

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0119

1 International Criminal Court

2 Trial Chamber III - Courtroom 1

3 Situation: Central African Republic

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

5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and

6 Judge Kuniko Ozaki

7 Trial Hearing

8 Tuesday, 22 March 2011

9 (The hearing starts in open session at 2.11 p.m.)

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

11 Please be seated.

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

13 are in open session.

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

15 call the case.

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

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

18 Thank you, your Honours.

19 PRESIDING JUDGE STEINER: Thank you very much. I would like to welcome the

20 Prosecution team, the legal representatives of victims, the Defence team. I notice

21 that Maître Liriss is not present today. Welcome to Mr Jean-Pierre Bemba Gombo,

22 our interpreters and court reporters.

23 First of all to thank all parties and participants for their patience. For reasons that

24 were explained to all of you in relation to the health of our witness we had to make

25 all of you wait during the morning period, but the Chamber has just been informed

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1 that Witness 119 is feeling better, is willing to continue giving her testimony,
2 although still feeling quite tired and with pain.

3 According to a recommendation made by VWU, the Chamber will allow a support
4 person to sit at the side of the witness as a special measure and I hope the parties
5 don't have any reasons to object to that.

6 So let's then proceed. I will ask, please, the court officer to turn very briefly into
7 closed session in order for the witness to be brought into the courtroom.

8 (Closed session at 2.14 p.m.) * Reclassified as Open session

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

10 PRESIDING JUDGE STEINER: I apologise to the parties and participants. I am
11 informed that she is on her way.

12 (The witness enters the courtroom)

13 WITNESS: CAR-OTP-PPPP-0119 (On former oath)

14 (The witness speaks Sango)

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

16 (Open session at 2.18 p.m.)

17 THE COURT OFFICER: Madam President, we are in open session. Thank you.

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

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

20 PRESIDING JUDGE STEINER: I hope you are feeling better and that you are
21 receiving all the attention that you need due to your illness. Are you feeling better,
22 madam, and ready to continue giving your testimony?

23 THE WITNESS: (Interpretation) I agree. You can ask me all your questions.

24 PRESIDING JUDGE STEINER: Madam, I just want to remind you that at any time
25 that you need a break you just let us know and you will have as many breaks as you

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1 need. Feel comfortable to ask us for a break. Do you understand that, madam?

2 THE WITNESS: (Interpretation) Yes, I understand that very well.

3 PRESIDING JUDGE STEINER: Madam Witness, I need to remind you that you are
4 still under oath. Do you understand that?

5 THE WITNESS: (Interpretation) Yes, I do understand that.

6 PRESIDING JUDGE STEINER: And, madam, I also want to remind you that you are
7 under protective measures, that your image and voice that are broadcast outside the
8 courtroom are being distorted so that the public cannot identify you. In order to
9 keep your protection, please don't mention any names of family members, of
10 neighbours, of friends, anything related to your activities; no information that can
11 lead to your identification. If need be, we can go into private session and then you
12 can speak freely because in private session nobody outside the courtroom can hear
13 you. Is that fine with you, madam?

14 THE WITNESS: (Interpretation) Yes, that is fine.

15 PRESIDING JUDGE STEINER: So I am giving the floor to the Prosecution that will
16 continue questioning you. Ms Bala-Gaye, you have the floor.

17 MS BALA-GAYE: Thank you, Madam President. Good afternoon, your Honours.

18 QUESTIONED BY MS BALA-GAYE: (Continuing)

19 Q. Good afternoon, Madam Witness.

20 A. Good afternoon, ma'am.

21 Q. I would like to welcome you back to the courtroom and we're glad to hear that
22 you are feeling a bit better. I will not keep you on the stand for too long, Madam
23 Witness. I still have a few questions to put to you. As Madam President has
24 informed you, please, if at any point that you need a break, please let the Judges
25 know.

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1 Now, my first question, Madam Witness, is: You told us that when you saw
2 Bozizé's rebels they were wearing civilian clothing. I'm referring to page 26, line 8,
3 of the English edited transcript of 18 March 2011. My question is: When you saw
4 them were Bozizé's rebels carrying anything?

5 A. They did not have anything else; they were just wearing that civilian clothing.

6 Q. Can you tell us, then, how you were able to distinguish Bozizé's rebels from the
7 civilians in your area?

8 A. I was able to distinguish them in this way: When they came they hid on the
9 other side of the road, and they gathered together in groups and they would ask
10 people for food to eat, so I realised that it was them.

11 Q. Now, regarding the Banyamulengue, Madam Witness, can you tell us the
12 gender composition of the Banyamulengue who you saw in your neighbourhood?

13 A. When they came in, into our sector, I just saw them at the market and there I
14 saw women seated beside the various items.

15 Q. During their stay in your neighbourhood, did you see these Banyamulengue
16 women doing anything else other than sitting beside the items pillaged at the market?

17 A. The Banyamulengue women did not come into my neighbourhood; they
18 entered by way of the neighbourhood (Redacted) and, from there,
19 from our neighbourhood, we heard gunshots and explosions. At that time it was
20 raining, so they came in by way of Lycée Boganda, which is just beside the National
21 Assembly.

22 THE INTERPRETER: Correction from the English interpreter: The last answer
23 included *"as of one o'clock, we heard gunshots..."

24 MS BALA-GAYE:

25 Q. Now, at page 33, line 20, of the English edited transcript of 18 March 2011,

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1 Madam Witness, you told us that the Banyamulengue leader told you that your
2 president, Ba Wax, "he has provided money to Bemba," end of quotation. Do you
3 know what he meant by that, Madam Witness?

4 A. My understanding of that statement is as follows: Some money was given to
5 Daddy Bemba, and those who were deployed also came to serve, and that was why
6 they began to loot goods in the sector.

7 Q. Now, you told us that a man living in your neighbourhood, who was married to
8 a Zairean woman, told you that the Banyamulengue were speaking Lingala, and I'm
9 referring to page 29, line 22, to page 30, line 1, of the English edited transcript of
10 18 March 2011. My question for you, Madam Witness, is: Can you tell us how this
11 man knew that the Banyamulengue were speaking Lingala?

12 A. That man lived in the neighbourhood and he had married a women from Zaire,
13 and during the events in question a number of people asked themselves a number of
14 questions and this is why this person came to me and, when I spoke to that person
15 about the events, he told me that the language that the Banyamulengue were using
16 was Lingala.

17 Q. Just to be clear, Madam Witness, did this man -- do you know if this man
18 actually heard the Banyamulengue speaking Lingala at that time?

19 A. I told you that that particular man had stopped a Banyamulengue, because that
20 particular Banyamulengue was dragging away a woman - a married woman - into a
21 house to sleep with her, and when the person spoke the woman was abandoned by
22 the Banyamulengue and when I went up to that person for explanations he himself
23 reiterated. He told me what I've just told you.

24 Q. Madam Witness, did this man tell you when this took place? My question is
25 how soon after the arrival of the Banyamulengue did this incident take place, if you

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1 know?

2 A. It was the same day that they came into our neighbourhood.

3 MS BALA-GAYE: Madam President, I request that we move into private session so
4 that I can ask some questions and elicit some names.

5 PRESIDING JUDGE STEINER: Court officer, please let's move into private session.

6 (Private session at 2.33 p.m.) * Reclassified as Open session

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

8 MS BALA-GAYE:

9 Q. Madam Witness, as the court officer has mentioned, we are in private session,
10 so please feel free to give names, including information which may identify you. My
11 first question is you told the Court that Bozizé's rebels did not maltreat anyone. You
12 said that they did not commit any acts of violence against the population. I'm
13 referring to page 26, lines 13 to 14, of the English edited transcript of 18 March 2011.
14 Just to be sure, Madam Witness, did the population report any crimes committed by
15 Bozizé's rebels (Redacted)?

16 A. When they hid to flee I didn't learn that, and all the abuses were committed by
17 the Banyamulenge.

18 Q. Madam Witness, (Redacted) at any point in time (Redacted)
19 (Redacted) where crimes committed by the Banyamulenge were
20 (Redacted)

21 A. I told you a little earlier on that (Redacted) the
22 President, and that took place at the President's locality and it was he himself that
23 (Redacted) why the Banyamulenge were coming. He didn't give (Redacted) any moment to
24 voice (Redacted) opinions.

