

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0063

1 International Criminal Court

2 Trial Chamber III - Courtroom 2

3 Situation: Central African Republic

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

5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and

6 Judge Kuniko Ozaki

7 Trial Hearing

8 Thursday, 12 May 2011

9 (The hearing starts in open session at 9.38 a.m.)

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

11 Please be seated.

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

13 in open session.

14 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the

15 case.

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

17 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.

18 PRESIDING JUDGE STEINER: Thank you very much. Good morning. Welcome

19 the Prosecution team, the legal representatives of victims. Good morning and

20 welcome the Defence team, Mr Jean-Pierre Bemba Gombo. Good morning to our

21 interpreters and court reporters. We will continue today with the questioning of

22 Witness 63 by the Prosecution and, for that purpose, I ask please court officer to turn

23 briefly into closed session in order for the witness to be brought into the courtroom.

24 *(Closed session at 9.40 a.m.) Reclassified as Open session

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

Trial Hearing
Witness: CAR-OTP-PPPP-0063

(Private Session)

ICC-01/05-01/08

- 1 (The witness enters the courtroom)
- 2 WITNESS: CAR-OTP-PPPP-0063 (On former oath)
- 3 (The witness speaks Sango)
- 4 PRESIDING JUDGE STEINER: Court officer, could we go into private session.
- 5 *(Private session at 9.42 a.m.) Reclassified as Open session
- 6 THE COURT OFFICER: We are in private session, Madam President.
- 7 PRESIDING JUDGE STEINER: Good morning, Mr Witness.
- 8 THE WITNESS: (Interpretation) Thank you. Good morning.
- 9 PRESIDING JUDGE STEINER: I hope you had the opportunity to rest and have a
- 10 restful night?
- 11 THE WITNESS: (Interpretation) Yes, I did rest very well.
- 12 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony to
- 13 this Court, sir?
- 14 THE WITNESS: (Interpretation) Yes, madam, I am ready.
- 15 PRESIDING JUDGE STEINER: Mr Witness, we want to remind you that you are
- 16 under protective measures, that your image and your voice that are broadcast outside
- 17 the courtroom are being distorted so that the public cannot identify you by your face
- 18 or by your voice. But when we are in public sessions, it is important that you avoid
- 19 mentioning any information that could lead to your identification.
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted) So
- 23 I would like to remind you to continue making this effort in order for us to have the
- 24 most part of your statement, of your testimony, let us say, in open session.
- 25 So, we need you to help us to protect your identity. Do you understand that, sir?

Trial Hearing
Witness: CAR-OTP-PPPP-0063

(Open Session)

ICC-01/05-01/08

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

2 PRESIDING JUDGE STEINER: Thank you. Could, please, court officer turn into
3 open session.

4 (Open session at 9.46 a.m.)

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

6 PRESIDING JUDGE STEINER: Thank you very much. Mr Witness, I need to
7 remind you that you are still under oath. Do you understand that?

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

9 PRESIDING JUDGE STEINER: So the Prosecution will continue questioning you
10 this morning. The Prosecution has the floor.

11 MR IVERSON: Thank you, Madam President. Good morning, your Honours.

12 QUESTIONED BY MR IVERSON: (Continuing)

13 Q. Good morning, sir. How are you?

14 A. I feel fine. Thank you.

15 Q. I'd like to ask you a question about something that you mentioned yesterday,
16 and for the record, this is on page 50, line 18 of the English edited transcript. You
17 mentioned that the Banyamulengue were taking cell phones. Do you know if they
18 were able to use those cellphones?

19 A. The cellphones that were taken from the women, Central African men and
20 women, well, these were stolen from individuals. So they didn't know the phone
21 number for the particular phone, so they couldn't use them, they couldn't call with
22 them. Looking at them, what I can say is that these people were not used to using
23 cellphones.

24 Q. Do you know what they did do with the cellphones?

25 A. The cell phones that had been taken away from individuals, well, they

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0063

1 themselves didn't know what their value was. They would sell them again for a
2 price of 1,500 francs or 1,000 francs, or else they would put them -- use them in
3 exchange, barter them for drink. That's what I saw with my very own eyes.

4 Q. Do you know if the Banyamulengue used any other communication devices to
5 communicate with other Banyamulengue?

6 A. As far as I know, their leader had walkie-talkies and had military radio
7 communication devices and that enabled them to communicate. The vehicles they
8 used carried radio antennae.

9 Q. What vehicles did they use?

10 A. The vehicles they used were Pajaros, four-wheeled drive pick-ups, and military
11 vehicles, typical of -- in our country. They themselves refer to these vehicles
12 "sukubam bandayo" (phon), that's what they used to refer to those vehicles.

13 Q. Do you know where they obtained these vehicles? When I say "they," I mean
14 the Banyamulengue.

15 A. They used vehicles that belonged to military men in our country, but the person
16 who brought them there was also in a position to provide them with vehicles.

