go back there and that

17 continued until the attackers left. In any case, what could they have come to look for
18 in the house? They waited for the departure of the attackers before returning.

19 Q. Thank you very much. So that we're clear, do you mean that all your other
20 children stayed away until March 2003 when Mr Bozizé's forces re-entered PK12?

21 A. When they left -- well, that is not correct. They left because there were
22 attackers who had arrived from the other side. They stayed at the farm and, even
23 when the men of the current president arrived, they did not return. They stayed
24 there in the fields until the current president actually took over power. It was then
25 that everyone who had fled the town started coming back, and my daughters also

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1 returned at that time. So when the soldiers of the current president were carrying
2 out attacks, attacking and retreating, my daughters did not come back home. They
3 preferred to stay in the fields until the current president took over power.

4 Q. Yes, that's how I understood the position, but what the Court might be
5 interested to know is how, if all your daughters were living 15 kilometres away, one
6 of them had a relationship with a Banyamulengue. Can you explain that?

7 A. That daughter in question did not go anywhere. It was her elder sisters who
8 fled. There were three of them. As you know, we have four daughters and she is
9 the youngest. She -- it was the elder ones who fled, but she herself did not go
10 anywhere.

11 Q. Very well, but you and your wife remained in the house throughout the period
12 until 15 March; is that correct?

13 A. That is correct. We could not leave our house. We stayed at home right up
14 until 15 March 2003.

15 Q. So you were not driven from your home and out of the neighbourhood by the
16 attack?

17 A. When they left the house, it was because of the terror. They were afraid of
18 being killed. When they left, it was simply because they could not know what might
19 happen to them. That is why they left.

20 Q. Very well. Now, I just want to clarify something we spoke about the other day
21 and we need to look at a document on the screen, please, sir. It's document number
22 4 in the Defence list and I want to look at the last page, page 21 please, and it is
23 confidential.

24 THE COURT OFFICER: The document is available on your screens. It's marked as
25 confidential, and for the record of the case it's referenced as

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1 ICC-01/05-01/08-900-Conf-Anx34_R03.

2 MR HAYNES:

3 Q. Sir, are you able to see it on the screen and read it?

4 A. Yes, I am able to read that document.

5 Q. What are the items listed at number 1?

6 A. On the screen at number 1 I can see "literie," or beddings.

7 Q. And can you see in the next column it says "Number" and the number appears
8 to be 9? I'm sorry, it's 4. Can you see that number?

9 A. Yes, I can see that.

10 Q. And what is the item at number 2, of which there appears to be one?

11 A. At number 2 I can see "complete television set."

12 Q. Did you own a complete television set in 2002?

13 A. It is not a good thing to lie. I never bought a television set. I do not have the
14 means to acquire such a set. In 2002, when the attackers arrived, I did not own such
15 a set.

16 Q. What about the item at number 3? What is that and did you own one of those?

17 A. At number 3, we have a brick-moulding machine.

18 Q. Did you own such a thing?

19 A. No, I did not own one. As you know, this machine is extremely costly. It can
20 cost about 300,000, 400,000. I never owned such a machine. I produce my own
21 bricks at home using wooden frames. I have never owned any such machine. It is
22 not a good thing to lie.

23 Q. Can you help us as to what the item is at number 10?

24 A. At number 10 -- I can read, but I'm not able to discern certain letters. I can see
25 here property that is seized and sold. Mobilet. So property seized and sold,

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1 Mobilet. I can read Mobilet, but I cannot decipher the other letters.

2 Q. Did you own a Mobilet?

3 A. No, I did not own one. I have never even bought a used Mobilet. What I
4 know is that I had a bicycle while I was working but I never owned a Mobilet.
5 I would like to insist here that it is not a good thing to lie.

6 Q. Were any of the items listed on this list stolen from you?

7 A. On this list the only thing that I lost was my radio. They -- they sold it to me
8 and then they took it back, so I consider that to be theft, but I acknowledge that I did
9 not own the other things.

10 Q. Why did you put your signature on this list which was attached to your victim's
11 application?

12 A. To be quite clear, you see my signature. You know that a signature can
13 commit someone. You are right to ask me that question. To tell you the truth,
14 the form which (Redacted) drew up, how did he do this? He had a -- he had a lot of
15 documents with him. He didn't begin in my home; he started in other areas of
16 Bangui. Before he came to us he went to my (Redacted) and he, himself, went
17 around the neighbourhoods and informed people and that's my (Redacted) met him
18 and he went to my (Redacted) house, so he began working in my (Redacted) house.
19 I don't know what he filled in for my (Redacted).

20 And for two months (Redacted) and I could see the people were going to my
21 (Redacted) home, so I too approached to see what was happening, and I asked
22 whether a survey was being carried out in my (Redacted) home, and they said, "No,
23 this gentleman is from the International Criminal Court and has come here to survey
24 which people lost property," and so I was interested as well. And I said, "Well, this
25 is a good thing."

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1 And he continued filling the forms in for people and then, when he got to me, he
2 asked me whether I too was a victim and I said, "Yes, I too am a victim" and he asked
3 me why I hadn't approached him sooner, because a lot of people had registered with
4 him. And he said to me, "Why did you not do it?" And I said, "No, the
5 investigators have come and they have already questioned me on various points."
6 He said, "Okay."
7 Thus, he, himself, took a blank sheet of paper and asked me to list the items that I had
8 lost during the events, and I told him that what they had taken from my wife was the
9 income from her trade, 30,000 francs, but for -- and that they had sold me a radio
10 which cost 4,000 francs CFA, and had then come back and taken the radio away.
11 And in addition to that, they took the pastries and hot drinks and various other
12 articles which they did not pay for. And when he heard that, he was angry. He
13 was very angry. He said that if I were a child he would hit me. He said, "People
14 here have listed what they have lost and here you're talking about cakes and items of
15 very little value." And I said, "Well, no, the investigators have already questioned
16 me. I've already told them what I lost. And if I begin now to refer to brick-making
17 machines, and things which I don't have, and if I'm asked to furnish evidence what
18 will I do?"
19 Thus, I stood by my position and he refused. I'm trying to explain to you why I
20 signed the bottom of this sheet of paper. He, himself, took the sheet of paper; he
21 took a pen and he began to write. It's a bit like for certain women who were there.
22 This person filled in the list, drew up the list of the objects which had been lost and
23 then said to the lady at the end, "Madam, you will -- you will receive a given amount
24 of money" and the lady said, "Thank you" and gave him 2,000 francs. Thus, he -- he
25 came to me. He said this business about -- about drinks and heating firewood, but

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1 he didn't mention those on the list. The only thing on the list was my radio. And
2 for the radio, he put 30,000 francs, whereas the 30,000 francs were the -- I said the
3 radio cost 4,000 francs, so 30,000 francs was the income from my wife. And you
4 know what the truth is. Even ten years afterwards, you will still remember the truth.
5 And he said, "You can see you've suffered. The whites are prepared to come and
6 give you money, but instead of acting properly you're acting like somebody who
7 wants to lose some money which the whites are prepared to give. The other people
8 are listing items of value, worth millions; whereas, you're just talking about cakes and
9 firewood and things like that."
10 And he, himself, began to fill in the list and he said to me, "If you want to get any
11 money" -- he said he came from the ICC and he knew how it worked, so he took the
12 sheet of paper. He took the pen and he wrote it all down. I didn't dictate to him
13 what he had to put.
14 You see, the clothes, shoes, Mobicel, the brick-making machine, the kitchen utensils, I
15 didn't dictate that to him; he, himself, wrote these things down. He saw me with the
16 wooden planks to make bricks. He said, "No, we put down a brick-making machine
17 of a given value." And he said, "You should say your daughters were raped. You
18 have to say that. You don't say your daughter had a relationship with these men."
19 He, himself, put the total at 4,790,000 francs CFA. After having put this sum of
20 money down he said, "It's a low amount of money. The other people are talking of
21 80 million, 110 million, 50 millions." And I said, "It doesn't matter. The main thing
22 is that I should receive something," but I personally, I know that the people who came
23 to my -- into my house, when they came in, they tried to take a machine, or if they
24 took it who were they going to try and sell it to? I must tell the truth. I never
25 owned a Mobicel and my spouse's kitchen utensils which are estimated here at more

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1 than 450,000, I never had all these items. He filled it in, and I was not the only one.
2 We went into my living room to fill it in, and he said, "And there are other people
3 came." And he said I had to finalise the list and sign it.
4 And after taking the documents, he said to me that this would have to be analysed
5 and then it would have to be -- to be put on a computer and that he would have to
6 report to his authorities so that the document would be signed at the end of the
7 proceedings. It was, no doubt, a trick. We'd intended to refuse, but what led me to
8 sign this document was that he had documents on him with the heading of the ICC
9 and that he was going to the office and he asked me to sign, so I signed, but this did
10 not mean that I expect this amount of 4,790,000 francs to be paid to me. I did not
11 think that this document would actually be presented here in this Court, and if this
12 document today is in the court this means that this person, indeed, did work for the
13 Court; otherwise, this document would not be produced here. But to tell the truth,
14 to say this before God, out of everything on this list, I only acknowledge the radio
15 which was worth 4,000 francs, but all the rest is false. And it's false. And it is he
16 who filled in this document, who wrote this document. I never told him that I
17 owned all these assets.
18 It is not good to lie. If you ask me a question and if I confirm this, this will lead to
19 further problems. I prefer to tell you the truth. All the items listed here were never
20 looted from me because I had never owned them, and I confirm the declaration I
21 made to the investigators of the Prosecutor where I referred to a radio which had a
22 value of 4,000. My radio could not be estimated to be worth 30,000. So I do not
23 recognise anything on this list. This is a -- this is a swindle. It was not me.
24 Perhaps he did this to attain a percentage of the compensation, I don't know. But to
25 finalise my declaration on this subject, I'd like to say that everything in this document

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1 is false. I cannot acknowledge it.

2 Q. Thank you. I wonder if you could clear up a few things about what you have
3 just told us. At the time this gentleman came to your house, were there other people
4 there who were also filling in forms?

