

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki
6 Trial Hearing
7 Friday, 18 March 2011
8 (The hearing starts in open session at 9.34 a.m.)
9 THE COURT USHER: All rise. The International Criminal Court is now in session.
10 Please be seated.
11 THE COURT OFFICER: Good morning, your Honours, Madam President. We are
12 in open session.
13 PRESIDING JUDGE STEINER: Good morning. Could, please, the court officer call
14 the case.
15 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
16 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
17 PRESIDING JUDGE STEINER: Thank you. Good morning. I would like to
18 welcome the Prosecution team, legal representatives of victims, the Defence team,
19 Mr Jean-Pierre Bemba Gombo, to welcome our interpreters and court reporters. We
20 today will start with the evidence of Witness 119 but, before she is brought into the
21 court, the Chamber has a short oral decision to deliver regarding the legal
22 representatives' applications to question Witness 119.
23 On 16 February 2011, the Chamber received an application from Maître Zarambaud
24 on behalf of the victims he represents to question Witness 119, filing 1249 confidential.
25 A corrigendum to this filing was filed on 2 March 2011, provided a corrected

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 justification for the application to question Witness 119. The application contains a
2 list of 12 questions.

3 Similarly, the Chamber received an application from Maître Douzima on
4 17 February 2011 on behalf of the victims that she represents, this is filing 1250
5 confidential, and a subsequent corrigendum which was filed on 2 March 2011
6 containing reasons why the personal interest of the victims represented by her are
7 affected by the evidence of Witness 119. The application contains a list of seven
8 questions.

9 Having considered the reasons given by both Maître Zarambaud and Maître
10 Douzima as to why the personal interest of the victims that they represent are affected,
11 the Chamber allows the respective application to question Witness 119 as set out in
12 the aforementioned filings.

13 Now, we are going very briefly into closed session in order to allow Witness 119 to be
14 brought into the courtroom. Court officer, please.

15 *(Closed session at 9.38 a.m.) Reclassified as Open session

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

17 (The witness enters the courtroom)

18 WITNESS: CAR-OTP-PPPP-0119

19 (The witness speaks Sango)

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

21 (Open session at 9.40 a.m.)

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

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

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

25 PRESIDING JUDGE STEINER: The Chamber was informed that you feel some pain.

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

- 1 Are you feeling better now? Are you feeling comfortable?
- 2 THE WITNESS: (Interpretation) Yes, I feel better now.
- 3 PRESIDING JUDGE STEINER: Madam Witness, you are welcome to this Court.
- 4 You are here to give evidence in the case of the Prosecutor against Mr Jean-Pierre
- 5 Bemba Gombo. Before you start giving evidence, the court usher will facilitate you
- 6 taking the oath by reading out the words of the oath for you to repeat. Court officer,
- 7 or court usher? Court officer, please.
- 8 THE COURT OFFICER: Yes, Madam President: "I solemnly declare that I will
- 9 speak the truth, the whole truth and nothing but the truth."
- 10 THE WITNESS: (Interpretation) I solemnly declare that I will speak the truth, the
- 11 whole truth and nothing but the truth.
- 12 PRESIDING JUDGE STEINER: Thank you, madam. Now that you have taken the
- 13 oath, can I confirm that you understand what the oath means?
- 14 THE WITNESS: (Interpretation) Yes, I understand the meaning of that
- 15 undertaking.
- 16 PRESIDING JUDGE STEINER: Do you understand it to mean that you must give
- 17 answers to questions asked of you that are true and accurate to the best of your
- 18 knowledge and belief?
- 19 THE WITNESS: (Interpretation) Yes, I understand that perfectly well.
- 20 PRESIDING JUDGE STEINER: Madam, as you will have had explained to you by
- 21 the Victims and Witnesses Unit during your familiarisation process since you arrived
- 22 in The Hague, you will be questioned first by the Prosecution, then by the legal
- 23 representatives of victims and finally by the Defence. As well, the Chamber can put
- 24 some questions to you.
- 25 You were informed that the Chamber has put in place measures to protect your

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

- 1 identity from the public, so you will be referred to, during the course of your
2 testimony, as "Witness 119," as "Madam Witness," or as "Witness." You're not going
3 to be called by your name.
- 4 Your voice and your image that is broadcast outside the courtroom will be distorted,
5 so the public cannot identify you by your image or by your voice.
- 6 Because we speak different languages, there is interpretation so that we can all
7 understand each other. Because of this it is important that you speak slower than
8 normal, as I am doing now, to allow the interpreters to do their job. Because this can
9 be seen as unnatural, it may be that you start speeding up. Then I will have to
10 interrupt you to remind you to slow down again. This is purely for practical
11 purposes and should not discourage you from speaking.
- 12 Because of the protective measures, madam, it's also important that in public sessions
13 you don't mention names of family members, of neighbours, of friends, nor do you
14 give any information that could lead to your identification. If need be, we can go
15 into private session. In private session you cannot be heard outside the courtroom
16 and then you can speak freely. Do you understand that, madam?
- 17 THE WITNESS: (Interpretation) Yes, I fully understand that.
- 18 PRESIDING JUDGE STEINER: So, madam, I have a few questions - initial
19 questions - to put to you. Have you been given the opportunity to read, or have
20 read to you, the statement or statements that you made to the Court?
- 21 THE WITNESS: (Interpretation) Yes, I have had the opportunity to read it.
- 22 PRESIDING JUDGE STEINER: At that time, when you made the statement or
23 statements, did you do so voluntarily?
- 24 THE WITNESS: (Interpretation) Yes, I did that voluntarily.
- 25 PRESIDING JUDGE STEINER: Is the information that you have provided in your

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 statement, or statements, true and accurate to the best of your knowledge and
2 understanding?