17 Q. Who was this person who was in a position to provide them with vehicles?

18 A. The president at the time, that was Ange-Félix Patassé.

19 Q. I'd like to ask you another question based on a statement that you made
20 yesterday. For the record, this is page 50, lines 22 to 24 of the English edited
21 transcript.

22 You stated: "So they moved, they also moved into a very nice house which belonged
23 to an inhabitant and they made that their leader's housing, basically."

24 My question is, who was the leader who used that house?

25 A. Their leader was Mr Mustapha.

Trial Hearing
Witness: CAR-OTP-PPPP-0063

(Open Session)

ICC-01/05-01/08

1 Q. Could you please tell us what you know about Mr Mustapha, what was his role
2 within the Banyamulengue?

3 A. What I know is that Mr Mustapha was the commander of all the
4 Banyamulengues who had come to Bangui. His own chief sent him to Bangui so
5 that he could take over the operations in Bangui. The decision came from Patassé to
6 Mustapha so that soldiers would carry out the orders on the ground. It was the
7 chain of command.

8 Q. While the Banyamulengue were stationed at PK12, did you ever have an
9 opportunity to speak to any of the Central Africans at PK12?

10 A. Yes, I did have opportunity to speak to a lot of Central Africans, because in
11 PK12 there is an outlet for beverages and this attracted a lot of Central Africans,
12 especially at the weekend; Ouango, Bimbo, Central Africans, and they went to this
13 outlet. (Redacted)

14 (Redacted)

15 Q. What, if anything, did they tell you about the Banyamulengue?

16 A. The young girls said, "Listen, you, how did you get acquainted with those
17 people?" As for the young men, they would say that "You, big brother, aren't you
18 scared of getting close to that type of person?" And I would say to the young girls,
19 (Redacted)

20 (Redacted) And to the young man

21 I would say, "Aren't you a man? They're men, too. They're like you. So you can
22 get closer to them and try and find out what they came here for." And they would
23 say to me, "No, I wouldn't get close to people of that type."

24 THE INTERPRETER: The Sango interpreter is asking the witness to please slow
25 down.

Trial Hearing
Witness: CAR-OTP-PPPP-0063

(Open Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: Mr Witness, the Sango interpreter is asking you,
2 please, to slow down a little bit. He's having difficulties in following you. Is that
3 fine with you, sir?

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

5 PRESIDING JUDGE STEINER: Thank you very much.

6 MR IVERSON:

7 Q. Why would the local people advise you not to get close to that type of person or
8 those type of people?

9 A. In our country, the Central African Republic, when someone is a thief and when
10 that person is in the habit of taking property from other people, if that person
11 happens to fall or have a hard time of it, no one will come to help him out. People
12 who knew that I was close to these Banyamulengue were right to be afraid, because
13 those people knew that the Banyamulengue were taking stolen goods, clothing,
14 telephones from the local population. And those men, those soldiers, had weapons.
15 They would take various items and, you see, (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. You say that people knew that the Banyamulengue were taking stolen goods
20 from the local population. Did you ever have an occasion to personally observe the
21 Banyamulengue stealing items?

22 A. I told you that I went along with those Banyamulengue; I accompanied them.
23 At various times, they had already stolen such items and I also had an opportunity to
24 see them stealing the foam mattresses and that was at PK12. They took these
25 various items from private individuals. Most of the men had fled the

Trial Hearing
Witness: CAR-OTP-PPPP-0063

(Open Session)

ICC-01/05-01/08

1 neighbourhood but some women were there still and they would take their choice of
2 items amongst the clothes and that would be when the wife of the owner of the house
3 was there, and I was present when such things happened.

4 Q. At PK12 did you have an opportunity to speak to any of the Banyamulengue?

5 A. At PK12 there is a house, and this house belongs to a former teacher, and this
6 former teacher was living before that in Fouh; he bought a house at PK12 and they
7 occupied this house. They drove his children out of the house. I met some
8 Banyamulengue who were living in the house, and I believe I have described them.
9 I remember the name of one of the Banyamulengue. His name was Guicha (phon),
10 and *he was light-skinned. They had gold necklaces and I saw them with a
11 12-gauge shotgun in their hands. I saw a coat that certainly belonged to an officer of
12 our country's army, (Redacted)

13 (Redacted)

14 Q. I'm sorry. My question was whether you actually spoke to any of the
15 Banyamulengue, whether you had a conversation with the Banyamulengue?

16 A. Well, if you're asking me whether I had an opportunity to have a conversation
17 with the Banyamulengue, I can tell you that the person that I mentioned, Guicha,
18 I had an opportunity to talk to that person and that was just the first time because I
19 talked with others. So the first person that I talked to, well you see, I went along
20 with them; I was going along with them. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. Just to be clear, so I -- so we can understand this, the content of your
25 conversations (Redacted)?