5 A. No, he did not come to my house; moreover, I didn't know him. He went to
6 my (Redacted) home, and I'd like to say that my (Redacted) did not know him either
7 before he arrived. We, the victims, when somebody comes to our homes with
8 documents and with a card certifying that they are part of the staff of the ICC, when
9 such a person came, we respected them. My (Redacted) and I are educated. We
10 know how to read. So when this person came with documents with the heading of
11 the ICC, what could we do? When somebody arrives in your home with documents
12 and that person asks you to do something with them, even if you don't know them,
13 you obey. When this gentleman came to my (Redacted) house and I saw a large
14 number of people at my (Redacted) house, there were a lot of people who were there
15 and who were trying to fill in these forms, and I was interested so I, too, went to see.
16 I think there were more than 500 people in Bangui who had been registered.
17 This gentleman is still alive; he's still there. He did not just practice this extortion on
18 two or three people. If I had agreed to have such a sum paid to me, I would be an
19 accomplice, and I was not the only one. There were a lot of people whom he was
20 trying to obtain money from in this way.

21 Q. How many people were at your (Redacted) house filling in forms when you
22 went there?

23 A. When I arrived, I didn't count the number of people who were there present.
24 I would say there were -- I would estimate that there were nine people, because some
25 people were sitting on a bench, others sitting on chairs, and the nine people are

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1 people who had heard talk of this gentleman, and to come to be registered, as well.
2 And there were 2,000, 2,500 you had to pay to be registered. I myself paid 2,500.
3 You know that we suffered a lot. And when a person came to us, even if you've just
4 come in from the fields and you see a man come to survey you, to ask you, you make
5 an effort. So everyone came running to be registered and then they just -- then he
6 just continued. But in our area, he had registered a large number of people. A
7 large number of people were subject to this extortion.

8 Q. How many are you aware of?

9 A. In the PK12 sector, I would estimate 500 or more, I think, because where we live
10 he'd already visited several homes before he arrived at my (Redacted). But if I say
11 there were more than 500 people, it's because sometimes I saw him outside the door
12 of certain people, in particular the Muslims, and you know the Muslims, when they
13 hear talk of such things, they always come running. So, there were a large number
14 who came to be registered and this led me to understand that there were more than
15 500 people who were tricked in this way.

16 Q. The people at your (Redacted) house, were they all being advised like you to
17 say that they had suffered crimes which they had not, in truth, suffered?

18 A. I could say, "yes." Now, why am I saying this? Because there were people
19 who had fled and who came back when peace was restored. You know that after 15
20 March 2003, towards May, June, August, or even two, three years later, we were
21 surprised. It was a surprise for us. The presence of that man was a surprise for us.
22 This man who had come to register people was a surprise for us.
23 When the owners of the homes fled the attacks and the attackers seized their homes,
24 they broke the doors down and used the doors for firewood. And the victims of
25 these attacks, when they were questioned and when they were asked to list their

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1 losses, the victims sometimes exaggerated and they gave -- they gave extraordinary
2 lists to this man.

3 Q. What about other crimes? Were there any women at your (Redacted) house
4 when you were there?

5 A. You know that, generally, women -- when something good happens, it's
6 generally the women would come. And there were men there, as well, but there
7 were far more women when I went to my (Redacted) house. There were lots of
8 women there. It's true that I estimated that there were nine people present, but
9 I think out of the -- that six of them were women. I think there were six women
10 among the people there present, so I would say there were a lot of women that day.

11 Q. You have told us that this man advised you to make a false allegation of rape.
12 Was that advice that was being given to other people, so far as you could see?

13 A. As regards the advice given to those people, I would not know. I don't know.
14 When this man spoke to me, afterwards I left. What may he have said to people
15 who came afterwards, I don't know, but I do -- I do remember, I remember one fact I
16 nearly forgot.

17 The people who were there, who were giving a list of their property which had been
18 lost or looted, those of us who had been questioned originally by the investigators, if
19 all those people were here to speak to you of everything they had lost, if they were
20 here and if they spoke to you of what they had lost, you would not understand. So I
21 cannot tell you what others heard from this man. What this man may have told
22 them, I can't tell you. It is for those people whom this man spoke to to tell -- to tell
23 you exactly what that man told them.

24 Q. Well, let's take one example. Did you not discuss with your (Redacted) what
25 he had been told to say?

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1 A. My (Redacted) and myself, when we were together at his house - in other words,
2 at my (Redacted) house - I didn't hear him give us -- hear him giving us advice. The
3 advice that he had given us was quite simply to make a list of all the items that we
4 had lost, and that was really the bulk of the advice that he gave to all the people who
5 came to him.

6 Q. I don't want you to give me any names at this stage, but did you know any of
7 the other people who had been helped by this man to fill in their forms?

8 A. Yes. Yes, I know one or two of them, particularly those who are in my
9 neighbourhood. Those who live in my neighbourhood, well, I mean I know them
10 and, you know, for the most part it was women. You know, men aren't very
11 interested in things of this ilk, but women are -- you know, when their curiosity is
12 whetted, then they wanted to go and see what he was saying and what he was doing
13 and I know that. You know, I know these people. I even know a number of them.

14 MR HAYNES: Can we go into private session, please?

15 PRESIDING JUDGE STEINER: Court officer, please.

16 *(Private session at 10.33 a.m.) Reclassified as Open session

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

18 MR HAYNES:

19 Q. Sir, we are in private session so that you can feel comfortable giving us any
20 names. So what were the names of the people you knew who had also been helped
21 to fill in forms by this man?

22 A. Well, the people who had helped them to fill out the forms, you know, I don't
23 know the name or the family names of all those people, and so I would cite for
24 example a widow, a widow who had already lost her husband, and she was called
25 (Redacted). And then after filling out the form he himself and me -- well, I was

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1 given a receipt and on that receipt 4,480,000 featured on that form. He himself
2 signed the form as well, and so he gave me the receipt and he gave me the instruction
3 to give it to (Redacted) and I should say to (Redacted) to look after the receipt.
4 So -- well, I looked at the receipt and I kept it and gave it to my (Redacted). Well,
5 the receipt made us laugh actually because, you know, 80 million -- well, you know,
6 is this serious? Is this a joke? You know, that woman, can that person receive 80
7 million -- the sum of 80 million? So I took the receipt to my home and then the
8 following day I gave it to the lady in question, and I said to the lady, well, the person
9 who gave me the receipt advised her to keep the receipt because that receipt would
10 enable her to have that huge sum of money. And I was also given by him a number;
11 a number with 4,480,000. That number featured on it, and there wasn't a stamp,
12 there was no date and it was the same person who had signed. So he gave me the
13 number and then also to (Redacted) and it was given -- he also gave it
14 to the wife of my husband called (Redacted) He also gave it -- well, he also did that
15 to a Muslim woman, who was called (Redacted) and also he did exactly the
16 same thing as well with one of the daughters of this woman.
17 So that's -- well, I can tell you those are the people that I know this gentleman did the
18 same thing to. And he also helped my daughter, who is called (Redacted)
19 (Redacted) so he gave me the piece of paper and said, "Okay, that's for you and
20 this -- another one is for your daughter and you need to keep that piece of paper
21 because of what she suffered. And because her mum wasn't there she will receive a
22 sum of money, so you mustn't get it wrong. You mustn't make a mistake," and so he
23 advised me to keep safe that piece of paper and the number that was allocated to me;
24 the number for my wife and for my children.
25 So I can tell you that for (Redacted) for

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1 (Redacted) and his wives. He also helped a woman who
2 comes -- who came round my house called (Redacted) These are the people who
3 received help from that man. I was there and he did that in my presence.
4 Now, I'm speaking of the immediate vicinity of my house. I can't tell you for
5 anybody -- about anybody else who was helped by that gentleman in other areas.
6 Anyway, this is what he did. Those are the people whose names I know and they
7 are still alive.

8 Q. Thank you. This is a different area, but I'm going to take advantage of the fact
9 that we're in private session. Do you know the names of the eight members of the
10 OCODEFAD central bureau that you mentioned the other day? Sorry, you
11 mentioned the other day that there were eight --

12 THE WITNESS: (No interpretation)

13 PRESIDING JUDGE STEINER: Mr Haynes, please repeat the question.

14 MR HAYNES: Yes, I'm sorry.

15 Q. Do you know the names of the eight members of the OCODEFAD central
16 bureau?

17 A. Yes, I know them. I know -- I know the eight people and I told you there were
18 eight; eight people. These are -- it is (Redacted) He's (Redacted)
19 and is a member of that bureau. Now, he was like the chairman, or the president.
20 (Redacted) was also a member. (Redacted) he was a (Redacted) and
21 he was also a member. (Redacted) the wife of (Redacted) is also a
22 member.

23 Now, there were eight in total. I only gave you the name of those people living in
24 (Redacted) Other members lived on the Damara road, near PK12. Those
25 people were also in the bureau. There was one (Redacted), his first

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1 name was (Redacted), and this individual also lived (Redacted)
2 (Redacted) So I gave you six names, without
3 forgetting those who lived on the PK12 road who lived a little further afield from
4 (Redacted)and that went directly to their homes instead of to the meetings. Those
5 are the people that I knew and that were members of the bureau. Those are the
6 people who I knew by name and that were members of the bureau.

7 Q. Thank you. Thank you, sir. Again taking advantage of the fact that we are in
8 private session, what were the names of the three Congolese who came with (Redacted)
9 (Redacted) to interview you on the first occasion from the investigation of the ICC?

10 A. So during the first investigation I was invited to meet them at the (Redacted)
11 and there wasn't (Redacted). There was only (Redacted) They
12 introduced themselves to me when they arrived at (Redacted) (Redacted)
13 (Redacted), there was also an (Redacted) a white woman who was with her, and
14 there was also a Congolese. I think her name was (Redacted) or something like that.
15 And they introduced themselves.
16 There was (Redacted) and then some "Such-and-such a person is my -- is a person
17 who works with me, I work with her at the ICC and we're coming here for the
18 investigation," and everybody spoke in French. And so they had a (Redacted) interpreter.
19 So there was also an interpreter who was called (Redacted) And there were three
20 investigators, plus their interpreter who was from (Redacted) There wasn't -- there
21 wasn't a non-Congolese. I mean, I've cited the names of the people that I met. I
22 may have -- well, one or two names may have slipped my mind, but those people that
23 I met on that day were all women. There wasn't -- well, the only man was the
24 interpreter.