3 THE WITNESS: (Interpretation) What I gave in my statement is everything that
4 I know.

5 PRESIDING JUDGE STEINER: Madam, we are going to start now with your
6 questioning by the Prosecution, but the Chamber wants you to know that if for any
7 reason you need a break, you just let us know and you will have as many breaks as
8 you want. The floor is with the Prosecution.

9 MS BALA-GAYE: Thank you, Madam President, your Honours.

10 QUESTIONED BY MS BALA-GAYE:

11 Q. Good morning, Madam President.

12 A. Good morning, madam.

13 Q. I am glad to hear that you rested well and that you are ready to proceed with
14 your testimony. My name is Horejah Bala-Gaye and I represent the Prosecution.
15 Thank you very much for your presence here today. I will be asking you some
16 questions regarding the 2002 to 2003 events in the Central African Republic.

17 Madam President has already advised you on how the interpretation system in the
18 courtroom works. Therefore, I simply remind you to speak slowly and to pace your
19 answers. If at any point in time you do not understand any of my questions, or any
20 aspect of the proceedings, please let me know and I will rephrase my questions or
21 provide clarification. If you would like me to repeat my questions at any time,
22 Madam Witness, just let me know.

23 Please take your time to answer each of my questions, so that you can provide the
24 Judges with a complete answer and a complete account of what you know, Madam
25 Witness. During the course of your testimony, I will be asking you many questions

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

1 such as "When?", "Why?" and "How do you know?" I ask for your patience, Madam
2 Witness, as these questions are quite important so that the Judges can understand
3 what you know, as well as how you know it.

4 Lastly, as Madam President has informed you, if you would like to have a break at
5 any time, be it that you are tired or that you are feeling some pain, please let the
6 Judges know. Do you understand, Madam Witness?

7 A. Yes, I understand that.

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

11 PRESIDING JUDGE STEINER: Court officer, please let's go briefly into private
12 session.

13 *(Private session at 9.56 a.m.) Reclassified as Open session

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

15 MS BALA-GAYE:

16 Q. Madam Witness, as the court officer has just mentioned, we are in private
17 session. What does this mean? As Madam President has told you, in this session
18 you can speak freely, including providing names or other identifying information.
19 This is because the information you tell us stays within this courtroom and people
20 outside this courtroom cannot hear what you are saying. Do you understand that,
21 Madam Witness?

22 A. Yes, I understand that.

23 Q. Madam Witness, I will start by asking you some questions about yourself so
24 that the Judges can better understand who you are and where you are from. Could
25 you please state your full name for the Court?

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

- 1 A. My name is (Redacted).
- 2 Q. Do you have any other names, Madam Witness?
- 3 A. In the neighbourhood I am also known as (Redacted).
- 4 Q. Could you tell the Court your date of birth?
- 5 A. I was born on (Redacted).
- 6 Q. What is your nationality, Madam Witness?
- 7 A. I am a national of the Central African Republic.
- 8 Q. What is your marital status?
- 9 A. (Redacted).
- 10 Q. Do you have a partner, Madam Witness?
- 11 A. (Redacted).
- 12 Q. Do you have children, Madam Witness?
- 13 A. I've (Redacted) children.
- 14 Q. Madam Witness, can you give us some information regarding your educational
- 15 background?
- 16 A. Yes, I was at school and (Redacted). I also followed
- 17 (Redacted). I am (Redacted) in Bangui and I am also (Redacted)
- 18 (Redacted).
- 19 Q. Madam Witness, where are you (Redacted)? At which business, or
- 20 organisation?
- 21 A. I work (Redacted)
- 22 (Redacted).
- 23 THE INTERPRETER: The interpreter adds in the previous answer it was stipulated
- 24 that it was in Bangui.
- 25 MS BALA-GAYE:

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

1 Q. And since when have you worked at (Redacted)

2 A. I have been working in (Redacted) of Bangui since
3 (Redacted).

4 Q. You also mentioned that you're (Redacted). Can you tell us in which
5 neighbourhood this is?

6 A. (Redacted) which is situated in the (Redacted)
7 of Bangui.

8 Q. For how long have you held this position as (Redacted)?

9 A. I was (Redacted).

10 THE INTERPRETER: (Redacted) corrects the interpreter.

11 MS BALA-GAYE:

12 Q. So would I be correct, Madam Witness, in saying that between 2002 and 2003
13 you were still (Redacted)

14 A. That is correct. In 2002 to 2003 I was (Redacted).

15 Q. Madam Witness, what languages do you speak?

16 A. I speak Sango and I also speak French.

17 Q. Now, apart from French and Sango, do you understand any other languages?

18 A. No, I don't speak another language.

19 Q. At present, Madam Witness, where do you live?

20 A. I live in Boy-Rabé, which is (Redacted).

21 Q. And between 2002 and 2003, were you living in the same place, or somewhere
22 different?

23 A. I was living in the same place.

24 Q. You told us that your neighbourhood is known as (Redacted). My question for
25 you is: Is it known by any other name?