Trial Hearing
Witness: CAR-OTP-PPPP-0063

(Open Session)

ICC-01/05-01/08

1 A. I'd like to ask the interpreter to speak a little bit louder, because since I'm
2 focussing on the Prosecutor I can't hear you very well.

3 Here's my answer: We had an opportunity to talk about my lines of work. They
4 were also trying to determine how would say -- how a person would say one thing or
5 another in Sango, and I did the same thing for Lingala because I had an opportunity
6 to go see them two, three, four times, and we had developed a bit of a relationship,
7 and so I had an opportunity to talk to them.

8 Q. Did you ever have an opportunity to discuss with the Banyamulengue anything
9 about their mission, the reason why they were in your country?

10 A. According to what I know, well, I knew that Patassé had asked them to come to
11 help him drive out Bozizé. I had no reason to ask them why they had come to the
12 Central African Republic. If I had asked them such a question they might have
13 suspected me of being a spy, so I had absolutely no reason to ask them that question
14 once I -- well, I knew already.

15 Q. What, if anything, did you know about the various Banyamulengue military
16 units?

17 A. I don't have a lot of information about the various military groups. The only
18 thing that I do know is that amongst them there were some people from Zaire, there
19 were Rwandans, Ugandan fellows and others, as well. Some of them looked like
20 Fulani people, the people who raise cattle. So there were various groups, as well as
21 natives or village people. But I really couldn't distinguish between the various
22 groups, no, at least not when it came to the units. I didn't know.

23 Q. How long did the Banyamulengue stay at PK12?

24 A. They stayed at PK12 for more than two or three weeks.

25 Q. And after two or three weeks, what did the Banyamulengue do?

Trial Hearing
Witness: CAR-OTP-PPPP-0063

(Open Session)

ICC-01/05-01/08

1 A. As I said, they stayed for two or three weeks at PK12. When they left PK12
2 they did so gradually. Amongst them there were some children and they called
3 them kadogo. Amongst them, there were children, as I was saying. I had an
4 opportunity -- because I had an opportunity to come here, I thought about and I
5 started to remember the names of those people, and amongst those children there
6 was one that was called Mambisi (Redacted), and I had an
7 opportunity to talk to the father of that child and -- who said to me this child was
8 born during the rebellion. And ever since then he has been a rebel. This child was
9 11 years old. I remember.
10 I should also say that these children had military uniforms themselves, but when they
11 went into the fights, the combat, they were given civilian clothing, and these children
12 would mix in with the population. They would go along for 15 kilometres, and the
13 evening they would come back. And when they came back these children would be
14 asked what had happened because, apparently, they were used as scouts.
15 So they would go to the locality. They would pass themselves off as children in
16 trouble because of the war. So they served as scouts and they would walk; at about
17 5 in the afternoon they would come back and give a report in the camp. When they
18 went forward, between 25 -- well, 25, and one kilometre ahead there would be
19 another group of armed Banyamulengue. And the weapons were slung around
20 their shoulders and they were wearing civilian clothing. And these people would
21 follow the children.
22 If the soldiers saw that the children were coming back by way of the main road they
23 would conclude that there was danger, and I found out all that information, thanks to
24 Mambisi and his father, because I asked them. The rebels are ahead. How of us?
25 How do you know that? And they answered saying, "Well, we have scouts. We

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0063

1 send them ahead." And I asked them, "Well, who are these scouts?" and they said,
2 "Oh, it's these young kids. They're the ones who go ahead and act as scouts." So
3 there you have it, that's how I got all that information.

4 Q. Could you tell us the names of locations where the Banyamulengue sent their
5 scouts?

6 A. When you leave PK12, taking the road towards Damara, you get to a bridge, the
7 Sö Bridge. After the Sö Bridge, there is a little village that is somewhat further down.
8 You move ahead and you get to a place, a village, called Jebel, and these are the
9 villages or localities alongside the road.

10 Now, I forgot one thing. Before these children went ahead as soldiers, the
11 Banyamulengue would take up a particular position, and one would be here, another
12 one there, another one there and even if there might be 3 or 400 on either side. But if
13 they were given instructions to move ahead, they would all go behind, and they
14 would shoot towards the town that they were to head for with heavy weapons or
15 light weapons.

16 It was only after, after they saw that there was no retaliatory fire, that's when they
17 would -- that was one of the ways that they operated in the field. Now, I forgot to
18 say that, but now I'm saying it.

19 Q. So that is to say, did the Banyamulengue send their scouts toward Damara?

20 A. That's right.

21 THE INTERPRETER: The Sango interpreter wishes to say that the witness must be
22 asked to slow down.

23 PRESIDING JUDGE STEINER: Mr Witness, I'm really sorry to turn to you again.

24 Our Sango interpreter is, again, asking you please to slow down a little bit. We
25 know that this is difficult, because it's not normal to speak so slowly, but it is

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0063

1 necessary because we have interpretation from Sango to English and to French, so it
2 takes some time. So we would very much appreciate if you could slow down, and
3 I'm sorry to interrupt you again but I have to. Thank you.