25 Q. Thank you. I just wanted to clear this up with you because the other day in the

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1 transcript it appeared that you said there were three Congolese. Were there three
2 Congolese or just one?

3 A. No, there weren't three Congolese, there was just one who slipped in. There
4 was (Redacted) and her co-worker and these were white women, plus one Congolese
5 person, woman, and their interpreter. The Congolese woman, the woman from
6 Congo, it was a woman from Congo.

7 Q. And did she say what organisation she represented?

8 A. Yes, she introduced herself to me. The first person to speak was (Redacted)
9 (Redacted) She introduced herself, introduced herself as an investigator from the
10 ICC. That she had come to Bangui for running investigations. That she was proud
11 to meet me so that we could talk about what had occurred and she introduced herself
12 to me.

13 She wouldn't just come, you know, wouldn't talk about anything else without
14 introducing herself, would she? And when I entered into the room, we greeted each
15 other, and she introduced herself to me. And she even gave me the reason why they
16 had come.

17 She said they had come to run field investigations, and she said that she hadn't come
18 off their own bat, they had been sent. They had been dispatched by their boss to
19 come and run these investigations. That's what she told me.

20 Q. Thank you. Another topic involving names. What were the names of the
21 colleagues of (Redacted) if you knew any of them?

22 A. I didn't meet them. He went to our house alone and he only told me that there
23 were four, and that one of his colleagues worked in the (Redacted), another
24 worked on the (Redacted) and another one worked in the (Redacted) vicinity and that
25 he -- well, he even went as far afield as Bossembélé and at a given point in time he

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1 went off and then he came back to tell us that he had been at Bossembélé.
2 Now -- within the framework of his investigations, and he said that they were -- that
3 there were four of them. But that was -- it was he that I met physically and
4 that -- and he was called (Redacted) I remember his name, but I don't know his
5 surname. And he introduced himself to me as (Redacted) from the ICC. (Redacted)
6 from the ICC, and that he was mandated to look at -- well, yes, but I don't remember
7 the other three people. I never met those other -- the other three people.

8 Q. Thank you. Just going back to something you mentioned earlier, one of the
9 members of the OCODEFAD central bureau was a man you called (Redacted). Do
10 you remember?

11 A. Yes, I remember.

12 Q. And what was his position in the neighbourhood?

13 A. Well, he was (Redacted). He was (Redacted)

14 (Redacted) He is (Redacted)

15 (Redacted)

16 (Redacted) All problems with regard to (Redacted)

17 (Redacted) before it went to the (Redacted) That's the work he did as (Redacted)

18 (Redacted)

19 Q. And did he remain in the neighbourhood during the events, or not?

20 A. (Redacted)

21 (Redacted) from

22 time to time and, at a given point in time, actually I learned that, because the situation
23 was getting worse, I heard that (Redacted) but only heard that as a rumour
24 from certain young people.

25 These young people were complaining that (Redacted); he

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1 should (Redacted) But he had suffered threats, apparently,
2 from his aggressors, and that's why (Redacted) and so that was what was said, you
3 know, that (Redacted) is also entitled to (Redacted). You know, (Redacted) is
4 also a mortal, but to tell you the truth, (Redacted)

5 Q. Thank you. And one last matter to be dealt with in private session. Could we
6 have a look at Defence document number 1 at page 0315, please; and for those
7 following the French, it's the first page of the first interview. And can we just go
8 down to the list of children, please. Thank you very much.

9 Sir, can you see that the fifth child down is called (Redacted)

10 A. Yes, I can see that name.

11 Q. And is it correct that she was born in (Redacted)

12 A. Yes, yes. It's her age. That's how old she is.

13 Q. She would have been (Redacted); is that correct?

14 A. That's right.

15 Q. Does she have any children?

16 A. For the time being, she's got one -- well, she has one child. It is a boy.

17 Q. And how old is he?

18 A. Currently, the child is (Redacted) years of age.

19 Q. Very well. Thank you.

20 MR HAYNES: I'm finished in private session. It might make sense to take the
21 break now, Madam President, if that's okay with you.

22 PRESIDING JUDGE STEINER: Thank you, Mr Haynes. Mr Witness, we are going
23 to suspend for 30 minutes, then you can take some rest, our interpreters and court
24 reporters as well. It's 11 o'clock. We are resuming at 11.30. Court officer, please
25 turn into closed session in order for the witness to be taken outside the courtroom.

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- 1 In the meantime, we are going to suspend and resume at 11.30.
- 2 *(Closed session at 10.58 a.m.) Reclassified as Open session
- 3 THE COURT OFFICER: We are in closed session, Madam President.
- 4 (The witness stands down)
- 5 THE COURT OFFICER: All rise.
- 6 (Recess taken at 10.59 a.m.)
- 7 *(Upon resuming in closed session at 11.42 a.m.) Reclassified as Open session
- 8 THE COURT USHER: All rise. Please be seated.
- 9 PRESIDING JUDGE STEINER: Welcome back. Could, please, the court officer
- 10 introduce the witness into the courtroom.
- 11 (The witness enters the courtroom)
- 12 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 13 (Open session at 11.44 a.m.)
- 14 THE COURT OFFICER: We are in open session, Madam President.
- 15 PRESIDING JUDGE STEINER: Thank you. Mr Witness, welcome back.
- 16 THE WITNESS: (Interpretation) Thank you, Madam President.
- 17 PRESIDING JUDGE STEINER: Can we continue with your questioning by the
- 18 Defence?
- 19 THE WITNESS: (Interpretation) Yes, we can continue because that is why I am
- 20 here.
- 21 PRESIDING JUDGE STEINER: Thank you very much. Mr Haynes, you have the
- 22 floor.
- 23 MR HAYNES: Thank you, Madam President, and can we go straightaway into
- 24 private session please?
- 25 PRESIDING JUDGE STEINER: Court officer, please.

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1 *(Private session at 11.45 a.m.)Reclassified as Open session

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

3 MR HAYNES: Thank you very much.

4 Q. Sir, we're in private session because either in my questions or in your answers
5 we may refer to some names, but you can do so with confidence because nobody
6 outside this room can hear those names. Do you understand?

7 A. Yes, I understand perfectly.

8 Q. Now, before the break you were telling us about the names of the members of
9 OCODEFAD in your area; do you remember?

10 A. Yes, I remember.

11 Q. And do you remember you told me of one person in particular who you called
12 (Redacted)

13 A. Yes, I remember.

14 Q. Do you know him by any other name?

15 A. No, that is the only name I know, (Redacted)

16 Q. Does he have a particular function within your neighbourhood community?

17 A. In our neighbourhood, (Redacted) did not have any particular
18 responsibilities. He worked for OCODEFAD, but not in our neighbourhood.

19 Q. What was his relationship to the chief?

20 A. Amongst them the chief was known as the chief of the neighbourhood, but he
21 was a customary court judge. He was responsible for settling disputes. That is
22 what he did in the neighbourhood.

23 Q. If the chief was away, who took the chief's functions?

24 A. In the absence of the chief, (Redacted) The chief was responsible for taking
25 decisions, or settling certain disputes.

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1 Q. Did he have an assistant?

2 PRESIDING JUDGE STEINER: Mr Haynes, could you be please clearer when you
3 talk about, "... it was him." "Him" who?

4 MR HAYNES: Your Honour is quite right. I need to be clearer about this.

5 Q. Do you know the identity of the chief's assistant, sir?

6 A. Yes, the name of the chief's assistant is (Redacted)

7 MR HAYNES: Thank you and thank you, your Honour.

8 Q. Do you know whether (Redacted) was in contact with (Redacted)

9 A. Talking about (Redacted), no, he was not in contact with (Redacted) I never
10 saw them together, not even once.

11 Q. What about (Redacted)?

12 A. (Redacted) did not have any responsibilities. She was only responsible for her
13 household. She was under the responsibility of (Redacted).

14 Q. Did (Redacted) tell you who had asked him to come to PK12?

15 A. I do not know who authorised him to come to PK12. When he introduced
16 himself to me, I got to know him and there was -- there were documents that served
17 as evidence of his position. He had documents of the International Criminal Court.
18 He himself told me, and told many other people, that he was a representative of the
19 International Criminal Court, but had he come from the ICC, or was he working in
20 the (Redacted) I was not able to know that, but he personally told me
21 that he was working for the International Criminal Court. He was responsible for
22 carrying out an inventory of the victims and was responsible for reparation and he
23 had so many things to do that he came to register the latecomers.

24 MR HAYNES: Thank you. I think we can go back into open session now, Madam
25 President.

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1 PRESIDING JUDGE STEINER: Before we come back into private -- into public
2 session, I would like to clarify one point from the witness. On page 13, I don't have
3 the line, but you said that this person, (Redacted) had a card certifying that he was
4 part of the staff of the ICC, and now you've mentioned that he had documents; that
5 he told you that he was working for the International Criminal Court and that he had
6 documents proving it. Could you please be very clear and tell the Chamber which
7 kind of documents you saw with this (Redacted)

8 THE WITNESS: (Interpretation) He had documents that he would present, and on
9 those documents at the top right corner one could see it written "ICC." He also had
10 the forms which he filled out for the victims. He also had books on which it was
11 printed "ICC" in bold. And since we were next to him when he was filling out those
12 forms, we had been interviewed by ICC investigators before that, but when we
13 glanced at those documents we knew -- we saw that some of them bore the logo of
14 the ICC and then he confirmed to us that he worked for the ICC, and what convinced
15 us that he was working for the ICC was because he had documents bearing the letters
16 "ICC." We saw nothing else other than those letters "ICC" written on those
17 documents.

18 PRESIDING JUDGE STEINER: Thank you very much. Court officer, we can turn
19 into public session, please.
20 (Open session at 11.57 a.m.)