25 Q. I apologise, Madam Witness. I don't believe my question was framed very

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1 clearly. (Redacted) President Patassé, my question is did
2 you attend any (Redacted) meeting with any (Redacted) where crimes
3 committed by the Banyamulengue were discussed; whether during the events, or
4 after the events?

5 A. You know full well that, in our area of the world, when such events occur we
6 don't have time to organise meetings to talk about the events for fear of being put into
7 prison.

8 Q. Now, I'd like to elicit some names from you, Madam Witness. You told us that
9 you saw the Banyamulengue raping two young girls in your neighbourhood, and I
10 refer to page 45, lines 10 to 11, of the English edited transcript of 18 March 2011. My
11 question is did these two girls tell you their names, Madam Witness?

12 A. I didn't have time to ask them their names. The Banyamulengue had spread
13 out into the neighbourhood. When (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted) and I
17 didn't have time to ask these girls how old they were.

18 THE INTERPRETER: The interpreter apologises. He missed what the latter
19 comment was. The Sango interpreter made a correction, saying "their names."

20 MS BALA-GAYE: Thank you. That's very helpful.

21 Q. Now, Madam Witness, did you at any point after the incident meet these two
22 girls; the two young girls?

23 A. No, I hadn't met them before.

24 Q. Now, you mentioned the killing of a mistress of a church in the Dorcas area.

25 I'm referring to page 51, lines 2 to 4, of the English edited transcript of 18 March 2011.

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1 My question is do you know the name of this mistress, Madam Witness?

2 A. I don't know the name of that mistress.

3 Q. Now, I have one last name to ask you about, Madam Witness. You mentioned
4 the Banyamulengue killed someone at PK22. I'm referring to page 15, lines 20 to 23,
5 of the same English edited transcript of 18 March. My question is do you know the
6 name of this person who was killed at PK22 by the Banyamulengue?

7 A. Yes, I know his name.

8 Q. Can you tell us his name, Madam Witness?

9 A. (Redacted) was his name.

10 Q. Now, during this time when you were told about this killing at PK22, did the
11 person who informed you of this killing by the Banyamulengue, did he tell you
12 anything else about what had occurred in PK22?

13 A. Yes, a lot of events occurred at PK22. With regard to (Redacted)

14 (Redacted) that called me over the

15 telephone to inform me of his demise.

16 Q. Were you also informed of any other crimes committed at PK22?

17 A. Yes, there was a woman, 55 years of age. She lived with her son in a house,

18 and that son was a travelling salesman (Redacted) The

19 Banyamulengue killed that woman's son and this woman didn't see her son's body,
20 which means that that particular woman cried for a long time and she also died.

21 Q. Did they tell you how these people knew that it was the Banyamulengue who
22 killed this woman -- this woman's son?

23 A. A lot of people live in that particular locality of PK22. They fled to hide, to go
24 off and hide, but then they came out of hiding afterwards to see that a number of
25 people had been killed. And they were used to seeing that particular man going

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1 around in the locality to sell his goods, but when the body was seen it was in
2 advanced putrefaction. The mum was informed, and then his mother started crying
3 and that is how the other inhabitants learned that her son had been killed.

4 Q. Now, the population who fled in PK22 to hide, were you informed as to why
5 they actually fled, Madam Witness?

6 A. At PK22, there are people who have relatives there, who have built houses and
7 established there. (Redacted), the deceased (Redacted), had his house there and a
8 number of people have built houses in that area. But the people who lived in the
9 capital, and who knew that they had relatives at PK22, they went to PK22, but the
10 little -- but the young man that I spoke about went there to (Redacted)
11 but he didn't know that the Banyamulengue were to go there, in that particular
12 locality.

13 Q. Just to be clear, Madam Witness, did these people actually say that it was the
14 Banyamulengue who killed (Redacted), as well as this woman's son? Just a point
15 of clarification for us.

16 A. It was the Banyamulengue who killed (Redacted). It was the Banyamulengue
17 who killed the travelling salesman and who killed a number of other people.

18 Q. Madam Witness, my next set of questions relate to the impact that such crimes
19 had on the population living in your area. Now, my intention is to move to open
20 session to address these questions, but --

21 JUDGE ALUOCH: Ms Bala-Gaye, before you ask that we move into open session, I
22 have a follow-up question. On page 50 of the edited transcript of 18 March, this is
23 when the witness was talking about one (Redacted), whom she said was murdered by the
24 Banyamulengue. Then you asked the witness several questions about that and one
25 of her answers I think now, specifically at line 9, "His sister sounded the alert, and I

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1 saw the body myself covered in blood and the body was carried away."

2 Further down, Ms Bala-Gaye, you then asked the witness, "Do you know when (Redacted)

3 was murdered?" And her answer was, "He was shot on the morning of the 29th."

4 Line 17, "How do you know this, Madam Witness?" And her answer was, "I told

5 you that it was his sister who informed me that her brother had been killed."

6 My follow-up question to Madam Witness is: Do you know the name of this sister

7 of (Redacted)? If you do, please, can you give us the name? We are in private session.

8 Thank you.

9 THE WITNESS: (Interpretation) I don't know the name of his sister, but when I

10 went to the place where the person died I was told that it was (Redacted) that had been

11 killed, but I don't know the name of the person who was killed.

12 JUDGE ALUOCH: Okay, thank you. It's the name of the sister I wanted, but if you

13 don't know it I will leave it at that. Thank you.

14 MS BALA-GAYE: Thank you, your Honour.

15 Q. Madam Witness, the questions I have, the remaining questions, all relate to the

16 effect that the crimes perpetrated by the Banyamulengue had on the civilian

17 population, either in your area or in the Central African Republic. I would like to

18 move to open session for this portion, unless you believe that you can only provide

19 answers if we're in private session. But, however, if we do move to open session,

20 please provide information of a general nature regarding what you could observe as a

21 resident in your neighbourhood at that time, or subsequently, or as a person living in

22 the Central African Republic. So, please, do not mention (Redacted)

23 (Redacted) However, before I make my request to Madam President, would

24 you rather have this issue addressed in private session, or would you prefer that we

25 move into open session, Madam Witness?

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1 A. I would like to take the floor before we go into open session, with your leave.

2 PRESIDING JUDGE STEINER: Madam Witness, would you like to say something to
3 the Chamber?

4 THE WITNESS: (Interpretation) I have certain information, because if we now go
5 into open session I won't be able to give this information, and I would like to say that
6 when the Banyamulengue came, their coming was dreadful for the local population.
7 There were sons and daughters of my country that died, strong men, necessary men
8 for driving the development of the country. There have been orphans left. There
9 have been divorces, because the Banyamulengue raped women and, given those state
10 of affairs, the husbands preferred to divorce. There were families that have broken
11 apart.