4 THE INTERPRETER: Many thanks from the interpreters.

5 THE WITNESS: (Interpretation) Thank you.

6 MR IVERSON:

7 Q. Now, when the Banyamulengue left toward Damara, did all of the
8 Banyamulengue who were at PK12 leave that location and move toward Damara?
9 Or did some of them stay at PK12?

10 A. As I was saying earlier, they did not leave PK12 the same day or over the course
11 of one day. First they sent the children ahead as scouts. A group of them was
12 shooting the entire night, and they sent the children to PK24, and at PK24 those
13 children saw no soldiers. They came back that very night and told them, and the
14 same night, a group went to PK24 and in that place, PK24, I meant to say that locality
15 was set up. Well, you see, at that place there is a company, a drilling company, and
16 there were also vehicles.

17 When they got to that place, the locality was lit, it had electricity, but at night there
18 was no electricity. And they realised that they were in a town. They spent the
19 night there and the next day, the next morning, they saw that there were vehicles and
20 houses and they went into those houses. They searched those houses from top to
21 bottom and they took various items out of the houses and they took them directly
22 back to Bangui and then took them over to Zongo. They crossed.

23 I saw that with my own eyes.

24 They bundled up all these items to send them off. They started to take -- to

25 dismantle equipment, to take spare parts, and during that time the children who were

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0063

1 scouts, they moved forward to Nguerengou, and those children did not come back.

2 They then sent the children of other men out to follow the first children. And at

3 Nguerengou they remained at the checkpoint, and the other groups that were behind

4 went up to -- went to meet up with them there.

5 Myself, when I got to PK12, I asked, "Where are the others?" And they said to me,

6 "They've already moved ahead." And I asked them, "Exactly where did they go to?"

7 And they weren't able to tell me. One of them spoke French well. He was housed

8 in a house, there were two or three houses; he was staying in one of those houses.

9 And in that house there was a teacher who had three wives, and I went to his place

10 and I was able to talk to one of the leaders of the Banyamulengue. And I said to him

11 that I'd brought some products, but I hadn't yet met the people to give the products to.

12 And it was a nice house, with chairs.

13 He took a very pretty light-skinned girl, a mixed-blood girl, (Redacted)

14 (Redacted)

15 (Redacted)

16 And he spoke French very well. He said to me -- well, it was late, so I couldn't get to

17 Nguerengou, so I had to go back, and the next day I would be able to follow them to

18 that place.

19 When I got home the next day at six in the morning, I went to the parking place

20 where the bush taxis were. I took a bush taxi, but well before I -- crossing the river,

21 I was told that I couldn't cross because the Banyamulengue were there. I got out of

22 the vehicle, I took my bag. Now, usually when I go for -- when I would go for (Redacted)

23 (Redacted), I would wear shorts. And I had my bag. I crossed and I met them.

24 I found some of them. I met one of the smaller ones, the shorter ones, who said to

25 me that (Redacted) hadn't turned out well and he was upset, worked

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0063

1 up.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 He asked me -- he asked the others to let me go. They stayed at the checkpoint. (Redacted)

8 (Redacted) I went as

9 far as the house of the lady who had died. They stayed underneath the veranda. I

10 crossed. I went to see them there, and I went all the way down to the river. I met

11 up with some of them. Others, as well, were in various inns. I met them. I

12 crossed to -- I was underneath the mango trees. I came across a number group of

13 them who were speaking in Mandja.

14 Q. I don't mean to interrupt you, but I just want to -- you are giving a lot of

15 information here and I want to make sure that we can understand where this

16 happened, if you can tell us that, and any other information like when it happened.

17 So when you're talking about the Banyamulengue staying at various inns, you were

18 underneath a veranda, where was this?

19 A. *I said earlier that I had arrived in Nguerengou. The veranda that you are referring

20 to was the place where this prominent person had been buried, and that's where they

21 were staying. The inn in question was also in Nguerengou. The mango trees that I

22 was talking about were in Nguerengou and the place where they (Redacted)

23 (Redacted) was also Nguerengou. If you have any other questions then I would be

24 happy to answer them.

25 Q. Thank you. You mentioned a - and I quote here - "a very pretty light-skinned

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0063

1 girl." Do you know who this girl was?

2 A. Yes, I knew that girl, (Redacted)

3 (Redacted).

4 Q. Why was this girl with the Banyamulengue?

5 A. (Redacted)

6 (Redacted) This was a very beautiful girl. They took her by

7 force and even until now she's still reported missing. When I go back to that place, I

8 no longer see her, and I was not able to ask her mother. (Redacted)

9 (Redacted)

10 Q. Was this girl with the Banyamulengue in Nguerengou?

11 A. The Banyamulengue commanders, as I said earlier, didn't go to the field

12 immediately. They would first send out the soldiers, soldiers who were ready to die.