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

22 MR HAYNES:

23 Q. Sir, we're in open session now so the public can hear what you say. I don't
24 think the questions I'm going to ask you should lead you to mention anybody's name
25 that would identify you, but please be careful not to do so, okay? I want now to ask

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1 you just a last few questions about a particular meeting. Did you attend a meeting
2 in Bangui which was addressed by the Chief Prosecutor of the ICC?

3 A. Yes, I attended such meetings. How did that happen? The Chief Prosecutor
4 of the ICC came to Bangui and, during his visit, he met with the victims at the CPJ.
5 This was a big building, and he was accompanied by some white people; there were
6 five of them. They were also accompanied by an interpreter who interpreted what
7 they were saying. I attended that meeting, I was present, and I heard a lot of things.

8 Q. Well, can we take it step-by-step. How did you get to that meeting?

9 A. How did I get to that meeting? Well, we were at home and, as usual, I have
10 already told you that here OCODEFAD designated eight representatives and
11 branches because it was not everyone who was able to go to the central office. Those
12 who were elected were the representatives and they are the ones who transmit
13 information.

14 So we went to the CPJ because the eight representatives received the information
15 from the OCODEFAD office. They were convened there, and the coordinator of
16 OCODEFAD asked the representatives to invite all the victims of PK12 because a
17 meeting would take place at a date to be specified. So he called on the
18 representatives to inform all the victims.

19 We went to the CPJ by our own means. To travel to the 4th district is not very far,
20 and one can take the bus to go there for 100 francs. We were not the only ones.
21 There were victims from Fatima, the victims of the cattle market. And the number
22 of participants can be estimated at more than a thousand.

23 The most senior official of the ICC was there, and we were expecting to receive
24 information from the leading authority of the ICC. So the message that the
25 coordinator conveyed was that the members had to inform the victims about that

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1 meeting which we attended.

2 Q. Do you remember when this meeting was?

3 A. The meeting was held in the CPJ.

4 Q. I think my last question was not well-translated to you. In what year did the
5 meeting take place?

6 A. I think the meeting was held in either 2004 or 2005, I believe. I think it was in
7 the course of 2004.

8 Q. And what is the CPJ?

9 A. The CPJ is a school; that's what the abbreviation means. There's a sign which
10 says, "CPJ," but it is a school. There's training provided there; it's vocational training.
11 It's that kind of training there. It means -- it's -- it means it's a vocational training
12 institute. It's not a judicial building. But there was -- there was -- it's quite a large
13 building and that's why it was chosen to hold the meeting.

14 Q. Thank you. And were all the participants there brought there by
15 OCODEFAD?

16 A. Yes, it was OCODEFAD. You know that when OCODEFAD was set up, at the
17 outset it was an NGO and all the victims went to the meeting at the invitation of
18 OCODEFAD. So there were people from PK12, from the livestock market area, from
19 Fatima; all the victims came at the invitation of OCODEFAD.

20 Q. And what did the official from the ICC say?

21 A. Thank you for that question. The -- what did the person from the ICC say?
22 He said some very good things, which meant that everyone there present was
23 confident because of what that man said. To tell the truth, it's something you could
24 trust; and that even if you were to die, your children would receive justice after
25 everything that had happened to us.

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1 And what he said, he said out loud in public. He said that he had come with a
2 purpose; he had come because people from Central Africa had suffered. Some had
3 died, others had lost their possessions. And that was his mission. He had not
4 come on his own initiative. He, himself, had not organised this. He had come as
5 part of a process which had begun in Rome, when all the nations had reached
6 agreement, and he had a mission to come and carry out investigations as to what had
7 happened in the Central African Republic and that investigators would be coming to
8 investigate.

9 He also stated that he had not come to give money; he had come to ascertain for
10 himself what had happened. And I'm repeating that because it's what he said
11 himself, and I'm sure he's listening to me. He said the person who called in these
12 attackers, who came to the Central African Republic, he knew that person.

13 When he said that, everyone applauded because the victims had banners or posters.
14 And when the General Prosecutor came, he was welcomed; and when he made that
15 statement, there was applause. He received an ovation. And then he stated that he
16 had not come to provoke or to attack anyone in the Central African Republic; he had
17 come to listen to people. He had come to identify the person who had called in the
18 attackers, who had led them to cross into the Central African Republic, and that is
19 when he received an ovation. That was the first point.

20 As regards the second point, he said that he had not come to give money, he had not
21 come to give property. Everybody heard him say that. He said there was work to
22 be done because the investigators would have to go into the field and it would take
23 time to ascertain all the facts.

24 And it was only after the investigators had analysed all the witness statements that
25 later, in five years' time, but he didn't -- in any case, he didn't give any date, but he

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1 promised that there would be a trial. And then it would not be -- he did not say this,
2 but that people would tell us then what was -- what would happen. That's what he
3 said at the CPJ.

4 And, you know, everything that happened, when somebody came from the ICC,
5 everyone went to see that person, to find out more. And this person came and he
6 presented documents, and he said that he'd come from the ICC to repair the damage
7 that had been done, and everyone went because they were expecting to receive
8 compensation.

9 But the Prosecutor himself came and he spoke to the victims, and what he said was
10 good and, at the end of his statement, he said that he had not come to give us money,
11 but that there would be an investigation.

12 And after the investigation, investigators would come to try to ascertain the facts that
13 had occurred. And that the staff of the ICC would have to organise themselves, to
14 send out a team of investigators to speak to the witnesses; that it was not an easy task,
15 but that we would be receiving information subsequently. And he then received an
16 ovation. That is what he said when he -- when he went to the CPJ. That's what I've
17 reported to you.

18 Q. Thank you for all that information. You said in the middle of your answer that
19 "the person who called in these attackers, who came to the Central African Republic,
20 he knew that person." Did he say who that person was?

21 A. The Chief Prosecutor did not cite any names. He came and I could give as an
22 example the victims who had been -- who had been injured and wounded but he did
23 not cite any names. He said that he had come but that, subsequently, investigators
24 would come and what he, the Prosecutor, wanted to know was who was responsible,
25 who had brought the attackers in from the other side. He said, "I want to know who

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1 is responsible." That's what he said.

2 MR HAYNES: Very well. Thank you very much, sir.

3 Could you just give me a couple of moments, Madam President, to consult?

4 PRESIDING JUDGE STEINER: Yes. In the meantime, I have some follow-up
5 questions.

6 MR HAYNES: Thank you.

7 PRESIDING JUDGE STEINER: Mr Witness, I would like to have some clarifications
8 here. I'm talking about page 32, lines 18 to 22. You were asked whether all the
9 participants there had been brought by OCODEFAD, and your answer was, "All the
10 victims came at the invitation of OCODEFAD." How do you know that? How
11 many people were there in that meeting?

12 THE WITNESS: (Interpretation) Thank you. If I were to say that it was
13 OCODEFAD that invited people, let me explain this. There were many victims at
14 that meeting because OCODEFAD is an -- was set up as an NGO and the leader of
15 that NGO explained to us why people were sent. For example, I referred to the
16 (Redacted) and that person was
17 tasked by the leader of the NGO and was asked to tell the inhabitants of PK12 that
18 they should get together and choose premises.
19 You know that there were a lot of people who suffered and such an initiative was
20 welcome. So, for the first time, there were at least 300 people, and what would lead
21 people to attend such a meeting?
22 You know that all these initiatives required a participation fee, 1,000 francs and a
23 photo card. If 600 or 800 people provide 1,000 francs, and given the hope caused by
24 the setting up of this NGO, we were forced to give 1,000 francs, so we got the cards
25 and later the NGO took the name of OCODEFAD.

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1 After the change of name there were a large number of victims and sometimes we
2 chartered buses to travel -- sometimes buses were chartered to transport us and a lot
3 of people attended OCODEFAD meetings.
4 So when the Chief Prosecutor came to Bangui, the information came from the leader
5 of the office. He asked the representatives to tell victims that there was going to be a
6 meeting at the CPJ. The OCODEFAD's headquarters were in Fatima and three
7 quarters of the people were members of the OCODEFAD and we joined those victims.
8 OCODEFAD was an NGO which invited the victims to attend that meeting. The
9 victims went to the CPJ at the invitation of OCODEFAD. It was not a ministry; it
10 wasn't the ministry of finance; it wasn't a member of the government who sent out
11 the invitation, no. It was OCODEFAD which invited members to attend the meeting.
12 That is how I would answer your question.

13 PRESIDING JUDGE STEINER: Thank you, Mr Witness, it is probably my fault.
14 This is not exactly what I asked. I would try to rephrase my question. Was, in your
15 view, or at your knowledge, OCODEFAD the only NGO that assisted victims, or
16 there were other NGOs as well involved in assisting victims at that time, to your
17 knowledge?

18 THE WITNESS: (Interpretation) Before that we were not members of an NGO.
19 The only NGO we knew was this NGO, the OCODEFAD, which assisted us, not just
20 financially but which organised meetings for victims. We met and organised
21 gardening activities and soya and other articles were given to us. In Bangui there
22 were a lot of NGOs. In other neighbourhoods as well there were victims, not just in
23 PK12. And people set up NGOs not to distribute money to people but to help
24 people to develop certain activities. But as regards the victims, it was the NGO
25 OCODEFAD which dealt with victims. But apart from OCODEFAD there were

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- 1 other NGOs.
- 2 PRESIDING JUDGE STEINER: Thank you very much. Mr Haynes.
- 3 MR HAYNES: Your Honour, I have no further questions of this witness. Thank
- 4 you very much.
- 5 PRESIDING JUDGE STEINER: So, Defence finished with the questioning?
- 6 MR HAYNES: Your Honour, yes.
- 7 PRESIDING JUDGE STEINER: Prosecution wants to re-direct?
- 8 MS KNEUER: That is correct, Madam President. We have very few questions.
- 9 PRESIDING JUDGE STEINER: So Prosecution has the floor.
- 10 MS KNEUER: With your leave, I would like to switch the seat with my colleague,
- 11 please.
- 12 PRESIDING JUDGE STEINER: Yes.
- 13 MR MOURAD: Thank you, your Honour. Your Honour, there is a point that I
- 14 would like to clarify with the witness and in order to do so I will refer to two portions
- 15 in the transcripts. The first was held in open session; the second was held in private
- 16 session. However, the content that I'm quoting doesn't have any identifying
- 17 information. So if I may, I can pose a question in public session.
- 18 QUESTIONED BY MR MOURAD:
- 19 Q. Mr Witness, good afternoon.
- 20 A. Good afternoon.
- 21 Q. I would like to clarify one point regarding the testimony you have given here in
- 22 the court. It concerned what happened to your (Redacted) daughter. Last
- 23 Friday - this is the portion I'm quoting first, and I'm referring to the English transcript
- 24 number 74, page 14, line 21 to page 15, line 1 - you were asked by the Defence counsel,
- 25 "Did you hear anything while she was inside the house?" And you answered, and I