12 What we had to suffer in our neighbourhood, I think the victims'
13 representative -- well, I think there are a number of people who aren't brave enough
14 to tell that they were raped by the Banyamulengue. Those people, unfortunately,
15 when they fall ill and on the verge of death, then they may reveal this information to
16 their parents, but I would like to give you an example here. A woman who lived
17 alone in her own home, her husband died and so she built a small house that she
18 gave out for rent. A woman and two of her children rented that particular house.
19 When the Banyamulengue entered the neighbourhood, they raped that woman and
20 her daughter of eight managed to escape, but the 10-year-old girl saw the rape of her
21 mother. It was a boy, in fact. And I think that woman lived alone in her home, she
22 didn't have anybody in that home, and then a little after that she died. And then
23 after that, myself, I went to that place and (Redacted) to put money
24 together for the funeral; in other words, to buy a coffin, and a brother in the
25 neighbourhood built a coffin. I went to see the mother of the neighbourhood, who

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1 made available to us a vehicle to be able to bury that lady, but this child of 10 who
2 was raped by the Banyamulengue, shortly after her tummy started to swell, and that
3 child died as well. And I can tell you, I bought the coffin.
4 I would like to say here and now that, your Honours, that there's a huge impact on
5 the local population. Here, there are the representatives of the victims and when the
6 victims knew that they had legal representatives, well, they can only -- they could
7 only have gone to see the legal representatives of the victims who were called upon
8 all the time because in all cases of deaths, or violences and abuses, then we went to
9 the legal representative of victims.
10 (Redacted) had to intervene at a number of occasions. And if
11 yesterday, in this very courtroom before the Bench, I burst into tears, it's because
12 when the Banyamulengue left there was a (indiscernible) -- the bodies were devoured.
13 (Redacted), and we blocked the person's nose
14 to be able to bury, and we found the head elsewhere, and bury the body, and we
15 found the head elsewhere, and this is a very difficult situation. I can tell you that
16 when (Redacted)
17 (Redacted)
18 THE INTERPRETER: Correction from the English booth: It was after the departure
19 of the Banyamulengue that there was a child. There was a skull that pigs had
20 started to devour. (Redacted) in order to
21 bury the remains of that young child. End of correction from the English booth.
22 MS BALA-GAYE:
23 Q. Madam Witness, thank you very much for all your responses. You have, in
24 fact, preempted all of my questions. I just have a final question to ask you, and that
25 is in relation to the statements that you -- I apologise. Madam President, may we

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1 move into open session for this final question?

2 PRESIDING JUDGE STEINER: Court officer, please, let's move into open session.

3 (Open session at 2.57 p.m.)

4 THE COURT OFFICER: Madam President, we are in open session.

5 MS BALA-GAYE:

6 Q. Madam Witness, we're back in open session so please be aware that any of your
7 responses will be heard by the public, as well as people in the gallery. My final
8 question for you, Madam Witness, is: On Friday, at the beginning of your testimony,
9 Madam President asked you if you gave your statements voluntarily to the
10 investigators of the Office of the Prosecutor whom you met in Bangui. You stated
11 that you did so voluntarily, and I'm referring to page 4, lines 18 to 24 of the English
12 edited transcript of 18 March 2011. My question for you, Madam Witness, is do you
13 agree to those statements being admitted into evidence?

14 A. This is why I came. I agree that this statement be admitted into evidence.

15 MS BALA-GAYE: Madam Witness, on behalf of the Prosecution team I would like
16 to thank you very much for being available and providing us with your testimony.
17 We do understand that this has been difficult for you and I will conclude my
18 examination here. Thank you.

19 Madam President, your Honours, I have concluded my questions.

20 PRESIDING JUDGE STEINER: Thank you very much, Ms Bala-Gaye. Madam
21 Witness, now the legal representatives of victims would like to put to you some
22 questions. Do you feel able to continue giving your testimony?

23 THE WITNESS: (Interpretation) Yes, I can continue giving evidence.

24 PRESIDING JUDGE STEINER: Thank you very much. Then I give the floor to
25 Maître Zarambaud.

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1 MR ZARAMBAUD: (Interpretation) Thank you, your Honour, Judges, your
2 Honours.

3 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

4 Q. Good evening, Madam Witness.

5 A. Good evening, sir.

6 Q. Now, in the familiarisation session I pointed out that I am Maître Zarambaud
7 Assingambi from the Bar of Central African Republic. With my colleague,
8 Marie-Edith Douzima, we are the legal representatives of the victims. I am pleased
9 that you are feeling sufficiently well to be able to go on answering questions today.

10 The Prosecutor's office has asked, and we as legal representatives of the victims will
11 be asking you questions. Many of these questions have already been asked, they
12 have been asked by the Office of the Prosecutor, and you have given clear, succinct,
13 unambiguous answers. Therefore, a number of the questions which I was thinking
14 of asking will not be asked. I will just ask a few small questions.

15 You said that, when the Banyamulengue came into your district, when they came into
16 your district it was after the Central African rebels had left and it was around 3 p.m.
17 I'm referring to the document CAR-OTP-0044-00123. Does this mean that, when the
18 Banyamulengue came into your district, there were no Bozizé rebels left in that
19 district?

20 A. That's right, because those who had been hiding in my district had gone away
21 and then others that were in vehicles also left, and it was after that that the
22 Banyamulengue turned up.

23 Q. Thank you, Witness. You also stated that, when the Banyamulengue came into
24 this district, that the FACA - the Central African Army - was in a set area there.

25 Does that mean that there were no FACA members in your district when the

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1 Banyamulengue came in there?

2 A. When the Banyamulengue came into our sector, all our national soldiers were in
3 the Béal camp in the headquarters. There were no soldiers in our district.

4 Q. Thank you, Madam Witness. The next question may seem to be a repetition,
5 but it is for the purposes of clarification that I'm asking it. The question is, when the
6 Banyamulengue came into your district, were there no other armed forces, just the
7 Banyamulengue?

8 A. That's right.

9 Q. Thank you. You have had, or you had, the opportunity to see the
10 Banyamulengue as soon as they turned up. Were they wearing any insignia;
11 anything on their bodies which indicated their grade, or their ranking as soldiers?

12 A. There were no insignia on the clothes they were wearing.

13 Q. Thank you, madam. Next question, you stated -- and the reference here is
14 CAR-OTP-0044-00124. In this reference here, you stated that the Banyamulengue
15 asked you for water and fruit. To your knowledge, didn't the Banyamulengue have
16 their own flasks of water, as other soldiers did, or camels with food -- dishes with
17 food?

18 A. All they were carrying was weapons. They had guns. When they asked for
19 water, I told my niece to serve them. We gave them water to drink using our tools.
20 They had no dishes, or receptacles. They weren't carrying any water on themselves.

21 Q. Thank you, Witness. Next question, you stated -- and here the reference is
22 CAR-OTP-0044-00124, last paragraph. You said that, "Their leader told me that our
23 President had given money to Mr Bemba and that he had told them to come here to
24 find Article 15 here, then we said that -- they said that President Bemba said that, 'At
25 Boy-Rabé, all the people are rebels. You must kill them, starting with the men, the

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1 women and the children." And still with the same reference here you said, "This is
2 why I told them that Boy-Rabé wasn't there, but was 200 kilometres away," end of
3 quote. Could you please confirm this statement, Madam Witness?

4 A. Yes, I confirm it. That is what I said. That is what their leader told me. I can
5 confirm that.

6 Q. Thank you. After that, because in your statement you said you didn't really
7 know what Article 15 meant at the time, but later did you find out what that leader
8 meant when he referred to Article 15?

9 A. Regarding Article 15, I told you that I didn't understand the meaning of Article
10 15. It's Bemba's men who knew what Article 15 meant. They are the ones who
11 have to tell us what the meaning is here in -- at the court here.

12 Q. Thank you, Madam Witness. So in the text which I have just quoted you said
13 to the Banyamulengue leader that Boy-Rabé was not here, that it was 200 kilometres
14 away, and apparently they didn't challenge that. Now, in your opinion do you think
15 that Central African soldiers, Central African soldiers in Boy-Rabé, could have asked
16 you where Boy-Rabé was?

17 A. As I have told you, if these had been Central African soldiers they would not
18 have behaved like that. They asked that question, they asked where Boy-Rabé was,
19 and if they had been Central African soldiers they would have known where
20 Boy-Rabé was. Everybody in the Central African Republic, every Central African
21 soldier, knows where Boy-Rabé was, so they weren't soldiers from our country.
22 They were clearly Banyamulengue.

23 Q. Thank you, Madam Witness. Now, you made a distinction between the hill
24 where the local men went into hiding when they saw the Banyamulengue turning up
25 and the hill where the Banyamulengue came in, when they came into Boy-Rabé, and

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1 here I'm referring to CAR-OTP-0044-00127 -- 137 and CAR-OTP-0044-00139. Could
2 you please give the Court some details about these two hills which you referred to?
3 A. This is the difference. The hill where the Banyamulengue came down, when
4 they came into our district, is in my district, and the other hill is on the right side.
5 Sorry, it was -- yes, that was on the right and the Banyamulengue arrived by the hill
6 on the left. The one in the district is not very high, and the community had gone to
7 hide in that hill and behind that hill there were fields and homes.