13 All they were interested in was the booty, basically.

14 Q. Let me ask the question again: Was this girl with the Banyamulengue in

15 Nguerengou?

16 A. Let me answer the question the following -- in the following way: Before we

17 went to Nguerengou they would send out scouts, they would send out soldiers to act

18 as scouts in order to know what was going on out in front of them. But the leaders

19 wouldn't come up until afterwards. I can't now tell you that, whether the girl

20 arrived in Nguerengou. For the time being, I can't -- I can't give you an answer to

21 that question.

22 MR IVERSON: Madam President, may we briefly go into private session, please?

23 PRESIDING JUDGE STEINER: Court officer, please.

24 *(Private session at 10.36 a.m.) Reclassified as Open session

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

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0063

1 MR IVERSON:

2 Q. Sir, you mentioned that (Redacted) this young girl with the

3 Banyamulengue. Where (Redacted)?

4 A. (Redacted) while we were still at PK12.

5 Q. (Redacted), did you have an opportunity to talk to this

6 girl?

7 A. I greeted her initially and then I asked her (Redacted)

8 (Redacted)

9 (Redacted) "Oh, that's a very

10 beautiful girl, (Redacted)." And after that I simply smiled.

11 Q. What led you to believe that she was taken by force?

12 A. When I saw the girl, I could see that she was not willing to live with those men.

13 You know, weapons always frighten people.

14 Q. You said (Redacted) this girl with a Banyamulengue. Do you recall

15 the name of that person, the Banyamulengue?

16 A. I've forgotten his name, but I believe his rank was lieutenant. But I've

17 forgotten his name.

18 Q. Okay. My following questions will have to do with the movement of the

19 Banyamulengue as you are describing to Damara. I'd like to do this in public

20 session. My questions are not intended to elicit (Redacted), but if there's

21 information that I don't have that you would like to tell the Chamber, as far as

22 (Redacted) along that route, please

23 let us know now so we can do it in private session rather than having to go back and

24 forth between public and private session.

25 So let me ask you: On that route to Damara, at what points (Redacted)

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0063

1 the Banyamulengue?

2 A. (Redacted) the Banyamulengue in the downtown area. I went
3 through PK12 on my way to Damara and Nguerengou.

4 Q. (Redacted) all along that route, from PK12 to Damara, the entire
5 time?

6 A. The places that they were occupying on the road to Damara were two in
7 number; there were two of them. They were in Nguerengou and going towards
8 PK45 they had stopped also in various other places. Once arrived in PK45, that's
9 where they stopped. They stopped for a day-and-a-half before they moved on
10 towards Damara.

11 Q. And at PK45, (Redacted) the Banyamulengue?

12 A. When they arrived at PK45, before they went into the city of Damara, they
13 began firing into the air. They fired all day long. And around 6 p.m. or perhaps
14 7 p.m the next day, they entered Damara, and we should say that they fired a great
15 deal up into the air at that point.

16 Q. Sir, what I'm trying to do right now, and it may well be a futile exercise, is just
17 to identify whether or not (Redacted), because I would like to ask you
18 questions about the thing you just mentioned in open session but I just want to
19 establish whether or not we can move back into open session so we don't have to talk
20 (Redacted) at this time. We can ask (Redacted) later in private session, but
21 what I want to -- is that clear? Just I want to establish whether or not we can move
22 back into open session without having to talk about (Redacted).

23 A. Before going into the city of Damara, when we arrived at PK45, (Redacted)
24 (Redacted) by that point, as a group of the Banyamulengue had already
25 entered Damara, I met another group of them that was stationed, or positioned, at

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0063

1 PK45. But by that time most of the troops were already in Damara; they occupied
2 Damara for three days before I was able to enter the city myself.

3 Q. What I would propose right now is that we would move back into open session,
4 and I'm just going to ask you questions about what you observed along that route, so
5 (Redacted), but what you observed or what you heard along that route
6 while you were moving. Because, certainly, I think we can assume that there were
7 periods (Redacted); is that right?

8 A. That's correct.

9 MR IVERSON: Okay. At this time, Madam President, I would request that we
10 move back into public session.

11 PRESIDING JUDGE STEINER: Court officer, let's turn into open session please.
12 (Open session at 10.47 a.m.)

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

14 MR IVERSON:

15 Q. From Nguerengou, where did the Banyamulengue move next?

16 A. They left Nguerengou and then they moved down the road to PK45.

17 Q. You mentioned before that the Banyamulengue would conduct their
18 movements by foot. Were there any vehicles involved in transporting the
19 Banyamulengue from place to place?

20 A. The first time they went to Damara, it was on foot.

21 Q. When the Banyamulengue made their movements, did you accompany them?

22 A. Yes, I accompanied them. When they left two days later, I followed them.

23 Q. Earlier, you mentioned that the Banyamulengue along the route would take up
24 positions and fire on a location with their weapons. Did you ever see this happen?