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1 quote, "But they took her into the house. If I were close to the house, I could have
2 heard the cries because of the torture that she was being subjected to, but I was in my
3 compound and the door of that house opened out into the main compound. But
4 what was happening there was inside the house and I could not hear, so I did not
5 hear anything." This is the first part that you said. There's another part that I'm
6 referring to and it happened prior to that, and that was last Tuesday, and I'm
7 referring to the English transcript number 71, page 27, line 17 to 21. And that was
8 during the Prosecution's questions to you. You stated, and I quote, "They were all
9 armed when they attacked the little girl. They dragged her behind the main house
10 and went into this incompleated house. (Redacted), i.e., the father of the girl, and her
11 mother were there present. They could see what was going on. I think that three
12 or four persons raped this girl. And even from a distance, you could hear the girl
13 crying and pleading."
14 Sir, as you may have noticed, it's not clear from the record, from those two segments I
15 cited, whether you heard your (Redacted) daughter crying and pleading while she
16 was raped, or not. So, please take a moment and think about it and clarify this to the
17 Court.
18 A. Thank you, Prosecutor. You know, I cannot forget the events I saw. You can
19 ask me the question several times, a hundred times, I will say the same thing, and if
20 you think I am telling a lie God alone is my witness and will judge me. I am telling
21 you the truth and I stand by the truth. I cannot go back to the beatings and the other
22 ill treatment 'til I get to the girl. You asked me a simple question. You asked me
23 whether I said that the girl had been dragged away by three or four people. I will
24 tell you the following. That day I was at the corner of my house.
25 Q. I'm sorry to interrupt you. It appears that I didn't make myself clear about my

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1 question. I'm simply asking you whether you heard your (Redacted) daughter as
2 she was dragged outside of your (Redacted) house into this unfinished house.
3 During the rape did you hear anything from her, because in one part you said you
4 didn't hear anything and the other part you mentioned that you heard her crying and
5 pleading? So it's not very clear in the record and I'd like to clarify this point. I'd
6 like you to clarify this point. So my question is only about whether you heard the
7 girl, or not, during the rape.

8 A. Now, the day that they took the girl, well, it wasn't -- it wasn't civilians that had
9 weapons. There were other -- it was other people. But that particular day, really I
10 want to underscore this point, when she was taken what I saw with my own eyes was
11 that she was dragged away by three soldiers. These soldiers were armed, but we
12 weren't weak. I mean we could defend ourselves, but they were armed. You know,
13 we could only -- we could only plead and obey orders that came from them. And,
14 anyway, they -- they were armed. They took the girl. They were angry and they
15 wanted to take advantage of the situation, and that's why they dragged her away
16 behind the house. I'm just telling you that at that particular time it was difficult to
17 rape a married woman without her making a noise, without her shouting. When I
18 saw -- you know, when she was taken behind, they dragged her behind the house
19 and I said to myself, "Well, why? This girl, why didn't she flee before the people
20 turned up?"

21 Anyway, they went round the main house, they took her behind, but when they
22 dragged her away she was shouting. Anyway, she was taken -- she was forced to
23 get out of the house and she offered no resistance, because she was frightened, and
24 when she was taken out she was really struggling. And so that's why they took her
25 behind the house and -- behind this house that was under construction. And I was

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1 in my own home and I could see everything that was happening. But in that
2 house - in that house under construction - I would say it's about 20 minutes, what
3 15/18 metres away, but the house behind the house under construction I would
4 say -- you know, from the corner of my house I would say it's about 15 metres away.
5 Now, this house under construction didn't have any windows and that's where they
6 took her. That's where they dragged her. The walls were high enough, but the roof
7 wasn't yet on the building and the door to the house wasn't orientated towards my
8 house. They dragged her into the living room of that house, in that house under
9 construction, and that's where they stayed and that's where they slept with her.
10 Now, I didn't -- I didn't hear her shout, but I saw them drag the girl behind the house
11 and I knew that that -- that what they were going to do was going to sleep with her.
12 It wasn't for anything else but that. It was to sleep with her. That's what I saw with
13 my own eyes. But the girl didn't offer any resistance, didn't shout, but I saw what I
14 saw. I saw her when she was being dragged away. Because these men were armed
15 and she was frightened and that's why she couldn't shout. You know, she preferred
16 to let herself be taken because she was frightened of being killed, because even
17 before -- well, before then the soldiers had opened fire, warning shots, and she didn't
18 shout and everything -- everything -- well, she was struggling, but I couldn't see. I
19 mean, I don't -- I don't know. I mean, in that house, in that house under
20 construction, was it all three? Did all three sleep with her, or just two? I mean that
21 I don't know, but in my view, as far as I know, they slept with her. I mean, they
22 dragged her away to sleep with her.
23 Q. Thank you. We heard the story, you mentioned it before and I don't want you
24 to repeat it again. Just for sake of clarity of the record, just to clarify what you just
25 have mentioned to us, you mentioned that you heard her shouting as she was

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1 dragged to this unfinished house and then you mentioned you didn't hear her shout.
2 I would like to be clear on that. If I understood you correctly, you meant that she
3 shouted as she was dragged, but she didn't shout inside this unfinished house, or I'm
4 mistaken in my understanding?

5 A. It's very straightforward. It's very, very simple to understand. You know,
6 everything happened in open, in public. It wasn't -- this didn't happen during
7 night-time. With regard to the shouts is that when -- when the girl was dragged
8 behind, she didn't try to resist. I was just there. I was right next door when I saw
9 them - two of them - take her behind the house. She didn't shout when she was
10 being dragged. These soldiers were accustomed to bludgeoning people if those
11 people offered any resistance to them, but this girl was frightened. She was
12 frightened of the weapons that they were carrying. And there were a lot of them,
13 you know, that encircled the house. She said to herself, "Well, if I start shouting,
14 well, they'll kill me," so everything happened in silence and they -- she was dragged
15 behind the house so that they could sleep with her, but I didn't hear her shout when
16 she was being dragged behind, no. No, that's not what I said.

17 THE INTERPRETER: "That's not what I said," repeats the witness.

18 THE WITNESS: (Interpretation) She was frightened and that's why she couldn't
19 shout.

20 Now, the others was, you know, bludgeoning, and she was frightened for her life and
21 very slowly they dragged her away. And that's why I say to myself, "Well, it was to
22 go off and sleep with her." Even though she was crying, you know, they were going
23 to sleep with her and that's what they had in the back of their minds. But
24 with -- well, whether I saw her shout, struggle, or cry, no. She just offered no
25 resistance.

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1 MR MOURAD: Thank you very much.

2 Thank you, your Honour. We have no further questions.

3 PRESIDING JUDGE STEINER: Mr Haynes?

4 MR HAYNES: Thank you very much, your Honour, but no further questions from
5 the Defence.

6 PRESIDING JUDGE STEINER: Mr Witness, the parties and participants have
7 concluded their questioning and that concludes your evidence before this Court.

8 Before you leave the court, the Chamber wants to express its thanks to you for the
9 time and trouble that you have taken to come to this country to give evidence in this
10 trial. In order for the Judges to find the truth, it's critical that witnesses such as
11 yourself are prepared to give evidence to assist us on the relevant issues of the case.
12 We are aware that this will certainly have been inconvenient for you and possibly it
13 may have involved some personal risk.

14 So, for all these reasons, you leave us in order to go back home with the thanks of the
15 Chamber and of the Court.

16 Before you leave, Mr Witness, the Chamber would like to know whether you have
17 something to tell us. If you want to address the Chamber, this is the moment you
18 have the opportunity to say whatever you want.

19 THE WITNESS: (Interpretation) I'd like to thank you. I would like to thank you
20 for what you've just told me. You know, when you have to give evidence before a
21 courtroom, and after your deposition, you're thanked for it. It's very pleasing to
22 hear. And I must say that I came here not to lie, not to send you off down a wrong
23 track. I've told you what I saw. I gave statements to the Prosecutors.

24 I was given a passport, and I came here and I came here to tell the truth. I wouldn't
25 be coming to tell lies because, by doing so, I wouldn't -- well, I wouldn't be

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1 contributing to the search for the truth. I know that there have been people giving
2 testimony before me and there will be witnesses following my deposition. What I
3 told you is the truth. And all those present here in this room, in this audience
4 chamber, you have all the powers necessary to run an investigation, to get
5 information pertaining to everything I've just said before you.
6 I cannot commit -- and I know that my signature is binding. Fortunately for me, I
7 made a statement to the first team of investigators who wrote down exactly what I
8 said, and I cannot, following that, supply another document. There is a document
9 here which enumerates the goods, the alleged goods that have been looted, but I've
10 told you that I've never owned those particular items. I only had the radio set.
11 I would like to say here -- I'd like to thank you and express my gratitude to you.
12 Maybe you'll have an opportunity to hear other witnesses. Some will come, and
13 there will be a number who will be saying -- expressing a lot of anger. We were
14 given a lot of advice -- I was given a lot of advice about not getting angry, and I tried
15 my best to adhere to that right to the end of my testimony, but I can only thank you.
16 You know, somebody such as myself -- you know, my -- well, I give my testimony -- I
17 think that my testimony, even in the future, as long as God gives me breath and I
18 have children -- and I know that my testimony, the testimony that I've done today,
19 my children will be able to glean advantage from that.
20 You know, when investigators came to Bangui, we didn't have an opportunity to see
21 them. I was even told not to go because I -- well, because I could be poisoned. I
22 was told not to collaborate with the investigators. You know, with one of my friends,
23 you know, we talked amongst ourselves, and he told me about this, and I said, "Look,
24 I have to come here because there are -- there is certainly oungui (phon) and there
25 will be some indemnity for victims, and that I took the responsibility to come, and