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

1 A. Previously this was known as (Redacted) and now it's become
2 (Redacted).

3 Q. Do you know when the name changed from (Redacted), Madam
4 Witness?

5 A. I do not remember.

6 Q. Madam Witness, in general I intend to proceed with my questions as follows: I
7 will be asking you some background information regarding your community; then I
8 will ask you about events which may have happened in the Central African Republic
9 between 2002 and 2003, as well as what if anything happened to you during this time.
10 I will then conclude with other relevant questions, which you may have knowledge of
11 during this time. Would that be an acceptable way to proceed, Madam Witness? I
12 am afraid I didn't receive any interpretation, I am not sure if I am the only one in the
13 courtroom, of the witness's answer?

14 PRESIDING JUDGE STEINER: Madam Witness, have you received interpretation
15 on what the Prosecution has just said?

16 THE WITNESS: (Interpretation) Please could you ask your question again.

17 MS BALA-GAYE:

18 Q. Madam Witness, my intention is to proceed with the questions in the following
19 manner: Firstly I will ask you some background questions regarding your
20 community; then I will ask you about events which may have happened in the
21 Central African Republic between 2002 and 2003, as well as what if anything
22 happened to you during this time. Then I will conclude with other relevant
23 questions about what you may have heard during this period. Would that be an
24 acceptable way to proceed, Madam Witness?

25 A. Yes, that is acceptable.

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

1 Q. I would now like to talk about some background information about your
2 neighbourhood, its inhabitants and (Redacted). Just for our
3 understanding, Madam Witness, in which town or city can we find (Redacted), or
4 the 4th arrondissement?

5 A. My neighbourhood is in the capital, Bangui, in the 4th arrondissement.

6 Q. (Redacted)

7 A. No, the 4th arrondissement brings together approximately (Redacted)
8 (Redacted).

9 Q. Is this 4th arrondissement known by any other name, Madam Witness?

10 A. In the neighbourhood where I am it is known as Boy-Rabé.

11 Q. You told us that you were (Redacted). Can you explain to us
12 how this came about, Madam Witness?

13 A. In Bangui, when you have (Redacted), you ask the men and women to
14 present (Redacted). There were a lot of (Redacted)
15 (Redacted) and as such I was (Redacted)

16 Q. Can you tell us how long you were (Redacted) for?

17 A. In Bangui, when (Redacted), that person is (Redacted)
18 (Redacted) but in fact when (Redacted) there aren't (Redacted) until (Redacted)
19 (Redacted). So (Redacted).

20 Q. Just to be clear, Madam Witness, can you tell us who (Redacted)?

21 A. It was (Redacted).

22 Q. And when was the first time that (Redacted) you?

23 A. Firstly, (Redacted)
24 (Redacted) no longer remember the
25 date.

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

1 Q. In order to assist us, Madam Witness, you said you were (Redacted)

2 (Redacted) Can you give us an idea of the period between (Redacted) time, when
3 you were in the position as (Redacted), and when (Redacted) into that
4 position again?

5 A. The period was one or two years that I was in (Redacted) before
6 (Redacted) took place.

7 Q. You just told us that, as a result of your good conduct, (Redacted) chose to
8 (Redacted) you after this (Redacted). My question is: In order to become (Redacted)
9 (Redacted), can you tell us what kind of qualities a person should have, or what kind
10 of qualities are expected of a person holding such a position?

11 A. (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)

16 Q. You told us that in general such a person is in fact (Redacted). Can you tell us
17 under what circumstances (Redacted) can be removed from his or her position, if at
18 all?

19 A. If (Redacted) has bad behaviour, that is to say behaves in a negative
20 way with regard to (Redacted)
21 (Redacted)
22 removed from that position.

23 Q. Madam Witness, are you able to give us examples of what you mean when you
24 say "negative ways"? Like, what are the examples of the type of behaviour that
25 could result in (Redacted) being removed from his or her position?

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

1 A. Well, examples that I could name, for example, if there's a conflict in the

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted) Madam Witness, what are your responsibilities or duties

6 (Redacted)

7 A. In terms of my responsibilities, this consists of (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. Did you have the same responsibilities in 2002 to 2003, or did your

13 responsibilities change in any way, Madam Witness?