25 A. When they left, I would follow them. The distance between PK45 and the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0063

1 downtown area of Bangui is not very far and all of the city of Bangui, I think, could
2 hear their firing. They had weapons - they were about that long - which I saw with
3 my own eyes. And when those weapons were fired, the rounds, in fact, would
4 travel very far. And all along the road to Damara people were asking me questions.
5 The various places were not very far from each other, and the people living in these
6 different places would say to me, "Hey, don't you know that you're in a
7 dangerous -- you're putting yourself in danger by taking that road?" And I would
8 respond to them that, "In any event, I would die one day, so I might as well follow
9 them." And they said, "Fine. Okay, well, continue on your way then."

10 Q. Do you know if -- where the rounds impacted, whether or not there were any
11 casualties?

12 A. As I said, they were firing in the direction they wanted to move in and they
13 were using all different kinds of weapons. They would fire on automatic and they
14 were firing all over the place. A battlefield smells like more than 400 rotting cows.

15 Q. Did you see any casualties?

16 A. Before I arrived in Damara, some were brought back to Bangui. They were
17 casualties. When I arrived in Damara, they were already in civilian clothes. There
18 were people who were dead in the brush and they were already beginning to
19 decompose, and I smelled those smells.

20 Q. This may be an interpretation issue, I don't know, but what do you mean by
21 "they were already in civilian clothes"?

22 THE INTERPRETER: Message from the interpreter, he said that "they were already
23 buried," not that they were in civilian clothes. That was a misunderstanding, excuse
24 me.

25 THE WITNESS: (Interpretation) When I was talking about the children who were

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0063

1 sent out as scouts, that must have been what I was talking about. They were small
2 children, they were about as big as you can see here, and the uniforms they had
3 didn't fit them. They had to continually roll up their pants and sleeves in order to be
4 able to use their hands and feet.
5 They would be sent out on missions, and if they had worn uniforms, they would have
6 been easily identifiable. And that's why they were dressed in *tattered civilian clothes
7 and they were, of course, taken for civilians whereas they were like lions.

8 MR IVERSON:

9 Q. Going back to the casualties, do you know who the casualties were?

10 A. I don't understand your question. You're talking about civilians and I don't
11 understand what you're talking about. I answered a question concerning civilians
12 and you are asking me the same question still concerning civilians, and I don't
13 understand. If you could please rephrase your question, sir.

14 Q. I'm sorry. There was, in fact, an interpretation problem so I would just like to
15 kind of reset my question, if you will.

16 You mentioned that there were casualties, you mentioned that they were buried and
17 that there were people dead in the bush and they were already beginning to
18 decompose. Do you know who these people were who were killed?

19 A. I just went through those places, those localities. And when I went to Damara,
20 I met some people who talked to me about those dead people. I also arrived at the
21 (Redacted). And I followed some people
22 who were cremating corpses (Redacted).

23 Q. Let me try to ask this in a different way. Do you know the identity of the
24 people who were killed?

25 A. I did not know them. And I heard only about two people, and I got that

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0063

1 information -- I only heard about the events from people. He said that there were a
2 lot of bodies in the brush, in fact, and I got that information from the pastor that I
3 talked to about earlier, because people were fleeing. Rounds were landing around
4 them. That was what the pastor told me and I got that information at the pastor's
5 house, where I spent a certain amount of time.

6 Q. Now, along the route from PK12 to Damara, how long did this movement take
7 in its entirety?

8 A. Do you mean going by vehicle or going on foot? Could you please rephrase
9 the question? Were they walking on -- do you mean on foot, on mobilette, on bicycle?
10 How were they getting around? What exactly do you mean? If you could ask your
11 question more precisely I could give you a better answer.

12 Q. You're right, that was my fault. I will be a little bit more specific here. How
13 long did it take the Banyamulengue to move from PK12 to Damara? And I
14 understand that there were elements that were forward of the main body; there may
15 have been elements that were behind the main body. What I would like to know is,
16 the main body of the Banyamulengue, how long did it take them to get from PK12 to
17 Damara?

18 A. Thank you. The Chamber's a true Chamber. I'm going to explain to you how
19 they moved, how they travelled. They didn't cover the distance in a single day. I'd
20 said to you that before they occupied a locality they would send out scouts so as to
21 reconnoitre the terrain. Before they did that, they would fire, fire bullets, into the air
22 to see whether there was any reaction.

23 After that firing, the next day, they might send out scouts to see what the situation on
24 the ground was and then, other soldiers would follow the scouts to find out, to see, to
25 get information about the situation and that is how, very gradually, they progressed

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0063

1 and occupied the localities.

2 Q. Okay. So it wasn't a single day. But in terms of days, weeks, months - I don't
3 know - how long did it take from -- for the Banyamulengue, the main body, to move
4 from point A, PK12, to point B, being Damara, in total?