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1 that's why -- that's what prompted me to discover the truth." And I knew -- I knew
2 what happened. You know, since 2007, since they ran their investigations, nobody
3 has poisoned me.
4 So, to conclude, I would say that I know that I will have peace. I will have peace
5 of -- I will have a clear conscience because everybody here will be -- will be grateful to
6 me. The testimony that I provided here, I did this on an voluntary basis. I have a
7 clear conscience. I'm not frightened; I've told the truth on what I saw, on what I
8 suffered. Everything that I've told you here is the truth. I didn't give you false
9 information.
10 And I would like to thank you. You were able to organise my trip to Bangui and
11 here I was put up in a hotel. Thank you very much for that. I would like to thank
12 you for the security that has been provided. We had -- well, we were given the
13 wherewithal to buy one or two things and, as soon as I go back home to the CAR, I
14 will bear witness of this generosity.
15 Even those who were frightened and who were frightened to come, as soon as they
16 know what I experienced here, they'll regret not coming. Children will see -- will
17 say to their fathers, well, their fathers were wrong because they were frightened,
18 and -- but if you never go out on a limb, you never get anything. Because, you know,
19 people are frightened to tell the truth because they're frightened of reprisals.
20 Every man is mortal. Everybody -- I mean, I know that one day I will die. If I say
21 this today, if I say one thing or the other, in any case, I'm going to die one day; and if I
22 don't tell you the truth, then I won't be able to contribute to having truth emerge.
23 You will have sufficient wisdom and all that we say here, if it is truth, well, then this
24 will enable you to take a fair decision. I know that it's crucial to say the truth.
25 And to close, I would like to say thank you. Others, in all likelihood, will come to

1 put more flesh on the bones on my testimony in order to give you an opportunity to
2 establish the truth. And I would like God to bless you. And I have nothing further
3 to add, suffice to say thank you very much.

4 PRESIDING JUDGE STEINER: Thank you, Mr Witness. As I said, we thank you
5 very much for coming and giving evidence in this Court. Court officer, please, I'll
6 ask to turn briefly into closed session in order for the witness to be taken outside the
7 courtroom.

8 *(Closed session at 12.53 p.m.)Reclassified as Open session

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

10 (The witness is excused)

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

12 (Open session at 12.54 p.m.)

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

14 PRESIDING JUDGE STEINER: Thank you very much. Only for two very short
15 oral decisions:

16 On 7 February 2011 the Chamber received an application from Maître Zarambaud on
17 behalf of the victims that he represents to question Witness 79. It's filing 1195-Conf.

18 The application contains a list of nine questions. The Chamber notes that the sole
19 justification provided by Maître Zarambaud for questioning Witness 79 is that she
20 has dual status and, therefore, is represented by him. However, this is not correct.
21 Witness 79 is not a dual status witness/victim participating.

22 In light of this, before making its decision, the Chamber would like to give Maître
23 Zarambaud the opportunity to provide the Chamber with a new basis for questioning
24 the witness. Maître Zarambaud can do it by tomorrow. It doesn't need to be right
25 now.

1 The second decision is on special measures for Witness 79. The Chamber has
2 already granted protective measures for Witness 79 by oral decision of
3 15 February 2011, in which the Chamber also deferred any decision on special
4 measures until it had received an assessment from the VWU psychologist.
5 The Chamber received this psychological assessment on 23 February, as well a further
6 email with additional information later that same day. To assist the witness in
7 giving her testimony, the report recommends in-court assistance from a VWU
8 support assistant who can sit next to the witness in court and also the presence of the
9 psychologist in court to monitor the witness as required.
10 I would like to remind the parties and participants that mobile phones are not
11 allowed in the courtroom.
12 The assessment also makes a similar recommendation as for previous witnesses
13 regarding the manner in which -- I have to interrupt and to ask who is holding a
14 mobile phone that is ringing insistently while I'm issuing an oral decision. The
15 Chamber reminds the parties and participants that even, not only out of respect to the
16 Bench, but taking into account security matters, mobile phones are not allowed in the
17 courtroom.
18 Let me finish the oral decision, if I'm not interrupted again by a mobile phone
19 ringing.
20 The assessment also makes a similar recommendation as for previous witnesses
21 regarding the manner in which counsel asks questions, with particular regard to the
22 witness's level of literacy.
23 Further to this, the Chamber is informed by VWU psychologist that due to her
24 religious beliefs, the witness observes prayer times at particular times of the day,
25 some of which would conflict with court sitting times. In order to accommodate the

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1 schedule, the Chamber will sit exceptionally for this witness only at normal times
2 during morning sessions, those being 9.30 until 1 o'clock. In the afternoon, the
3 Chamber will sit from 3.30 to 5.00.

4 Regarding to the aforementioned psychological assessment the Chamber agrees that
5 the recommendations should be followed based on the VWU psychologist's
6 assessment and so authorises these special measures to be put in place pursuant to
7 Rule 88 of the Rules of Procedure and Evidence.

8 Having said that, we are going to suspend now this session and we are going to
9 resume at 3.30 in the afternoon, to start the questioning of Witness 79. This hearing
10 is suspended.

11 (Luncheon recess taken at 1.03 p.m.)

12 (Upon resuming in open session at 3.41 p.m.)

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

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

16 PRESIDING JUDGE STEINER: Good afternoon. Welcome back to the courtroom.

17 We are now starting with the testimony of Witness 79, and for that purpose I ask,
18 please, the court officer to turn briefly into closed session in order for the witness to
19 be brought into the courtroom.

20 *(Closed session at 3.42 p.m.)Reclassified as Open session

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

22 (The witness enters the courtroom)

23 WITNESS: CAR-OTP-PPPP-0079

24 (The witness speaks Sango)

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

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1 (Open session at 3.45 p.m.)

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

3 PRESIDING JUDGE STEINER: Thank you. Good afternoon, Madam Witness.

4 THE WITNESS: (Interpretation) Good afternoon, Madam President.

5 PRESIDING JUDGE STEINER: Madam, you are welcome to this Court. You are
6 going to testify before this Court and the first thing I would ask is --

7 THE WITNESS: (No interpretation)

8 PRESIDING JUDGE STEINER: I will now ask the court officer to facilitate you
9 taking the oath. He will read you out the words of the oath and you, please, you'll
10 respond to that. Court officer, please could you facilitate the witness taking the oath.

11 THE COURT OFFICER: Yes, Madam President. "I solemnly declare that I will
12 speak the truth, the whole truth" --

13 THE WITNESS: (Interpretation) I solemnly declare that I will speak the truth, the
14 whole truth --

15 THE COURT OFFICER: -- "and nothing but the truth."

16 THE WITNESS: (Interpretation) -- and nothing but the truth.

17 PRESIDING JUDGE STEINER: Thank you, madam. Now that you have taken the
18 oath, can I confirm that you understand what the oath means?

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

20 PRESIDING JUDGE STEINER: Do you understand that you must give answers to
21 questions asked of you that are true and accurate to the best of your knowledge and
22 belief?

23 THE WITNESS: (Interpretation) Yes, I understand. I will tell you only the truth
24 on everything that I was able to witness and what that I know. I will tell you
25 everything that I and my family experienced and I will tell the truth.

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1 PRESIDING JUDGE STEINER: Thank you, madam. Witness, as you will have had
2 explained to you by the Victims and Witnesses Unit's staff during your familiarisation
3 process since arriving in The Hague, you will be questioned by the Prosecution, then
4 by the legal representatives of victims and then by the Defence. As you know, the
5 Chamber has put in place some measures to protect your identity from the public, so
6 you will be referred to during the course of your testimony as "Witness 79" or as
7 "Madam Witness" or only "madam." Your voice and your image that is broadcast
8 outside the courtroom will be distorted, so that you cannot be identified by the public.
9 Finally, and because we speak different languages, there is interpretation so that we
10 can understand each other, but because of the interpretation it is important that you
11 speak slower than normal as I am doing now to allow the interpreters to do their job.
12 Sometimes this can seem unnatural and maybe you start speeding up. I will have to
13 interrupt you and ask you to slow down. It is purely for practical purposes and
14 should not discourage you from speaking. Do you understand that, madam?
15 THE WITNESS: (Interpretation) Yes, I understand.
16 PRESIDING JUDGE STEINER: I will now put to you some questions. If you don't
17 understand the questions, let me know and I will repeat. Have you been given the
18 opportunity to read, or have read to you, the statement or statements that you made
19 to the Court?
20 THE WITNESS: (Interpretation) Yes, I had the opportunity of reading my
21 statement.
22 PRESIDING JUDGE STEINER: At the time when you made the statement, or
23 statements, did you do so voluntarily?
24 THE WITNESS: (Interpretation) I was not compelled to do so. I did so
25 voluntarily.

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1 PRESIDING JUDGE STEINER: Is the information that you have provided in your
2 statement, or statements, true and accurate to the best of your knowledge and
3 understanding?

4 THE WITNESS: (Interpretation) Those statements are correct based on what I
5 experienced, and to the best of my knowledge.

6 PRESIDING JUDGE STEINER: Thank you, madam. Are you ready to start giving
7 your testimony?

8 THE WITNESS: (Interpretation) I cannot say no. I am ready.

9 PRESIDING JUDGE STEINER: Then, I'm going to give the floor to the Prosecution.
10 The Prosecution will start questioning you. Who is going to represent the
11 Prosecution in this session?

12 MS BALA-GAYE: I will be doing so. My name is Horejah Bala-Gaye. Thank you
13 very much, Madam President, your Honours.

14 QUESTIONED BY MS BALA-GAYE:

15 Q. Good afternoon, Madam Witness.

16 A. Good afternoon, counsel.

17 Q. I am glad to hear that you rested well and that you are ready to proceed with
18 your testimony. As I said earlier, my name is Horejah Bala-Gaye and I represent the
19 Prosecution here this afternoon. Thank you very much for your presence here today.
20 I will be asking you questions regarding the 2002 to 2003 events in the Central African
21 Republic. Madam President has already advised you on how the interpretation
22 system in the courtroom works. Therefore, I simply remind you to speak slowly and
23 to pace your answers. If at any point you do not understand any of my questions, or
24 any aspect of the proceedings, please let me know and I will either rephrase my
25 questions or provide clarification. If you would like me to repeat my questions at

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1 any time, please let me know.