14 A. The responsibilities are the same. I still have the same responsibilities.

15 Q. Now, my last question for you in relation to (Redacted) is:

16 How would you describe your relationship with (Redacted)?

17 A. I think that my relationship with (Redacted) is a very warm

18 one. (Redacted)

19 (Redacted). This means that I am in very good terms with this -- with these people.

20 When, for example, (Redacted) are faced with a difficult situation, (Redacted)

21 (Redacted). That is how it works between us.

22 MS BALA-GAYE: Madam President, I think I have concluded my questions for

23 private session. With your leave, may we move into open session?

24 PRESIDING JUDGE STEINER: Before we move into public session, Ms Bala-Gaye,

25 I think this is going to be a quite difficult questioning since most of the facts that the

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

1 witness is to provide you are related to (Redacted) and will link
2 her to her (Redacted). Has the Prosecution envisaged any alternative for avoiding
3 successive redactions in the transcripts and in the broadcast for the witness to refer to
4 (Redacted) without saying what (Redacted) is?
5 MS BALA-GAYE: Thank you, Madam President. That is indeed a concern for the
6 Prosecution, as initially not being a protected witness we had limited certain
7 questions to the beginning and the end for private session.
8 So far the questions that we have framed are in a general manner of a person residing
9 in that particular neighbourhood. We will continuously remind the witness not to
10 mention (Redacted). However, this also means that we will be asking for certain
11 private sessions and we may have to go in and out of private session a little bit more
12 frequently than we usually do. And other than that, it would just be to remind the
13 witness each time we foresee, based on the type of evidence that she will provide, that
14 she does not refer to (Redacted), or her name, and we hope that would work out.
15 PRESIDING JUDGE STEINER: Madam Witness, we are going now back into public
16 session. We want to remind you about protective measures and we would like you
17 not to mention in your answers (Redacted), because this
18 information may identify you. If you need to refer to (Redacted), maybe you can
19 find an alternative word, you can just say (Redacted) You don't need to be precise,
20 everyone will understand that you're talking about (Redacted)
21 but don't mention that in public session. You can, for instance, just say (Redacted)
22 (Redacted) It's one alternative, but feel comfortable to find other alternatives. Do
23 you understand that? Could you speak a little bit louder, because we could not
24 listen to you?
25 THE WITNESS: (Interpretation) Yes, it's understood.

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: Thank you very much. Court officer, please let's
2 turn into open session.

3 (Open session at 10.29 a.m.)

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

5 MS BALA-GAYE:

6 Q. Madam Witness, as Madam President has advised you, please avoid
7 mentioning your name, the names of others, or other information which may lead to
8 your identity. I myself will be vigilant in ensuring that, if I anticipate that a question
9 could lead to your identification, I will request for a private session. If you feel that
10 in order to provide a complete answer you need to refer to any information that
11 identifies you, please let the Judges now and we will move into private session. Do
12 you understand that, Madam Witness?

13 A. Yes, I have understood you well.

14 Q. Now, I will ask you some more questions about the area within which you
15 reside, and this is (Redacted). Do you recall the size of the population in your
16 neighbourhood at this time?

17 THE INTERPRETER: From the Sango interpreter, we did not hear the beginning of
18 the witness's answer.

19 PRESIDING JUDGE STEINER: I would, please, ask the court usher to help the
20 witness in sitting a little bit closer to the microphone, because the Sango booth is
21 having difficulties in hearing. If you don't mind, Madam Witness, in sitting a little
22 bit closer to the microphone. Thank you very much. Could you please, madam,
23 repeat your last answer, or would you prefer to have the question be put again?

24 THE WITNESS: (Interpretation) Yes, please kindly repeat the question.

25 MS BALA-GAYE:

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 Q. Madam Witness, between 2002 and 2003, do you recall the size of the
2 population in your area, in your neighbourhood?

3 A. Yes, I told you that these events took place a long time ago. I no longer
4 remember.

5 Q. That is perfectly fine, Madam Witness. Do you recall if during this period it
6 was only Central African Republic people living in your neighbourhood at this time?

7 A. There were many people, but I would say that the majority were Central
8 Africans.

9 Q. Regarding this minority that were not Central African Republic people, do you
10 recall where these people were from; those residents in your neighbourhood?

11 A. As you know, when those strangers came in we could not know their origin. It
12 is only afterwards that we were able to know from where they came.

13 Q. Madam Witness, I don't think my question was clear enough, so I shall rephrase
14 it. I am still referring to those who were resident - those who lived in - your
15 neighbourhood. Do you know where the non-Central African Republic people, who
16 were living in your neighbourhood, where they were from?

17 A. There were only Central Africans in my neighbourhood.

18 Q. Madam Witness, between 2002 and 2003, what was the language or languages
19 spoken by the people who were living - the residents - in your neighbourhood?

20 A. The inhabitants of my neighbourhood spoke Sango. Some of them spoke
21 French.

22 Q. Just to clarify, Madam Witness, what would you say was the dominant
23 language in your neighbourhood at this time?