5 A. Well, I wouldn't want to make any mistake here before the Court. I didn't
6 work out the number of days it took for them to go to Damara, so I cannot say.
7 I don't know.

8 Q. An estimation or an approximation would be fine. We don't expect you to
9 know the exact amount of time that it may have taken but if you could just give us an
10 idea of how long it took, that would be helpful.

11 A. Please -- well, that is going to force me to lie. I don't know the number of days
12 and I cannot make a guess without basing myself on something.

13 Q. That's understood. Sir, once you reached Damara - and I'm asking you
14 personally what you observed, what you saw - once you reached Damara, what did
15 you do or what did you see in Damara? Could you describe that, please?

16 A. When I reached Damara, before entering the town of Damara, I met up with a
17 group of Banyamulengue at the checkpoint. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 MR IVERSON: Madam President, I would like to request a private session, please.

22 PRESIDING JUDGE STEINER: Court officer, please.

23 *(Private session at 11.07 a.m.) Reclassified as Open session

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

25 MR IVERSON:

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0063

1 Q. Okay. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted) when I

8 got to Damara I met up with this Banyamulengue soldier at the checkpoint, at the

9 entrance to the city of Damara, (Redacted)

10 (Redacted).

11 Q. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 A. I don't think I understood your question properly.

20 Q. (Redacted)

21 (Redacted)

22 A. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0063

1 (Redacted)

2 Q. Could you approximate for the Chamber how many Banyamulengue were sent
3 to Damara?

4 A. I cannot give you an accurate figure but let me give you some explanations.

5 Towards Damara, a number of soldiers that had entered Damara, I think we can
6 estimate them to have been about 500. Initially, they just crossed in pirogues but

7 later on they were carried to Bangui on aircraft. On the road to Damara, when I

8 went back to Bangui and when I got to PK45 to -- going back to Bangui in a vehicle, at

9 that particular place during the night I saw a very large lorry, a 10-wheel lorry,

10 transporting a lot of Banyamulengue. That was around 8 to 9 p.m. Four large

11 lorries of this type formed a convoy of Banyamulengues. They were singing inside

12 the lorries. I saw them go past.

13 After I went back to Bangui, (Redacted), and when I wanted to

14 go to the centre of town I saw them again, again in a large lorry on the road to the

15 airport, a very large lorry, and they were going on the road to PK12 and Bossangoa.

16 There were thousands of them, thousands of them. I cannot give you an accurate

17 estimation. I didn't send them out there; they only could know what their exact

18 number was.

19 MR IVERSON: Madam President, I'd like to request an open session.

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

22 (Open session at 11.16 a.m.)

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

24 THE INTERPRETER: Interpreter's correction, please. Please replace "Bossangoa"
25 by "Bossembélé."

Trial Hearing
Witness: CAR-OTP-PPPP-0063

(Open Session)

ICC-01/05-01/08

1 MR IVERSON:

2 Q. You say that there were thousands of them but you can't know their exact
3 number, and that's fine; we're not asking you for exact numbers. Could you tell us,
4 approximately, how many Banyamulengue stayed back at PK12?

5 A. You want me to say, well, when the Banyamulengue left Damara, others
6 remained behind in PK12. To say that would be wrong. When they were going
7 forward, those who were at PK12 also disappeared and followed in the other's
8 footsteps. To give you any particular figure about those who remained behind
9 would be a mistake.

10 Q. Can I ask you, how do you know that? How do you know that -- so you are
11 saying that there were no Banyamulengue at PK12. How do you know that?

12 A. There was only one way of knowing that, only one. When you leave PK12 to
13 go to Damara, there's only one road. There are not two roads.

14 Q. You mentioned that there were Banyamulengue who were transported by
15 aircraft. Did you have an opportunity to see aircraft in or around Damara?

16 A. Aircraft? They landed with them at the Bangui M'Poko Airport. I learned
17 that the Banyamulengue had come to Bangui by aircraft too. There is only one route
18 to go from the Fohu neighbourhood to the airport. And I saw them, I saw them in a
19 large lorry being transported from the airport to PK12 and to Bossembélé.

20 Q. Okay. And I understand that, but my question is whether or not you saw any
21 aircraft, any types of aircraft, in or around Damara.

22 A. I only saw a helicopter which landed at Damara.

23 Q. Could you please tell us about the landing of the helicopter?

24 A. That helicopter landed in Damara very close to the home of a former minister,
25 Sorongope; that was his name. The aircraft landed on a special landing pad close to

Trial Hearing
Witness: CAR-OTP-PPPP-0063

(Open Session)

ICC-01/05-01/08

1 the home of that person.

2 Q. Could you please describe what the helicopter looked like?

3 A. It was a fairly large helicopter which could have transported eight to nine
4 people. Its colour, the lower part was white and the upper part was blue. I cannot
5 identify the numbers that appeared on it because I wasn't close up, but I did see it. I
6 saw it land on that landing pad.