2 PRESIDING JUDGE STEINER: Ms Bala-Gaye, if you allow me. Madam Witness,
3 the interpreters are asking you please to sit a little bit closer to the microphone and to
4 speak a little bit louder and then you can help them to understand you. Thank you
5 very much. Sorry, Ms Bala-Gaye, to interrupt you.

6 MS BALA-GAYE: Thank you very much, Madam President.

7 Q. Madam Witness, please take your time to answer each of my questions so that
8 you can provide the Judges with a full account of what you know. During the
9 course of your testimony, I will be asking you many questions, such as "When?",
10 "Why?" and "How do you know?" Please be patient with such questions, Madam
11 Witness, and answer them as best as you can, as it will provide the Judges with a
12 good account of what you know and how you know it. Lastly, as Madam President
13 has informed you, if you need a break at any time, Madam Witness, please let the
14 Judges know. Do you understand, Madam Witness?

15 A. Yes, I understand that.

16 MS BALA-GAYE: With your leave, Madam President, I request that we move into
17 private session so I can ask questions regarding the witness's identifying information.

18 PRESIDING JUDGE STEINER: Court officer, please let's turn into private session,
19 and I ask, please, Ms Bala-Gaye, to inform the witness what a private session means.

20 MS BALA-GAYE: Thank you, Madam President.

21 *(Private session at 4.01 p.m.) Reclassified as Open session

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

23 MS BALA-GAYE:

24 Q. Madam Witness, we are in private session at this moment. What does this
25 mean? It means that you can provide names or any information which could

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1 identify you or other people. That is because this information is only heard by those
2 in the courtroom, so the people beyond this courtroom cannot hear what you will be
3 saying in this session. Do you understand, Madam Witness?

4 A. Yes, I understand that.

5 Q. Madam Witness, I will start by asking you questions about yourself. This is so
6 the Judges can better understand who you are and where you are from. Can you tell
7 the Court your full name, Madam Witness?

8 A. My name is (Redacted)

9 Q. How old are you, Madam Witness?

10 A. I am (Redacted) years old.

11 Q. Can you recall your date of birth?

12 A. That is what I have just told you. I am not educated so I do not remember my
13 date of birth.

14 Q. That is perfectly fine, Madam Witness. Your age alone is sufficient. What is
15 your nationality?

16 A. I am a national of the Central African Republic.

17 Q. What is your ethnicity?

18 A. I am from the Central African Republic, but my (Redacted) So I
19 was born in the Central African Republic, but with (Redacted).

20 Q. Are you married, Madam Witness?

21 A. I am a widow. I was married, but unfortunately my husband is deceased.

22 Q. What was your husband's name, Madam Witness?

23 A. His name was (Redacted)

24 Q. When did you become a widow, Madam Witness?

25 A. My husband died during the mutinies. She was -- or, rather, he was shot dead

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1 at PK13. I no longer remember the date.

2 Q. Madam Witness, I can see that this is difficult for you, so please take your time.

3 I will continue when you are ready. Madam Witness, please remember there's a
4 glass of water beside you and please feel free to take a sip at any time. Do I have
5 your permission to continue, Madam Witness, or would you like me to stop at this
6 point?

7 A. You can continue.

8 PRESIDING JUDGE STEINER: Give me one moment. Madam - Madam

9 Witness - at any time, if you feel tired, or distressed, or you want to have a break, you
10 just ask us. You can have as many breaks as you want. Do you understand that?

11 You are free to ask for a pause, or for a break, as many times as you want.

12 THE WITNESS: (Interpretation) I understand, and we can continue.

13 PRESIDING JUDGE STEINER: Ms Bala-Gaye.

14 MS BALA-GAYE: Thank you, Madam President.

15 Q. Madam Witness, do you have children?

16 A. Yes, I do have children.

17 Q. How many children do you have, Madam Witness?

18 A. I have (Redacted) children and I also look after (Redacted)

19 (Redacted)

20 Q. What is your religion, Madam Witness?

21 A. I am Muslim.

22 Q. What languages do you speak?

23 A. I speak Arabic and Sango.

24 Q. Are these the same languages that you understand, or do you understand other
25 languages?

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1 A. No, I only speak those two languages.

2 Q. Madam Witness, in light of the fact that you also speak Arabic, I would just like
3 to know if you're comfortable with the interpretation in Sango so far, if you
4 understand it clearly.

5 A. I understand the Sango interpretation clearly.

6 Q. Did you go to school, Madam Witness?

7 A. No, I did not go to school.

8 Q. How do you earn a living, Madam Witness?

9 A. I would like to ask for some clarification. Are you referring to what I did
10 previously, or what I do now?

11 Q. That is a very good question, Madam Witness. I am asking you for what you
12 do now.

13 A. At present, I -- I am engaged in buying and selling goods and I live off the small
14 profit I make.

15 Q. Without referring to the specific neighbourhood, Madam Witness, can you tell
16 us the area where you are presently living?

17 A. I live at (Redacted)

18 Q. Madam Witness, between 2002 and 2003, do you recall where you were living?

19 A. Yes, I do remember.

20 Q. Can you please tell us where you were living at this time?

21 A. Yes, I can tell you that. Previously, I was living at PK12. I grew -- I lived in
22 PK12 and I grew up in PK12, and during the events in question I was living at PK12.

23 Q. Madam Witness, can you tell us in which city PK12 is located?

24 A. PK12 is towards Bimbo.

25 Q. Just for the sake of clarity, Madam Witness, is PK12 located in Bangui or outside

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1 of Bangui?

2 A. Yes, PK12 is indeed in the city of Bangui. PK12 is where the barrier is. If you
3 want to cross the barrier to go into the province, you have to go through PK12.

4 Q. Can you tell us where exactly in PK12 you were living at that time?

5 A. Yes, I can tell you that. I lived at PK12 in (Redacted)

6 (Redacted)

7 Q. And which main road are you referring to, Madam Witness?

8 A. The main road going to PK22. (Redacted)

9 (Redacted) From my house, (Redacted)

10 (Redacted) if there had not been this house (Redacted)

11 MS BALA-GAYE: Madam President, for now I have concluded my questions for
12 private session. With your leave, could we move into open session?

13 PRESIDING JUDGE STEINER: Court officer, please let's go into open session. And
14 please remind the witness what a public session means. Thank you.

15 (Open session at 4.20 p.m.)

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

17 MS BALA-GAYE:

18 Q. Madam Witness, as the court officer has just said, we are in public session, so
19 please avoid mentioning names or other information which may lead to either your
20 identification or the identification of others. If at any point you would like to
21 mention names or other identifying information, please let me know; I may request
22 Madam President to allow us to briefly move into private session. Alternatively, I
23 may just make a note and ask you for this information at a later stage. Do you
24 understand, Madam Witness?

25 A. I do understand.

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1 Q. Madam Witness, in general I intend to proceed with my questioning as follows:
2 Firstly, I will ask you some background questions about events which may have
3 happened in the Central African Republic and then I will ask you about what, if
4 anything, happened to you, Madam Witness, as well as what you may have
5 witnessed yourself and what you may have heard. Would that be an acceptable way
6 to proceed, Madam Witness?

7 A. (No interpretation)

8 MS BALA-GAYE: I did not receive any interpretation. I am not quite sure if that
9 was the same for everyone else in the courtroom. I will ask my question again.

10 Q. Madam Witness, my intention is to ask you questions, so I will first start with
11 background questions about the events which may have happened in the Central
12 African Republic and then I will ask you what, if anything, happened to you. After
13 that, I intend to ask you about what you may have witnessed yourself, as well as what
14 you may have heard. Would that be an acceptable way to proceed, Madam Witness?

15 A. Yes, I said that that was acceptable.

16 Q. Thank you, Madam Witness. I would now like to direct your attention to
17 events which may have happened in the Central African Republic between 2002 and
18 2003. Do you recall any such events, Madam Witness?

19 A. Yes, I remember all those events, except that I can't remember all the dates, but
20 I think I do remember the events well.

21 Q. That is perfectly fine, Madam Witness. I will come back to the issue of
22 dates -- the time-frame, I should say, at a later stage, and I will assist you to put it in
23 context in relation to other events which you may testify about. Now, based on what
24 you may have seen or what you may have heard, can you tell us about the situation in
25 the Central African Republic at this time?

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1 A. At the time, what was happening in the Central African Republic was so very
2 difficult. We suffered. A lot of people lost their lives. That's what I know.

3 Q. Now, Madam Witness, could you explain to us so we understand what was
4 happening at that time, how it started, or what you recall happening at the first time?

5 A. This is what happened: That day was a Wednesday, Wednesday afternoon,
6 and things happened as follows. That afternoon. We were there and we heard
7 gunshots. Immediately, I took my children and my sister's children, and together
8 with the children I went into my house, and I looked outside and I could see people
9 shooting in the air. Those people were shooting in the street, but they were not
10 shooting at people. That day my husband was not at home; he was at the livestock
11 market. My brother was not at home. They were at Kilometre 5 and could not get
12 home.

13 Q. You told us that you heard gunshots and you saw people who were shooting in
14 the air. Do you recall who those people were, Madam Witness?

15 A. I didn't know them. Those people were walking in the street and they were
16 shooting in the air. I don't know where those soldiers came from, because I didn't
17 know them previously.

18 Q. Did you later come to know who those people were, Madam Witness?

19 A. Yes, subsequently we didn't get any really precise information about these
20 soldiers. Some people said that they were rebels who had entered the town.

21 Q. These rebels that you refer to, Madam Witness, do you know where they came
22 from?

23 A. No, I didn't know where they came from. We were at home, we saw the
24 soldiers go along the road shooting into the air, but we didn't know where they came
25 from. We just saw them going past.

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1 Q. Do you recall from which direction they came from, Madam Witness, the rebels
2 that you refer to?