24 A. There were several dialects, such as Mandja, Gbaya, Mbaka-Mandja and some
25 Kaba.

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 Q. And out of all these dialects, as well as Sango and French, what would you say
2 is the language that is most widely understood by all the residents living in your
3 neighbourhood?

4 A. Of course this would be Sango.

5 Q. In your opinion, Madam Witness, and from what you could observe, would you
6 describe your neighbourhood as a rich or a poor neighbourhood?

7 A. The way I would describe my neighbourhood, as you know, is as a poor
8 neighbourhood. However, there are civil servants who live in my neighbourhood.

9 Q. And why would you describe it as a poor neighbourhood, Madam Witness?
10 Can you give us an idea of perhaps the type of profession that people in your
11 neighbourhood were engaged in?

12 A. The majority of the inhabitants were traders, others were civil servants and you
13 also had some farmers.

14 Q. I would now like to direct your attention to events which may have happened
15 in the Central African Republic between 2002 and 2003. You told the Court in
16 private session where you were living at this time. Now, without mentioning
17 exactly where you were living, and without mentioning any names, can you give us
18 an idea of who you were living with at this time?

19 A. But the inhabitants of my neighbourhood are (Redacted).

20 Q. Madam Witness, perhaps my question wasn't clear, so I will ask again. What I
21 would like to know is who were you living with in your home during this period; that
22 is between 2002 and 2003?

23 A. In my house I was living with the members of my family.

24 Q. Now, during 2002 and 2003, can you explain to us what, if anything, was
25 happening in the Central African Republic at this time?

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 A. During the period in question, one day at around 3 p.m. my aunt looked
2 towards the hill and she saw soldiers crawling down towards us. My aunt informed
3 me and I asked the members of my family to go inside the house. I also entered into
4 the house and double-locked the door. I told myself that, if those soldiers were
5 Central African soldiers, they would not be crawling on the ground to come towards
6 us. Inside the house, I started praying and it was while I was praying that I heard a
7 woman's voice crying out, "I am dead. I am dead. I am dead," and she was
8 moaning. After the prayer I took up (Redacted) and then I went
9 out, but at the door I was able to see that those soldiers had already invaded my
10 compound. If I had tried to turn around, they would have shot me. They already
11 had their weapons pointed at me.
12 As a woman, I raised up my two hands. I raised up my two arms. There were
13 many of them and I did not know what to do, or where to go. One of them spoke to
14 me and asked me where I was going. Before that, they had been speaking a
15 language that I could not understand, but after that he asked me whether I
16 understood French and I said, yes, I was able to understand French. Then he said
17 "Who are you?" His pronunciation was quite unusual and I was not able to
18 understand him, but I introduced myself to him. They still had their weapons
19 pointed at me and then they asked me, "What do you want?" I told him, "You have
20 just taken a woman and you are dragging her around there. What did that woman
21 do? I saw six soldiers in military uniform dragging that woman along and they were
22 taking her behind a house." After having spoken to that person who had addressed
23 me, he instructed the other soldiers to leave that woman alone. The woman then ran
24 towards me, held me and started crying. I placed my hand on her head and began
25 to pray.

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0119

1 MS BALA-GAYE: I apologise for the interruption, Madam President, but my mic
2 was not working so I couldn't intervene, because I believe this line of her responses at
3 this stage would lead to her identification, so my suggestion would be to move into
4 private session and address this aspect of her testimony and then we can hopefully
5 continue in open session.

6 PRESIDING JUDGE STEINER: Court officer, please let's turn into private session.

7 *(Private session at 10.49 a.m.) Reclassified as Open session

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

9 MS BALA-GAYE:

10 Q. Madam Witness, I requested Madam President to allow us to move into private
11 session, because I believe that your responses at this stage could lead to your
12 identification. Now that we are in private session, you can speak freely and provide
13 names and other information. However, I would like to go back to what you have
14 just told us to get some clarification and ask you for certain information as this will
15 assist us to understand better the information that you have to give us. I understand
16 that we have a lot to cover and we will cover everything, but I would like to go back
17 to some of what you've told us and ask you some more questions. Would that be
18 acceptable to you, Madam Witness?

19 A. Yes, that is fine with me.

20 Q. Now, you told us that there were some soldiers who were crawling on the hill.
21 Now, just so that we are clear, do you know if these soldiers that you saw are known
22 by any name?

23 A. Those soldiers were known as the Banyamulengue.

24 Q. Do you know where the Banyamulengue came from, Madam Witness?

25 A. When they came into my neighbourhood, I did not know where they had come

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

1 from. I simply saw them crawling down from the hill.

2 Q. Did you at a later time come to know where the Banyamulengue came from?

3 A. Yes, I subsequently got to know that they were from Zaire.

4 Q. Can you assist us, Madam Witness, why -- do you know why soldiers from
5 Zaire, this Banyamulengue, do you know why they came to the Central African
6 Republic?

7 A. I believe that at that time there was a problem in the country. They had come
8 once before, but stopped in the neighbourhood known as N'garagba. It was only
9 when they came for the second time that they came up right to our area in Boy-Rabé.
10 They came between -- because of the misunderstanding that had arisen between the
11 president at that time and the rebels.