7 Q. Do you know what the Banyamulengue in Damara did when the helicopter
8 came to Damara?

9 A. When the -- this helicopter landed in Damara, I believe -- well, Mr Sorongope's
10 home is quite far from the town and, before entering, there was a place where the
11 Banyamulengue stopped civilians from entering the town. This former minister's
12 home was on the other side and there were also some Banyamulengue over there
13 preventing people from going through.
14 Anyone who wanted to go and see the Banyamulengue, including myself, were
15 always turned back by the Banyamulengue, and that is why I was unable to take
16 down the number, the registration number, of the helicopter.

17 Q. What, if anything, did the Banyamulengue tell you about the arrival of the
18 helicopter?

19 A. When they turned us back, I asked them why. They said to me that it was
20 because their chief was about to arrive. And I said to them, "Who is that chief?"
21 And they replied, saying, "I just said to you that he was our leader and I have nothing
22 to add." So I went away.

23 Q. What chief do you believe that they were talking about?

24 A. The authorities, the leaders of the Banyamulengue, were at home. And before
25 the helicopter arrived, then all the chiefs had gone to the home of the chief that was

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0063

1 called Mustapha. They gathered there when the helicopter was arriving, and I asked
2 this question, and when I asked this question, I was told afterwards that Bemba came
3 to visit them. And I didn't ask them anything else.

4 Q. Do you know why Mr Bemba came to visit them in Damara?

5 A. No, I don't know the reason. I was not very close to them, so I don't want to
6 find out much about their secrets or about the reasons for this chief, this leader,
7 visiting them.

8 Q. Well, you said that you were curious to know what was going on and that's
9 why you went to see. Did you try to find out? Did you ask anybody what was
10 happening, or what the reason was for the helicopter landing there?

11 A. Yes, I did ask questions about that. I was told that their leader had come,
12 specifically, Mr Bemba, and I thought to myself that I should not go any further and
13 not ask any other questions and kept silent.

14 Q. Were you in a position to observe what was happening at the helicopter from a
15 distance?

16 A. Yes. Well, you know, the helicopter came down from the skies; it doesn't
17 travel over land. I was at some distance from it and I could clearly see the aircraft,
18 and I was also able to see its colour.

19 MR IVERSON: Thank you, sir. Madam President, I believe that this would be an
20 opportune time to break.

21 PRESIDING JUDGE STEINER: Mr Iverson, it's not only a break, we are adjourning
22 for today. As I said yesterday, we won't have a session this afternoon. So we don't
23 have a session as well tomorrow, and we don't have a session on Monday which
24 means that we are going to resume on Tuesday morning.

25 Mr Witness, thank you very much. We are going to give you some time to rest, to

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0063

1 enjoy the good weather, because we will resume this hearing and your questioning
2 only on Tuesday morning. We hope you have time -- you take some time for
3 yourself and be prepared for continuing giving your testimony on Tuesday morning.
4 I, in this opportunity, also would like to thank very much the Prosecution team, the
5 legal representatives of victims, the Defence team, Mr Jean-Pierre Bemba Gombo. I
6 thank to our interpreters and court reporters, court officers.
7 I will ask the court officer to turn into closed session in order for the witness to be
8 taken outside the courtroom. And, in the meantime, we are going to adjourn.
9 Court officer, please.

10 *(Closed session at 11.32 a.m.) Reclassified as Open session

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

12 (The witness stands down)

13 THE COURT OFFICER: All rise.

14 (The hearing ends at 11.32 a.m.)

15 CORRECTIONS REPORT

16 The Court Interpretation and Translation Section has made the following corrections
17 in the transcript:

18 *Page 7 line 10

19 "His name was Guicha (phon), and *they were from bruin." Is corrected by "His
20 name was Guicha (phon), and *he was light-skinned."

21 *Page 19 lines 6 and 7

22 "...and that's why they were dressed in civilian clothes. And they were, of course,
23 taken as civilians by the local population." Is corrected by "And that's why they were
24 dressed in tattered civilian clothes and they were, of course, taken for civilians
25 whereas they were like lions."

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0063

1 *Page 13 lines 19 to 23

2 "I said early that I had arrived in Nguerengou. The veranda that you are referring

3 to belonged to the house of the major person, and that's where they were staying.

4 The inn in question was also in Nguerengou. The mongue (phon) that I was talking

5 about were in Nguerengou and there where they were (Redacted), that

6 was also Nguerengou.

7 Is corrected by

8 "I said earlier that I had arrived in Nguerengou. The veranda that you are referring

9 to was the place where this prominent person had been buried, and that's where they

10 were staying. The inn in question was also in Nguerengou. The mango trees that I

11 was talking about were in Nguerengou and the place where they (Redacted)

12 (Redacted) was also Nguerengou.

13 RECLASSIFICATION REPORT

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

15 ICC-01/05-01/08-3038 and its instructions in the email dated 24 October 2014, the

16 version of the transcript with its redactions becomes Public

17