3 A. They took the Damara road and they went as far as the bridge which lifts up.

4 Q. Where is this bridge that you refer to? In which area is it located, Madam
5 Witness?

6 A. The Pont Bascule I am referring to is in PK12. That's where the vehicles are
7 weighed.

8 Q. Apart from the rebels that you have just mentioned now, was -- do you know if
9 anyone else was involved at this time; any other group?

10 A. I don't know. I saw those soldiers shooting in the air. They were firing from
11 morning to evening, and then at night there was relative calm and then two days later
12 we began to see planes over -- flying over our neighbourhood and they were shooting
13 from the planes.

14 Q. Do you know who was shooting from the planes, Madam Witness?

15 A. I didn't know them. We were at home and the shots were being fired from
16 the -- from the town centre, and then the people who were in PK12 were shooting
17 towards the centre of town and then the planes were bombing in all directions and
18 one of my sisters was hit - was injured - but I don't know who the people were in the
19 planes.

20 Q. You have mentioned that shooting was coming from the town centre. Which
21 town are you referring to, Madam Witness?

22 A. I am referring to the town of Bangui, but the people who were at Kilometre 5
23 were the people who were firing towards PK12. There were a lot of weapons being
24 fired everywhere and I had a neighbour who was one of -- one of (Redacted) and I
25 took -- I took refuge with him.

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1 Q. The rebels that you referred to, Madam Witness, are you able to describe them
2 to us?

3 A. I have no information at all about that. I just saw people dressed in green
4 uniform and a yellow scarf firing weapons, but I don't know where they came from.
5 There were a lot of them. I couldn't know where they came from or what ethnic
6 group they were.

7 Q. I would now like to ask you specifically about your own situation at this time.
8 You have told us that when the shooting started you gathered your children and your
9 sister's children and you went into the house. Other than you and the children,
10 Madam Witness, were there any other family members living with you at that time?

11 A. That is correct. I will tell you. At the time, my husband was at the livestock
12 market; he'd gone there to sell his livestock. When the events began, he was unable
13 to come back home. The house I lived in had three doors and my brother had his
14 house in the compound and my brother had gone to Kilometre 5 and was unable to
15 get back home. There was just my children and the children of my brother and
16 myself who were in the compound.

17 THE INTERPRETER: The interpreter asks if the witness could speak more slowly.

18 MS BALA-GAYE:

19 Q. Thank you for your answer, Madam Witness. The interpreters have asked that
20 you please slow down so they can interpret everything that you've said so that the
21 Judges can understand your testimony. Do you understand, Madam Witness?

22 A. Yes, I've clearly understood what you said.

23 Q. Thank you very much for that. Now, Madam Witness, I would just like to go
24 over something you have just told us and seek some clarification. You told us that
25 there were three doors where you lived and that you lived in one house and your

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1 brother lived in the other house. Am I right in understanding that "three doors"

2 refers to three houses, or are you referring to something else?

3 A. It was a big house which had three rooms, two of which for my brothers and the
4 other -- the other room was me and my children that were in that particular room.

5 Q. You say that two of the houses were for your brothers. Without mentioning
6 any names, Madam Witness, how many brothers lived in those two houses?

7 A. Each one had his own door.

8 Q. You told us that when the rebels came to your area, Madam Witness, that your
9 husband was at the market and you gathered the children and went inside the house.
10 Now, focusing on your own situation at this time, what were you doing when the
11 rebels arrived in your area?

12 A. So when the rebels entered into the neighbourhood I was at home, and on that
13 particular day I heard gunshots. I was about to start praying and it was 3 p.m. so it
14 was time for prayer, and so I heard these explosions and I called to the children and I
15 put them in a safe place inside the house and that's how things happened.

16 Q. You have told us what you heard at this point in time, Madam Witness, the
17 gunshots and the shelling. Were you able to see what was happening, Madam
18 Witness?

19 A. Well, as I already said, I was about to start praying and then I heard explosions
20 and gunshots, and so I made -- I made the children safe inside the house. And those
21 people were firing from the main road. They were in vehicles and I wasn't able -- I
22 wasn't able to identify them.

23 Q. You have told us from which direction these rebels came from and that they
24 arrived in your area. Now, do you know towards which direction they were going,
25 Madam Witness?

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1 A. Well, as I've already said, they didn't enter the neighbourhood. They were
2 moving around; moving around on the major tar -- main tar road. They came from
3 the PK22 road, right up to the Pont Bascule. They didn't enter into the
4 neighbourhood. And (Redacted) and that enabled
5 me to see them, but they didn't enter into the neighbourhood - my neighbourhood.

6 THE INTERPRETER: Can we ask the witness once again to speak more slowly.

7 MS BALA-GAYE:

8 Q. Thank you, Madam Witness. The interpreters would like you to slow down
9 and, indeed, I myself will slow down as well. Now, if I could just focus on the
10 shooting that you saw and what you heard. My question for you is this, Madam
11 Witness: How did you know that the people that came to your area were indeed
12 rebels?

13 A. Well, let me tell you. They were moving around on the main road and it was
14 only subsequently, or during the lull if you like, that we knew -- well, we heard said
15 that the rebels had entered the town.

16 Q. Now, that day that they arrived in your area, Madam Witness, you have told us
17 that they were shooting in the air and that they did not shoot at the people. Did
18 anything else happen that day when the rebels arrived? I'm still referring to the
19 Wednesday.

20 A. On that particular day, I didn't see any corpses. I didn't see them. I didn't see
21 them do any violent acts on the local population, or on a particular individual. I
22 didn't see any bodies. I didn't see any violent acts that they committed in the
23 neighbourhood. I think it's right to tell the truth.

24 Q. Now, you've told us about the shooting and the shelling. Did this continue
25 during the night-time, or did this stop?

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1 A. No, the shots, the explosions, they lasted a while, the morning, all of the
2 afternoon, but in the evening there was nothing. There were no shots. There were
3 no explosions.

4 Q. And what happened the next day, Madam Witness?

5 A. Well, the following day the shots continued and they even intensified. You
6 couldn't stay outside the house. Everybody was frightened and everybody stayed
7 behind doors, and throughout the entire day there was gunfire and things calmed
8 down towards the evening.

9 Q. The shooting that happened the next day, Madam Witness, do you recall what
10 or who these rebels were shooting at?

11 A. I'm not in a position to tell you. It's true that we heard -- that you could hear
12 explosions, gunshots, but you couldn't know against whom the shots were made, or
13 even against what the shots were made.

14 Q. Regarding the shooting, Madam Witness, how long did this last?

15 A. As I have been saying, the gunshots lasted two days. We saw a plane that was
16 shelling. I saw with my own eyes a rocket which fell on the other side of the road
17 and which injured people, and those people died. And following that the shots
18 continued for a week, and it was on the Wednesday of the following week that we
19 heard tell that the rebels had withdrawn and you couldn't see them moving around
20 any more in the neighbourhood, or on the main road.

21 Q. Just so that we are clear, Madam Witness, did all the rebels leave or did some
22 remain? Could you see any rebels in your area at this time?

23 A. After that particular Wednesday, we saw nobody. The neighbourhood was
24 quiet. There was nobody.

25 Q. During the one-week period when the rebels were in your area, what was their

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1 attitude or behaviour towards the civilians in your area?

2 A. Well, during the week, where the rebels were located in our neighbourhood, I
3 didn't see them commit any violent acts. I saw them moving around on the main
4 road, but I didn't see them invade the neighbourhood and commit violent acts upon
5 the local population.

6 Q. Do you know towards which direction the rebels went after they left your area?

7 A. They took the same road; the same road that they had used to come into our
8 neighbourhood.

9 Q. Just so that it is clear for us, Madam Witness, the road that they took, towards
10 which direction does that road lead to?

11 A. You know, me, I'm not used to going into the provinces. I saw them
12 took -- take, sorry, the road that goes to PK22, but I don't know the various localities
13 there because I'm not accustomed to travelling.

14 Q. How do you know that they took this road, Madam Witness, when they left?

15 A. Well, it's the road that they took to come, but after it's not known how they left.

16 THE INTERPRETER: If the interpreter properly understood.

17 MS BALA-GAYE:

18 Q. Madam Witness, I'm reading the record right now and it's not clear to me.

19 Were you able to see these rebels when they left, or did you learn this from another
20 source that they took this road?

21 A. Well, as I am still saying, (Redacted)

22 (Redacted) you can see people moving around on the

23 main road and I saw the vehicles going by. After that it was total calm. There was
24 nobody on the main road.

25 MS BALA-GAYE: Madam President, I believe this would be a good place to stop. I

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1 am about to move on to my next topic.

2 PRESIDING JUDGE STEINER: Madam Witness, I think that for the first day of your
3 testimony it is enough. We are going to adjourn now, then you can rest a little bit.
4 We hope you have a restful night and we will continue with your testimony
5 tomorrow morning at 9.30 in the morning.

6 I am now ordering the -- asking the court officer, please, to turn into closed session in
7 order for the witness to be taken outside the courtroom. In the meantime, we are
8 going to adjourn and we will resume tomorrow morning at 9.30 in the morning.

9 Thank you very much to the Prosecution team, to the legal representatives of victims,
10 the Defence team, Mr Jean-Pierre Bemba Gombo. Thanks to our interpreters and
11 court reporters.

12 And we turn now into closed session and, when we are in closed session, we adjourn
13 this hearing.

14 *(Closed session at 5.00 p.m.) Reclassified as Open session

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

16 PRESIDING JUDGE STEINER: (Redacted), thank you very much for your presence
17 as well. I'm sorry.

18 (The witness stands down)

19 THE COURT OFFICER: All rise.

20 (The hearing ends at 5.01 p.m.)

21 CORRECTION REPORT:

22 The Court Interpretation and Translation Section has made the following correction
23 in the transcript:

24 *Page 47 line 19

25 (Redacted) Is corrected by (Redacted)

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- 1 (Redacted)
- 2 RECLASSIFICATION REPORT
- 3 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 4 ICC-01/05-01/08-3038 and the instructions in the email dated 29 October 2013, the
- 5 version of the transcript with its redactions becomes Public.