8 Q. Thank you, Madam Witness. Now, you stated -- and it was
9 CAR-OTP-0044-00140 and CAR-OTP-0044-00141. You said that President Patassé
10 had convened meetings of the neighbourhood leaders and that (Redacted)
11 (Redacted) "In the course of the meeting, President Patassé ...", and here I'm quoting,
12 "(Redacted) that these little Banyamulengue had come to help him because he no
13 longer had any faith in the Central African Army," end of quote. You said that,
14 "President Patassé had also stated ...", and I quote, "... to go to PK12 to see how the
15 Banyamulengue were living with the Central Africans," end of quote. In your
16 opinion, what does this statement mean? What did President Patassé want (Redacted)
17 (Redacted) when he said to go and see how the Banyamulengue were living with the
18 Central Africans at the PK12?

19 A. I said that after the Banyamulengue arrived, and after they had carried out the
20 acts of violence, the head had (Redacted) that
21 there were little Banyamulengue who had come along to help him. And when he
22 said that he got to the PK12 to see the position of the Banyamulengue, that was
23 because the Banyamulengue had taken over the homes and were using the doors of
24 the houses as wood for fires, and the people living there had run away, or they had
25 been massacred. They were attacking the population and they were living off the

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1 population.

2 Q. Thank you, Madam Witness. My last question is to do with the goods which
3 were looted, the booty, found at the market. How were these looted goods carried
4 there? I think you have already answered this question. You answered that at the
5 request of the Office of the Prosecutor. Therefore, I have no further questions for
6 you, and I would like to thank you for answering these few questions which I asked.
7 And I would like to thank the Court for giving me the opportunity to ask them.

8 PRESIDING JUDGE STEINER: Thank you, Maître Zarambaud.

9 Maître Douzima-Lawson, you have the floor.

10 MS DOUZIMA-LAWSON: (Interpretation) Thank you, your Honour.

11 QUESTIONED BY MS DOUZIMA-LAWSON: (Interpretation)

12 Q. Good afternoon, Madam Witness.

13 A. Good afternoon, madam.

14 Q. Madam Witness, I trust that you have understood the role we have as legal
15 representatives of victims in this procedure. Your testimony helps us have clearer
16 identification of the victims, people we represent, so that we can present them to the
17 Court and represent them. That is why we asked to question you, so that you can
18 give us greater clarification here before the Court, information on the events which
19 we are dealing with here. I shall ask you questions in relation to your statement, the
20 time of the investigation conducted by the Office of the Prosecutor, and also in
21 relation to your statements made here, made here in the course of the two days here,
22 the Friday, the 18th, and yesterday, the 21st of March.

23 Madam Witness, my first question -- my first question is in relation to what happened
24 to the two girls who were raped in the canal? Now, I'm referring to your statement
25 by the investigator; it's CAR-OTP-0044-0174. You said that, aside from you, no one

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1 else was a witness to the rape of these two girls. Now, even when these two girls
2 were calling out, didn't anyone come out? You came out; didn't anyone else come
3 out?

4 A. When the Banyamulengue came into the district, the entire population ran
5 away. The few people who did remain were locked inside their houses and the
6 Banyamulengue took over the entire district and, when the girls started yelling, no
7 one was going to run the risk of going out. When they asked me for water, I stayed
8 sitting outside the hut and it was only then that I heard the girls calling out.

9 Q. Thank you, Madam Witness. I have understood now. Here, the reference is
10 CAR-OTP-0044-00164. You said that when the leader -- I'm talking about the leader
11 of the Banyamulengue. You said when he was speaking Lingala with his men, you
12 didn't know that it was Lingala; it was only afterwards that you understood what it
13 was. So what language did you think it was?

14 A. I couldn't understand the language. When he spoke to me, when they spoke to
15 me, I didn't know what they said. I didn't understand. Then he asked -- they asked
16 if I spoke French. I said, yes. I was standing opposite the man, but I didn't
17 understand what he said for a while.

18 Q. Madam Witness, I would now like to go on to your statement last Friday,
19 18 March, page 18, line 27. This is the real-time transcript.

20 Madam, the Prosecutor asked you if between 2002 and 2003 there were only Central
21 Africans living in your district. You answered, and this time it's page 19, lines 2 to 3,
22 you said that most of them were Central Africans. Now, if most of them were
23 Central Africans, does that mean that there were others of other nationalities in your
24 district?

25 A. I think I told you that there were only Central Africans living in my district.

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1 Q. Thank you. Then on page 33, line 4 - I'm still referring to the real-time
2 transcript of 18 March - you said that they ran away; you were talking about the
3 rebels, Bozizé's rebels. You said they were heading for the PK12. I'd like to know
4 how they got to the PK12.

5 A. I told you that one of the rebels had parked his vehicle in my area, in my
6 compound and, when he got in the vehicle and went off towards PK12, well, I
7 realised they were going to the PK12.

8 Q. So that meant they drove to PK12?

9 A. Those who were in my district walked to PK12; but the others, who had parked
10 their vehicle in my compound, took the road that leads to PK12. Were they going to
11 PK12 or were they going off in a -- did they go off in another direction, I don't know,
12 but I realised they were running away.

13 Q. Thank you, Madam Witness. I just wanted to know how they got to PK12.
14 Excuse me, but I'd like to come back to a question about language before going on to
15 something else. On page 37, lines 2 to 4, you said that it was a fellow resident in the
16 district. You said it was a man who had married a woman from Zaire, and he was
17 the one who told you that the language that was spoken by the Banyamulengue was
18 Lingala. Now, my question is were you able to check this information and get
19 confirmation of what was told to you?

20 A. When he gave me this information, well, I confirmed it, given that the people
21 who were on the other side were from Zaire spoke that language. Then later
22 everybody realised that it was the -- that they were Banyamulengue.

23 Q. I would now like to ask a different question. On page 28, from line 9 on - I'm
24 still referring to the real-time transcript of 18 March - you explained the
25 circumstances when the Banyamulengue arrived the first time to Bangui, going to

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1 N'garagba you said, did you know who was in charge of the Banyamulengue who
2 was giving the orders at that time?

3 A. I have already told you that, where I was in my district, where I live, it was
4 impossible for me to work out who was giving the orders to the troops. They came
5 because the previous head lived there. They came to Ouango and N'garagba. In
6 those districts, they looted. When we went to work in the town centre, we
7 discovered that the Banyamulengue had gone in and had gone off to N'garagba and
8 Kasai, where they set up a base.

9 Q. Thank you.

10 PRESIDING JUDGE STEINER: I'm sorry to interrupt you. We need to go to a
11 break, unless you have only one last question. If you have more than one, I would
12 ask you, please, that you continue after our break.

13 MS DOUZIMA-LAWSON: (Interpretation) I have two questions.

14 PRESIDING JUDGE STEINER: Let's see if we can, then, complete your questioning
15 before the break.

16 MS DOUZIMA-LAWSON: (Interpretation) Thank you, your Honour.

17 Q. The second to the last question. I was saying that I was going to refer to the
18 real-time transcript yesterday, Monday, 21 March. On page 12, line 6, you said that
19 the property which was stored by the river was not valuable property. What do you
20 mean by property that was not valuable and could you give us an example?

21 A. In my opinion, well, when I arrived at the port, let's take the example of the
22 freezers. Well, that sort of thing they took across the river -- across the river. We
23 could even see that. Everything that they left behind, well, broken chairs, torn
24 clothing, they didn't take those things across. So they left those things, they
25 abandoned them along the shore, but valuable items they took across.

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1 Q. Thank you. And my last question is as follows and it has to do with the
2 meeting with the Prosecutor of the ICC. You said, page 21, lines 16 to 17, and this is
3 also quoting from the real-time transcript -- you spoke of a speech that was given to
4 make victims aware of various issues during that meeting. Who gave that speech
5 and what was this raising awareness all about; this raising of the awareness of
6 victims?