12 Q. Just a few questions in relation to that, Madam Witness.

13 PRESIDING JUDGE STEINER: Sorry to interrupt, Ms Bala-Gaye. Are you sure that
14 in relation to these specific questions there is a need for being in a private session?

15 MS BALA-GAYE: In fact, Madam President, no. It was when she started
16 mentioning her conversation with the Banyamulengue that I was a bit concerned, but
17 we could perhaps go to the break and then when we come back start this particular
18 line of questioning in open session and then come to that portion later on in private.

19 PRESIDING JUDGE STEINER: Let's go into public session, please.

20 (Open session at 10.55 a.m.)

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

22 PRESIDING JUDGE STEINER: Madam Witness, it's 11 o'clock now. We are going
23 to have a break, a half-an-hour break, in order for you to take some rest. We will
24 resume at 11.30, when you will continue to be questioned by the Prosecution. I will
25 ask, please, the court officer to turn into closed session in order for the witness to be

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

- 1 taken outside the courtroom. In the meantime, we are going to suspend the hearing
2 and resume at 11.30. Court officer, please.
- 3 *(Closed session at 10.56 a.m.) Reclassified as Open session
- 4 THE COURT OFFICER: We are in closed session, Madam President.
- 5 (The witness stands down)
- 6 THE COURT OFFICER: All rise.
- 7 (Recess taken at 10.57 a.m.)
- 8 *(Upon resuming in closed session at 11.37 a.m.) Reclassified as Open session
- 9 THE COURT USHER: All rise. Please be seated.
- 10 PRESIDING JUDGE STEINER: Welcome back. I ask, please, the court usher to
11 bring the witness in.
- 12 (The witness enters the courtroom)
- 13 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 14 (Open session at 11.38 a.m.)
- 15 THE COURT OFFICER: We are in open session, Madam President.
- 16 PRESIDING JUDGE STEINER: Thank you. Madam Witness, welcome back.
- 17 THE WITNESS: (Interpretation) Good morning, your Honour.
- 18 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony?
- 19 THE WITNESS: (Interpretation) Yes, I am ready.
- 20 PRESIDING JUDGE STEINER: So I am giving the floor back to the Prosecution, just
21 reminding you, madam, to avoid mentioning names, or details of any position that
22 you held in the past, or hold in the present, in order to avoid that identifying
23 information is revealed to the public. If need be, we go into private session. And
24 also to remind you that, if you need any break, please just let us know.
- 25 Ms Bala-Gaye.

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 MS BALA-GAYE: Thank you, Madam President, your Honours.

2 Q. Welcome back, Madam Witness. Prior to the break, you told the Court that the
3 Banyamulengue came because of a misunderstanding which had arisen between the
4 President at the time and the rebels. For everyone in the courtroom, I am referring to
5 page 24, lines 3 to 5, of the English real-time transcript. Madam Witness, for now I
6 would like to focus on the period immediately before the Banyamulengue arrived in
7 your neighbourhood. My first question is: Who was the president at time, that is
8 between 2002 and 2003?

9 A. From 2002 to 2003, it was Ange-Félix Patassé who was the president.

10 Q. You referred to a misunderstanding between President Patassé and the rebels.
11 Who do you refer to as "the rebels," Madam Witness?

12 A. I am referring to the person who is responsible for this rebellion. The President
13 was part of that.

14 Q. Can you tell us the name of the president, the one you refer to as being
15 responsible for the rebellion?

16 A. It was the current President of the Central African Republic.

17 Q. Do you know the name of the current President of the Central African Republic,
18 Madam Witness?

19 A. Yes, I know his name. It is François Bozizé.

20 Q. Now, prior to starting the rebellion, do you know if Mr François Bozizé held
21 any position in the Central African Republic?

22 A. He was Chief of Staff.

23 Q. Can you tell us of what he was the Chief of Staff? Was this a particular -- is
24 there a particular name for this?

25 A. Well, he was Chief of Staff and that means that he was the person who was the

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 leader of the Central African Republic Army. He was the one who commanded the
2 FACA. The FACA is the Armed Forces of the Central African Republic.

3 Q. Now, focusing on the misunderstanding you told us about, that is the
4 misunderstanding between Patassé and Bozizé, can you tell us what, if anything,
5 happened as a result of this? You told us that there was a rebellion. Can you tell us
6 how this started?

7 A. At that time, well, a long time before that, there was the first President,
8 Mr Kolingba, and after his term expired he tried to have a coup against President
9 Ange-Félix Patassé and after having not achieved this the Chief of Staff, François
10 Bozizé, went to his home in order to try and catch him and it was at that time as well
11 that the Banyamulengue arrived for the first time at N'garagba and the home of
12 Kolingba was destroyed. We learned the news that -- we heard the news that there
13 had been a misunderstanding between Patassé and Bozizé for the simple reason that
14 he had gone to destroy the home of President Kolingba and he had discovered
15 diamonds there and he wanted to stop Bozizé and he had to flee in order to take
16 refuge in the 4th arrondissement.