7 A. Well, when we met at (Redacted) with the Prosecutor, we were the ones
8 who were speaking. We were the ones who told the Prosecutor about everything
9 that had happened in the country. With the Prosecutor, well, we even went to visit
10 the graves of various victims with the Prosecutor and we showed the various signs of
11 the shooting to the Prosecutor. When we got to these places, we introduced him to
12 victims who had been shot and had bullets in their legs; women, as well, who had
13 been the victims. There were many such women at (Redacted), who were
14 waiting for the Prosecutor, and some colleagues from the OTP asked the victims to go
15 to (Redacted) so that they could meet with the Prosecutor. That is what I said.

16 Q. Indeed, with regard to this meeting at the (Redacted) that's what I'm asking about.

17 A. With regard to the (Redacted), now since I already had spoken to the Prosecutor, I had
18 other concerns and so I was not able to go to the (Redacted).

19 MS DOUZIMA-LAWSON: (Interpretation) Thank you, Madam Witness, for
20 answering all my questions. Your Honour, I thank you. I've concluded my
21 questioning.

22 PRESIDING JUDGE STEINER: Thank you very much, Maître Douzima. Madam
23 Witness, we are having now half-an-hour break. You can take some rest. It's 3.35.
24 We are going to resume at 5-past-4. I ask, please, the court officer to turn into closed
25 session in order for the witness to be taken outside the courtroom. In the meantime,

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- 1 we are going to suspend and resume at 5-past-4.
- 2 (Closed session at 3.34 p.m.) * Reclassified as Open session
- 3 THE COURT OFFICER: Madam President, we are in closed session.
- 4 (The witness stands down)
- 5 THE COURT OFFICER: All rise.
- 6 (Recess taken at 3.36 p.m.)
- 7 (Upon resuming in closed session at 4.10 p.m.) Reclassified as Open session
- 8 THE COURT USHER: All rise. Please be seated.
- 9 PRESIDING JUDGE STEINER: Welcome back. Could, please, the court usher bring the
- 10 witness in.
- 11 (The witness enters the courtroom)
- 12 PRESIDING JUDGE STEINER: Let's turn into public session, please.
- 13 (Open session at 4.12 p.m.)
- 14 THE COURT OFFICER: Madam President, your Honours, we are in open session.
- 15 PRESIDING JUDGE STEINER: Thank you. Madam Witness, welcome back.
- 16 THE WITNESS: (Interpretation) Good afternoon, your Honour.
- 17 PRESIDING JUDGE STEINER: Did you manage to rest a little bit during the break?
- 18 THE WITNESS: (Interpretation) Yes, your Honour, I was able to rest a little bit.
- 19 PRESIDING JUDGE STEINER: Are you feeling a little bit better?
- 20 THE WITNESS: (Interpretation) Yes, I feel better.
- 21 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony this
- 22 afternoon?
- 23 THE WITNESS: (Interpretation) Yes, I am ready to continue with my testimony.
- 24 PRESIDING JUDGE STEINER: So now the Defence, madam, will start questioning you.
- 25 I just want to remind you that if at any time you need a break for any reason, just let us

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1 know. I am giving the floor to Maître Kilolo.

2 MR KILOLO: (Interpretation) Thank you, your Honour. Thank you for allowing me
3 to address the Court.

4 QUESTIONED BY MR KILOLO: (Interpretation)

5 Q. Witness, good afternoon.

6 A. Good afternoon.

7 Q. My name is Mr Kilolo and I am one of the lawyers representing Jean-Pierre Bemba.

8 I'm going to ask you a number of questions and I will try to ask you short questions,

9 taking into account your current state of health. Do you understand what I'm saying?

10 A. Yes, I understand.

11 Q. Can I also count on you to provide short replies to my questions?

12 A. Yes, you can count on me.

13 MR KILOLO: (Interpretation) Thank you. Now, for the very first questions, your

14 Honour, can we go into private session?

15 PRESIDING JUDGE STEINER: Court officer, can we turn into private session.

16 (Private session at 4.16 p.m.) * Reclassified as Open session

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

18 MR KILOLO: (Interpretation)

19 Q. Witness, we are in private session, and this means that any information that we

20 provide to one another will not be heard by the public. Do you understand that?

21 A. Yes, I understand.

22 Q. Witness, could you specify who informed you of the death of (Redacted)?

23 A. I said that it was his sister who informed me of his death.

24 Q. Could you give me the name of this sister who gave you that information?

25 A. I believe I said that I don't know the name of that sister.

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1 Q. Could you tell us exactly where you saw the body of (Redacted)?

2 A. It was inside the house, in the living room.

3 Q. Whom did you meet at the house when you went to see (Redacted) body?

4 A. I arrived, and there were several people. There were neighbours who were
5 standing around the body.

6 Q. Do you know (Redacted)?

7 A. Could you repeat that name, please?

8 Q. Do you know (Redacted)?

9 A. I don't know her.

10 Q. Did you meet family members of (Redacted) when you went to view the body?

11 A. I told you that there were several people, and (Redacted) called upon me. I went
12 with her, so there were several people, and the family members were among this group of
13 people. So I don't know exactly.

14 Q. Now, the relatives and the sister of (Redacted), were they well aware that you had gone to
15 their house to see the body?

16 A. Since (Redacted), to go and see the body, the family members must
17 have been aware.

18 Q. Could you tell the Court the names of the people who killed (Redacted)?

19 A. But since I didn't see that, (Redacted) and I saw the body covered in blood. I can't
20 give you the identity of the person, or the people who killed him.

21 Q. Could you tell the Court the names of the people who killed the nun close to Maison
22 Dorcas?

23 A. The group of Banyamulengue who went in, who killed (Redacted), who killed the nun, I'm not
24 in a position to know their names because they had come into the entire neighbourhood,
25 but it was said that it was the Banyamulengue who had killed them.

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1 MR KILOLO: (Interpretation) Your Honour, can we go into open session.

2 (Open session at 4.21 p.m.)

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

4 MR KILOLO: (Interpretation)

5 Q. I would like to go back to the statement that you gave to the OTP investigators, and

6 I'm referring to document CAR-OTP-0044-0196_R01. That's the French version of the

7 document. I'd like to read out a passage from that statement - namely, the question that

8 was asked of you by the investigators - and I'll quote, "You mentioned that when the

9 Banyamulengue were in your neighbourhood, they looted goods, they raped people and

10 killed people. Did you witness the killings?"

11 This is the answer that you provided, "I did not see any of the killings, but I was told

12 about a young fellow who had been killed. His name was (Redacted). I saw (Redacted) body, but I

13 wasn't present when they killed him. But (Redacted). And

14 there was a nun who was killed at Mandaba, at Maison Dorcas."

15 Witness, can you confirm this statement?

16 A. I confirm that statement.

17 Q. Is it correct that you did not witness (Redacted) murder?

18 A. I wasn't present.

19 Q. Is it correct to say that you did not see the murder of the nun?

20 A. I was not present.

21 Q. I would like to return to today's transcript, the real-time transcript, page 10, line 26

22 and on. My question: Did you see the murder of (Redacted)?

23 A. I was not there when he was murdered.

24 Q. I would now like to ask you a question and, if necessary, we can go into private

25 session. Could you tell us exactly who told you about the murder of (Redacted)?

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1 A. I told you that I received a telephone call from (Redacted).

2 MR KILOLO: (Interpretation) Your Honour, if we could perhaps go into private
3 session?

4 PRESIDING JUDGE STEINER: Officer, please turn into private session.

5 (Private session at 4.26 p.m.) * Reclassified as Open session

6 THE COURT OFFICER: Your Honours, we are now in private session. Thank you.

7 MR KILOLO: (Interpretation)

8 Q. Witness, once again, we are in private session, which means that any questions or
9 answers between the two of us will not be heard by the public. Do you understand that?

10 A. Yes, I understand.

11 Q. Could you give us the identity of (Redacted) who informed you of the murder of
12 (Redacted)?

13 A. His name was (Redacted).

14 Q. When did this gentleman tell you about what happened?

15 A. He told me about it five days after the Banyamulengue entered my neighbourhood.

16 Q. And what were the circumstances that led to this gentleman telling you about this
17 murder?

18 A. I stated that (Redacted), the deceased, was (Redacted) and
19 when (Redacted) received that news of his death, when he heard people saying that he
20 had been killed, he called us. I was not the only one. I was without -- with other
21 (Redacted), so he called us to inform us that he had been shot and killed by the
22 Banyamulengue.