17 Q. Madam Witness, you told us that as a result of this misunderstanding Bozizé
18 fled in order to take refuge in the 4th arrondissement. Can you tell us -- describe
19 to us what, if anything, happened after Bozizé fled to the 4th arrondissement?

20 A. After that they sent the Presidential Guard to go and arrest him and, when the
21 Presidential Guard went to that place all the population of the place where he had
22 taken refuge, the Gbafio neighbourhood, that is composed of his ethnic group, and
23 they burned tyres - used tyres - to prevent the Presidential Guard from being able to
24 arrest François Bozizé.

25 Q. You told us that it was people from Bozizé's ethnic group, I should say, that

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 were burning tyres in order to prevent the Presidential Guard from arresting François
2 Bozizé. My question is: Apart from members of his ethnic group, were there any
3 other people within Bozizé's rebel group?

4 A. There were young people from the neighbourhood who followed President
5 Bozizé, and these young people too, they were demonstrating to prevent the arrest of
6 Bozizé.

7 Q. These young people that you referred to, Madam Witness, that are from the
8 neighbourhood, were they also members of Bozizé's ethnic group?

9 A. Some of them came from my neighbourhood and others came from another
10 neighbourhood.

11 THE INTERPRETER: The interpreter didn't get the name of the second
12 neighbourhood, the English interpreter. Mandaba, the interpreter corrects.

13 MS BALA-GAYE:

14 Q. Madam Witness, how do you know that these young people -- where these
15 young people were from, the young people that joined Bozizé's rebels, how did you
16 know this?

17 A. I am (Redacted) and, when they left this
18 neighbourhood, they entered my neighbourhood.

19 Q. Madam Witness, can I just remind you not to mention your position, or any
20 information that may lead to your identity. You can generally refer to what you
21 know because of your presence within the area, but please do not refer to any
22 information that may identify you. You told us that the president at the time was
23 Patassé. Now, when Bozizé started his rebellion and the people were burning tyres
24 in the neighbourhood, what if anything was the response of Patassé's government to
25 this rebellion?

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 A. President Patassé sent a plane and this plane dropped bombs on our
2 neighbourhood.

3 Q. Now, as a result of the bombing in your neighbourhood, did anything happen
4 to anyone at this time?

5 A. Yes, following this bombing, something did happen. Some young men were
6 hit, for example, and there was a young man who was hit. Others, for example a
7 shoe mender was hit, and I drove them to the hospital, the hospital called Amitié.

8 Q. Madam Witness, do you recall when this bombing took place in your
9 neighbourhood?

10 A. 28 October, when they started bombing. In the morning, the bombing took
11 place -- well, three days before. It was the 28th; the rebels had to go back in retreat.

12 Q. Madam Witness, I have a question of clarification, because the record appears a
13 bit unclear to me. Did the bombing take place on the 28th, or did it take place three
14 days before the 28th? I am referring for everyone else in the courtroom to page 30 of
15 the unedited -- the real-time English transcript and from lines 8 to 10. So my
16 question for you, Madam Witness: Did the bombing take place on 28 October, or did
17 it take place three days before? Just a point of clarification.

18 A. The bombing took place during three days. The morning of the 28th this
19 bombing continued. The rebels were beaten, they retreated and it stopped in the
20 morning of the 28th.

21 Q. Do you know who was bombing - who was carrying out the bombing - Madam
22 Witness?

23 A. There was a soldier who had come and he asked me to take the children and to
24 leave because nobody else was in the neighbourhood. I was a woman and I had to
25 leave with the children. The instruction was given to bomb the neighbourhood.

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 The soldier gave me the name of Bombayake, who is a pilot in the air force.

2 Q. And do you recall how long before the bombing that you heard this information
3 that the neighbourhood was going to be bombed?

4 A. It was the day before and the next day the bombing started.

5 Q. Madam Witness, did you understand, or did you come to understand, why
6 Bombayake was bombing the neighbourhood?

7 A. He was bombarding the neighbourhood because that neighbourhood had been
8 occupied by the rebels and because the leader of the rebels was living in that
9 neighbourhood.

10 Q. You told us that after three days of bombing the rebels left your area. Now,
11 still in relation to the time that the rebels were in your area, do you recall for how
12 long they stayed in your area? Was it a matter of days, or weeks, prior to their
13 fleeing?

14 A. At the time that the bombardment was taking place, it was more in the Gbafio
15 neighbourhood. The majority of the rebels then came to my neighbourhood; that is,
16 when they were fleeing on the 28th, in the morning, they came to my neighbourhood
17 and on that morning they withdrew.

18 Q. After the rebels fled from the Gbafio neighbourhood and came to your
19 neighbourhood, did you personally see Bozizé's rebels at this time?

20 A. Yes, I saw them, because there is (Redacted) opposite my compound.
21 They took refuge there. They called my daughter and they gave her some money.
22 Then they asked her to prepare some food for them. I myself prepared food for
23 them.