23 MR KILOLO: (Interpretation) Your Honour, could we go into open session?

24 (Open session at 4.28 p.m.)

25 THE COURT OFFICER: Madam President, we are in open session.

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1 MR KILOLO: (Interpretation)

2 Q. Witness, I'm going to ask you a question now, and if you have names to give to the
3 Court, if we could go into private session for that; but, above all, do not give the names in
4 open session. Do you understand what I'm saying to you?

5 A. Yes, I do understand.

6 Q. Do you know the name of the two young girls who you say were raped?

7 A. I don't know their names.

8 Q. Are you in a position to tell the Court the names or the identities of the people who
9 you saw who raped the two girls?

10 A. I don't know their names. All I know is that it was the Banyamulengue.

11 Q. The investigators, did they through you try to enter into contact with the two girls in
12 order to get their statement in order to confirm your statement?

13 A. Those girls, after I didn't see them again and they don't live in my sector.

14 Q. Madam Witness, you stated before this Court having used your pushcart to take to
15 the hospital, the Hospital de l'Amitié, two young men from the neighbourhood who had
16 been hit in the shelling. I'm referring to the transcript of 18 March 2011, page 30, lines 9
17 through 13. Can you clarify where the Hôpital de l'Amitié is located?

18 A. You take the road that goes in front of my house, you go down and you go -- you
19 are going to reach the Hospital de l'Amitié. It's the closest hospital to where my
20 neighbourhood is.

21 Q. How many days subsequent to the shelling did you take that young boy from your
22 neighbourhood to the hospital?

23 A. As soon as the person received his injuries, we took him to the hospital. We didn't
24 wait for the day after. It was exactly the same day that we took him to the hospital.

25 Q. Would it be right to say that there was a doctor available to provide medical

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1 treatment to people at the Hospital de l'Amitié at that point in time?

2 A. Yes, there was a doctor.

3 Q. And how much time was that after the arrival of the so-called Banyamulengue?

4 A. The first day of the shelling, it was upon that day that the young man was injured
5 and three days after the Banyamulengue entered the neighbourhood.

6 Q. Despite the shelling, the hospital was operating normally with doctors available to
7 provide treatment; is that correct?

8 A. The hospital is located at the Quartier Fouh, lower down. The shelling took place
9 at the Boy-Rabé quartier neighbourhood further to the north.

10 Q. The two young girls who had been raped, did they go to the hospital immediately
11 after the rape?

12 A. I think I told you that, well, how could those girls go to the hospital, given the fact
13 that the Banyamulengue had spread out over the entire neighbourhood? They had to
14 take refuge somewhere and that's all that they could ever hope to do.

15 Q. How much time after the rape did those two girls stay with you?

16 A. They didn't spend much time (Redacted), because I was called upon to (Redacted)
17 (Redacted) They must have spent about 50 minutes and following that they left.

18 Q. Did they tell you where they were going to go?

19 A. They said that they were going to take refuge. They didn't say where they were
20 going to go.

21 Q. So they could move about in the neighbourhood, despite the fact that the
22 Banyamulengue had spread out over the entire neighbourhood?

23 A. I told you that, after the events in question, (Redacted)

24 (Redacted) We were able to push back the Banyamulengue and the girls therefore had
25 the opportunity to leave.

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1 Q. You mean that they left after the Banyamulengue were pushed back in the direction
2 of the Boy-Rabé market?

3 A. Yes.

4 Q. Well, in that case why didn't you yourself take them to the hospital, given the fact
5 that they were very young?

6 A. At that point in time it was difficult for me to take them to the hospital.

7 Q. But you did have the opportunity to do so for the young men of your
8 neighbourhood?

9 A. With regards to the boy from my neighbourhood, what he suffered from occurred
10 during the shelling and nobody stopped us to take him to the hospital. No soldier
11 prevented us from taking him to the hospital but, when you think about the two young
12 girls, the Banyamulengue had taken hold of the neighbourhood and so there was no
13 opportunity to take those two girls to the hospital.

14 Q. Can you disclose to the Court the name of one or several people who witnessed the
15 rape and that can confirm your statement? If yes, we will move into closed session.

16 A. I do not have any name to give you. I was alone to witness that scene.

17 MR KILOLO: (Interpretation) Court officer, would it be possible to bring up on our
18 screens annex 5 of statement -- of the statement of Madam Witness that corresponds to
19 document CAR-OTP-044-0178_R01. This is the fifth document in our list. This is a
20 confidential document.

21 Q. Madam Witness, do you recall having drawn this drawing yourself?

22 A. Yes, I remember very clearly. I remember very clearly having made this drawing.

23 Q. This drawing clearly represents the two columns of the so-called Banyamulengue
24 who were raping the two girls, as well as the position in which you were - your
25 location - at the time of the events; is that correct?

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1 A. That is right.

2 Q. The "X" that you see in the drawing that is next to your name, without mentioning
3 your name, does that correspond to the exact place where you were located at the time of
4 the events?

5 A. Yes, that precisely marks the spot where I was when I witnessed that scene.

6 Q. If we move away from the place where you were, how far away were you from the
7 scene of the rape, please?

8 A. The distance isn't very big because, where you can see the flowers, that is the
9 extreme limit of the canal. The canal is -- well, (Redacted) where those flowers
10 are located.

11 Q. The so-called Banyamulengue, were these on the banks of the canal? Were these
12 people on the banks of the canal?

13 A. They were in the canal.

14 Q. Can you tell us how wide the canal is from starting from the edge of the slope?

15 A. It's not very wide.

16 Q. How many metres, approximately?

17 A. I would estimate it at one metre in breadth.

18 Q. And you yourself personally, how -- how far away were you from the so-called
19 Banyamulengue who were conducting the rape?

20 A. I was under the straw, in the straw hut, not far away from the flowers. Not -- well,
21 only a few metres, because as soon as you leave the straw hut you can immediately see
22 the flowers, so the distance wasn't very large.

23 Q. You have drawn, along the banks of the canal, pictures that resemble trees or, rather,
24 bushes. What are they, exactly?

25 A. They are flowers that we had planted to stop the soil erosion. These are flowers

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1 and further down there are more flowers.

2 Q. Starting from the point where you were located, indicated by a cross on this
3 drawing, how many metres were you located from the alleged Banyamulengue who were
4 involved in the rape?

5 A. I told you where I was, about two metres, because we planted those flowers on the
6 banks of the canal. So you can't even talk about metres.

7 Q. Would it be correct to say two or three metres, approximately?

8 A. No, it's not even one metre.

9 Q. You mean that you were standing at hardly -- at barely one metre away from these
10 alleged Banyamulengue who were involved in the rape?

11 A. Barely a metre. I was hidden amongst the flowers, and I witnessed the rape that
12 they were committing upon those two young girls.

13 Q. So along the roadside, you wanted -- what you planted to avoid erosion, are these
14 flowers or are they trees or are they shrubs?

15 A. They are flowers with thorns, and there are densely packed leaves that are placed
16 quite high upon the plant.

17 Q. How high are these flowers?

18 A. These flowers were quite high, quite tall. We didn't measure them, and I wouldn't
19 be able to give you their exact height.

20 Q. Were they as tall as you, approximately?

21 A. The flowers were tall, but there were other flowers that were less high and that
22 stopped people going through very easily.

23 THE INTERPRETER: If the interpreter from the Sango booth understood this correctly.

24 MR KILOLO: (Interpretation)

25 Q. On your drawing, if we start from where you are located, where were the tallest

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1 flowers?

2 A. The tallest flowers -- well, this is what I did, but the tallest -- well, the lowest flowers
3 I didn't draw actually. The smallest flowers I didn't draw.

4 Q. Do you mean by that that all the flowers that we can see on this drawing were, more
5 or less, as tall as you?

6 A. With regard to the height of these flowers, these particular flowers can reach my
7 shoulder.

8 Q. What, more or less, was the distance - if there was any - between the various flowers
9 that feature on this drawing?

10 A. Can you see where the cross is? I was standing where those two flowers are. I
11 was slightly stood back from the flowers, and I was trying to hide so I wouldn't be spotted
12 by the Banyamulengue; otherwise, if they had spotted me, then they would have killed
13 me.

14 Q. Can you clearly state to the Bench how much time went by while this scene was
15 unfolding, while you witnessed this scene? For how long did you witness this scene?

16 A. I would say -- well, this isn't something that you stand watching for very long. The
17 girls were calling out so, so much, that I took the decision to push that stone, take off my
18 shoes and push the stone. So once I saw the scene, I responded.

19 Q. Did it last around a minute or much less than that?

20 A. I have already told you that you didn't spend much time there; it didn't last more
21 than a minute. The girls were shouting out so much. What I did was -- all I did was
22 push the stone down.

23 Q. The various plants, or the various flowers, were they really up against each other in
24 such a way that somebody couldn't move between them?

25 A. These are flowers that we planted to stop people moving through them.

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1 Q. These same flowers, were they designed also to be a fence?

2 A. Yes, they did provide a sort of fence.

3 Q. What was the depth of the canal, in relation to where you were standing above the
4 canal?

5 A. The canal is not very deep. You know, the Banyamulengue were queuing up in the
6 canal, so you could see their head. It was only the girls and the rapists that we couldn't
7 see from outside the canal, but the canal itself wasn't very deep.

8 Q. The canal, was it one metre deep, two metres deep, three metres deep? Could you
9 give us an inkling into the depth, approximate depth of the canal?

10 A. I told you that the canal wasn't very deep. From the outside, you could see into the
11 canal.

12 Q. Why did you need to take your shoes off in order to push the stone?

13 A. Well, first of all, I took off my shoes before watching the Banyamulengue. When I
14 heard the shouts from the girls, I said to myself, well, if I keep my shoes on they will spot
15 me quickly and shoot at me, and that's why I took off my shoes, in order to be able to walk
16 on tiptoe.

17 Q. With regard, Madam Witness, the depth of the canal, can you, please -- can you
18 enable the Court to have an exact idea of the depth of this canal, expressed in metres?

19 A. Well, when I realised -- well, when I saw the Banyamulengue in the hole, the hole
20 reached this area of the body.

21 THE INTERPRETER: The Sango interpreter indicates that he didn't see the gesture made
22 by the witness to indicate the depth.

23 MR KILOLO: (Interpretation)

24 Q. Madam Witness, would you mind clarifying what was the approximate depth of the
25 canal and where it -- the depth, where the edge of the canal arrived in relation to the

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1 Banyamulengue, on their bodies?

2 A. At hip level, but I don't know how many metres that would correspond to.

3 Q. Madam Witness, this is just to enable the Bench to have a clear idea of the depth.

4 Bearing in mind that you live in this locality, not knowing the height of these

5 Banyamulengues, it's difficult with the indications that you have supplied, it's difficult

6 really to understand the depth. Are you talking about one metre or two metres?

7 MS KNEUER: Madam President, notwithstanding that the relevance of the entire line of

8 questions is not clear to the Prosecution, are we now discussing ten centimetres of hips,

9 different from people in height? I really think we should not bother the witness with

10 these types of questions, in particular considering her health status.

11 PRESIDING JUDGE STEINER: Maître Kilolo, the witness said, I think, four or five times

12 that more or less the height, the height of the hips and the height of the neck. It's a

13 matter of detail in centimetres. Are you sure that the witness needs to be again and

14 again and again asked about how many centimetres the canal has? I think she has

15 already said what she knows.

16 MR KILOLO: (Interpretation) We can go ahead, your Honour, but this is important

17 because of the content which is going to come ahead because, depending on the level of

18 the hip, we don't know how tall these so-called Banyamulengue are. We don't know if

19 they're small or tall, and so it's difficult to work out the level. It can make a difference, it

20 might be one metre, two metres or even more, but if you think we need to move ahead

21 then it is up to you, your Honour.

22 PRESIDING JUDGE STEINER: I think you can continue, Maître Kilolo. A few

23 centimetres are not going to make any difference, for sure.

24 MR KILOLO: (Interpretation)

25 Q. Madam Witness, could you tell us how far apart the so-called Banyamulengue were,

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1 the ones in the different lines there, at that time?

2 A. The Banyamulengue were lined up the way school children are when they go to
3 class.

4 Q. Could you tell the Court what position you were in when you were observing the
5 rape?

6 A. My position? I was in the middle of the flowers and that was where I was
7 watching them.

8 Q. Were you standing up, or were you crouching down?

9 A. I was standing up, and when I saw them I crouched down and then I pushed the
10 stone and then I went back and hid.

11 Q. How did these so-called Banyamulengue that were lined up not see you when you
12 were standing up?

13 A. I told you that I took every precaution needed, because they were armed and so I
14 made sure they couldn't see me. But I was looking at them in the canal and they were
15 more interested in what they wanted to do, so all their thoughts were focused on the girls.
16 They wanted the rapists raping the girls to do it quickly so that they could come along
17 and do the same, so they weren't looking at what was happening outside.

18 Q. When you were crouching down, did you lose sight of them?

19 A. How could I not not see them? When I crouched down I got the stone, and then I
20 got up again and I targeted the buttocks of the rapist and that's the direction in which I
21 pushed the stone.

22 Q. When you got up, did you push the stone, or did you throw the stone above the
23 flowers?

24 A. I didn't throw the stone above the flowers. I pushed it under the flowers, because if
25 I'd had to get up to push it then that would have made noise and they would have noticed

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1 me. So I made sure *I pushed the stone so that it fell on the buttocks of the

2 Banyamulengue. *In particular, on his pimple.

3 Q. When you saw the pimples on the buttocks, was it when you were crouching down
4 and getting ready to push the stone?

5 A. When the girls were screaming, I first glanced to see exactly what was happening
6 and then after I pushed the stone.

7 Q. Madam Witness, I would like to come to the statement you made to the
8 investigators of the Office of the Prosecutor. I am referring to the document
9 CAR-OTP-0044-0175_R01, French version, and I will read out the question which was
10 asked of you then, "Did you ask the girls what had happened to them?", and your answer
11 was, "Yes, I asked them questions. The girls were in their Mandaba district but, as the
12 Banyamulengue had turned up there, when they turned up there they looted and attacked
13 their parents, the girls wanted to go off to their grandparents' house behind the hill and
14 that was when they ran into the Banyamulengue." Can you confirm this, madam?

15 A. Yes, I said that when I took the girls to the toilet I asked them where they came from.
16 I knew they weren't sisters. One of them told me that they had beaten up her father and
17 had even beaten their mother to death, that the Banyamulengue had taken over the home
18 and that the two had run away so that they could go into hiding. That's what they told
19 me.

20 Q. At the time of the rape, did you know where the six Banyamulengue that you had
21 previously seen in your compound had gone?

22 A. I don't know where they went. When they come to your house and they go away,
23 you don't know where they go to.

24 Q. These two girls who wanted to go off to their grandparents' home on the other side
25 of the hill, were they heading towards PK12?

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1 A. They didn't go in the direction of PK12. They went past my house and across the
2 district. They knew which way they were going. They knew the path they wanted to
3 take.

4 Q. Now, behind the hill you are talking about, when they leave from your place, is that
5 the direction of PK12, moving away from the centre, or is it in the direction of the river?

6 A. Well, for that hill there's a shortcut through our district, and when you come down
7 from that hill you end up at the river and if you go from that hill some of the food
8 merchants used to leave from that point to go to PK12.

9 Q. Well, should we note that the girls we are referring to ran into the so-called
10 Banyamulengue who were behind the hill?

11 A. I can't confirm or deny things I didn't see. I don't know how they left. I don't
12 know what happened to them. Today I can't confirm something which I didn't see.

13 Q. Do you know the names of people who could have looted property in your house?
14 If that were the case, then we shall go into private session.

15 A. No, we don't need to go into private session. I do not know them. Now, what I
16 saw - what I noticed - was the clothes they were wearing and their weapons. I don't
17 know their names.

18 Q. Can you give us the name of one or more persons who were witness to the looting of
19 your house and who could confirm your statements to the Court?

20 A. I told you that, when we forced the Banyamulengue back, there were a number of
21 people. When I came back I saw that the door had been broken down, and when they
22 looted there was no one there. When I came back home there were a number of young
23 people there and we saw *that they had... an alarm clock and a radio. They'd already
24 taken the foam mattresses and things, but if you want me to give names we could go into
25 private session and I could give you the name of one of the people who was with me

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1 when we saw this.

2 MR KILOLO: (Interpretation) Your Honour, could we go into private session, please?

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

4 (Private session at 5.12 p.m.) * Reclassified as Open session

5 THE COURT OFFICER: Madam President, we are in private session.

6 THE WITNESS: (Interpretation) I said that when I went back home there was a

7 (Redacted). He was the one who came

8 with me, who came home to me, and he was the one who told us how the Banyamulengue

9 had taken the alarm clock and the radio. In the meantime they had already taken the

10 foam rubber mattress, and he was the one who wanted to react and I said, "No, otherwise

11 they are going to kill you." And so he went out on to the main road and told the other

12 brothers who were there helping me. He is (Redacted)

13 (Redacted) His name is (Redacted), and when he was going to give them

14 information and when the young people turned up they didn't find the Banyamulengue

15 because they'd already gone with the goods that they'd looted.

16 Q. Did the investigators of the Prosecutor try to go through you and get into contact

17 with (Redacted) to confirm your statements?

18 A. I can't know. I made a statement. I don't know if the investigators wanted to find

19 out more. I honestly can't tell you.

20 Q. Can you provide the Court with the names of persons that were present at the

21 Boy-Rabé market when the so-called Banyamulengue were there with this property and

22 who could confirm your statements?

23 A. I cannot give you names; it was the local community, and it's the community in that

24 district that could tell you or confirm what happened.

25 MR KILOLO: (Interpretation) Your Honour, could we go back into open session,

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1 please?

2 PRESIDING JUDGE STEINER: Please turn into open session.

3 (Open session at 5.16 p.m.)

4 THE COURT OFFICER: Madam President, we are back in open session.

5 MR KILOLO: (Interpretation)

6 Q. Could you give the Court the names of the so-called Banyamulengue who took
7 property and took it to the Boy-Rabé market?

8 A. I couldn't even give you the names of the soldiers in my own country and so,
9 therefore, couldn't you give you the names of the Banyamulengue who came from the
10 other side of the river. How could I tell you their names? How could I know their
11 names?

12 Q. Is it accurate to say that you, personally, never saw the direction in which the
13 so-called Banyamulengue went when they left Boy-Rabé with the property?

14 A. I think that I have told you here that the property looted was transported in a
15 military vehicle. The day after, it was in the morning, the Banyamulengue took the road
16 which went down to Boganda. That was the way they left, to the Boganda high school.

17 Q. Excuse me, madam. Perhaps I didn't ask the question correctly. Have you
18 personally, yourself, seen which way the vehicles went? Did you see that when the
19 so-called Banyamulengue left Boy-Rabé market with the property?

20 A. When they put the property in the vehicle, they fired warning shots. There was
21 chaos. It was the younger people who lived lower down who saw the Banyamulengue,
22 who headed off towards the main road that goes to the centre of the town.

23 THE INTERPRETER: Correction of the interpreter, which goes to the river.

24 MR KILOLO: (Interpretation)

25 Q. I would like to recall your statement to the investigators. The reference is

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- 1 CAR-OTP-0044-0193_R01. This is the French version of the statement. Here is the
2 question which you were asked: "At that point in time, did you see any other armed
3 forces, other than the Banyamulengue?" Your answer was, "No, only the
4 Banyamulengue."
5 Investigator's question, "Where did they take the property? What road did they take?"
6 And your answer, "The road to the city, but I didn't see it. It's the local population which
7 saw them and told me that they had taken the property in vehicles and that they had
8 driven along the city road." Could you confirm this?
9 A. When they were putting the looted property into the vehicles, I saw them doing that,
10 but I didn't see them head off in the direction of the city centre. But the local people told
11 me they had.
12 Q. Once again, Madam Witness, if you could give us names, we could go into private
13 session. Are you in a position where you could give the Court the names or
14 identification of the people, members of the community, who saw the so-called
15 Banyamulengue take the road that leads to the city?
16 A. Under such circumstances, are you in a position where you can take pen and paper
17 to write down names? People gave us information, but we didn't record the identity of
18 the people. There was a community that was angry, and they wanted to get back their
19 property that had been looted. We were in a state of trauma at the time.
20 Q. Would it be accurate to say that you, personally, never saw the so-called
21 Banyamulengue take what you call the booty to Zaire?
22 A. I told you that the looted property was loaded into the vehicle by the
23 Banyamulengue. That means it was the Banyamulengue that took the property. When
24 we turned up, when the community turned up, they fired shots and they loaded the
25 looted property into their vehicles, and that were clearly the Banyamulengue who had

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1 looted the property and taken it.

2 Q. I would like to recall your statement to the investigators. I'm referring to document
3 CAR-OTP-0044-0193_R01. This is the statement in French. Here is the question you
4 were asked: "Where did they take it with them?" And your answer was, "Towards
5 Zaire." And the investigator's question, "Did you see this yourself? Were you a witness
6 to this yourself?" Your answer, "No, but there was a report on Central African radio
7 which asked the people to go and see property belonging to them and to retrieve it."
8 Could you confirm this?

9 A. I can confirm that statement.

10 MR KILOLO: (Interpretation) Your Honour, I don't know if we are going to conclude
11 at 5.30 or 6 p.m? I realise there are only two minutes left.

12 PRESIDING JUDGE STEINER: Maître Kilolo, we can suspend. We can adjourn now,
13 because we have only two more minutes and the witness needs to have a break. So we
14 are going to adjourn now.

15 Madam Witness, thank you very much for your efforts, coming here this afternoon. We
16 are going to adjourn our hearing. You can take some rest, try to feel even better. We are
17 going to continue tomorrow morning.

18 Court officer, please turn into closed session in order for the witness to be taken outside
19 the courtroom. Have a nice evening, madam.

20 (Closed session at 5.26 p.m.) * Reclassified as Open session

21 THE COURT OFFICER: Your Honours, we are in closed session.

22 (The witness stands down)

23 PRESIDING JUDGE STEINER: Can we turn into open session, please.

24 (Open session at 5.27 p.m.)

25 THE COURT OFFICER: Your Honours, we are back in open session.

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1 PRESIDING JUDGE STEINER: Thank you very much. It's just to remind the parties
2 that we will resume tomorrow morning at 9.30 in Courtroom 2. I would like to thank
3 very much the Prosecution team, the legal representatives of victims, the Defence team,
4 Mr Jean-Pierre Bemba Gombo, our interpreters, court reporters, wishing all of you a nice
5 and restful night. This hearing is adjourned.

6 THE COURT USHER: All rise.

7 (The hearing ends at 5.28 p.m.)

8 CORRECTIONS REPORT

9 The Court Interpretation and Translation Section has made the following corrections in
10 the transcript:

11 *Page 4 line 23

12 ""as of one hour."" Is corrected by ""as of one o'clock, we heard gunshots...""

13 *Page 37 line 1

14 "So I made sure *that I could push the stone..." Is corrected by "So I made sure I
15 *pushed the stone..."

16 *Page 37 line 2

17 "the one who didn't have any pimples. Is replaced by "In particular, on his pimple."

18 *Page 38 lines 23 and 24

19 "that they had the things, they had radios, they'd taken the rubber mattresses and
20 things,..." Is corrected by "that they had... an alarm clock and a radio. They'd already
21 taken the foam mattresses and things,..."

22 RECLASSIFICATION REPORT

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

24 ICC-01/05-01/08-3038 and its instructions in the email dated 17 September 2013, the
25 version of the transcript with its redactions becomes Public.

26