24 Q. Madam Witness, in which language did you speak to the rebels?

25 A. I did not approach them. They called my daughter, who went there, and since

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 she is a young girl they gave her some money. We prepared food for them and we
2 called the owners of the house who went and gave the food to the rebels. I did not
3 have the opportunity to converse with them.

4 Q. Did your daughter tell you in which language the rebels spoke to her in?

5 A. They spoke to her in Sango.

6 Q. Madam Witness, although you did not have the opportunity to speak to the
7 rebels, from what you could observe at this time can you describe Bozizé's rebels?

8 A. They were all wearing civilian clothing.

9 Q. Now, during the time that Bozizé's rebels were in your neighbourhood, can you
10 tell us what their attitude and behaviour was towards the civilian population in that
11 area?

12 A. Since there were gunshots in our neighbourhood, they hid in the area. They
13 were hiding because there was gunfire, but they did not maltreat anyone. They did
14 not commit any acts of violence against the population.

15 Q. You told us that, as a result of the bombing in the neighbourhood, the rebels
16 fled. Can you tell us towards which direction that the rebels fled to?

17 A. They fled towards the direction of PK12.

18 Q. Madam Witness, how do you know that they fled towards the direction of
19 PK12?

20 A. To begin with, rebels packed a vehicle in (Redacted), and when they
21 decided to flee they took the direction of PK12. That is why I'm saying that they fled
22 in the direction of PK12.

23 Q. Did you see the rebels as they fled towards PK12?

24 A. Yes, I saw them at the time they were fleeing.

25 Q. Do you know if at the time that they were fleeing if all the rebels fled at this

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 time, or if some of them still remained in your neighbourhood?

2 A. Those who were in my neighbourhood, that is those that I saw, all fled.

3 Q. You told us that all the rebels fled to PK12. Madam Witness, do you know if
4 Bozizé's rebels had a base during this time?

5 A. They came to the 4th arrondissement and, after completing their operations,
6 they would return to PK12; that is to Bozizé's home.

7 Q. You told us that, after the rebels fled, the Banyamulengue arrived in your area
8 around 3 p.m. Just a minor point of clarification, Madam Witness. Are we still
9 referring to the same day that the rebels fled?

10 A. Yes, on the same day the rebels withdrew it was raining, and at around 3 p.m.
11 the Banyamulengue arrived.

12 JUDGE ALUOCH: Madam Prosecutor, can I just refer you to page 31, just before
13 you leave this topic of -- you sound like you are about to leave it. It is lines -- I think
14 it is lines 11 and 12, "He was bombarding the neighbourhood because that
15 neighbourhood had been occupied by the rebels and because the leader of the rebels
16 was living in that neighbourhood." For avoidance of doubt, Madam Prosecutor, can
17 you ask her just to confirm who she refers to when she says "The leader of the rebels
18 was living in that neighbourhood," just so that the record or the transcript is clear.

19 Yes, thank you.

20 MS BALA-GAYE: Most certainly, your Honour, I will do so.

21 Q. Madam Witness, you told us that Bombayake was bombing your
22 neighbourhood and you told us that he did so because the neighbourhood had been
23 occupied by rebels and that because the leader of the rebels was living in the
24 neighbourhood. Can you give us the name of the leader of the rebels that you are
25 referring to at this stage?

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 A. The leader of the rebels was François Bozizé.

2 Q. Now, Madam Witness, I would like to focus on the situation in your
3 neighbourhood after the arrival of the Banyamulengue. You told us that when they
4 arrived, when you saw them crawling on the hill, you entered your home, closed the
5 door and only went outside when you heard the sound of a woman screaming, crying
6 out, and for everyone in the courtroom I am referring to page 21 of the real-time
7 English transcript and lines 1 to 10, let's say, and you said when you opened the door,
8 Madam Witness, you saw the Banyamulengue. You said there were many of them.
9 Can you tell us approximately how many Banyamulengue you saw when you opened
10 the door at this time?

11 A. When I opened the door there were about 20 to 30 of them in my compound,
12 but there were many of them by the roadside carrying their weapons. There were so
13 many of them that I cannot even give you an estimate.

14 Q. Can you describe for the Court the Banyamulengue that you saw when you
15 opened the door; those that you could observe who were in your compound and
16 those that you could observe within the area?

17 A. Most of the Banyamulengue were young people. They were wearing brand
18 new military uniforms. The leaders, that is the older ones, were wearing Rangers
19 and the younger ones were wearing rubber boots.

20 Q. You told us that they were wearing military uniforms, brand new military
21 uniforms. Do you recall the colour of this uniform?

22 A. These were army green uniforms. The Central African Army also wear this
23 type of uniform. These were new uniforms that had been distributed to them.

24 Q. You told us that, when you saw them, they were armed. Do you recall how
25 many of them were armed, Madam Witness?

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 A. Each of them had a weapon.

2 Q. Are you able to describe the weapons that they were carrying, Madam Witness?

3 A. I saw Kalashnikov weapons, that is metallic weapons. Some were carrying
4 wooden weapons, whereas others carried metallic weapons.

5 Q. At this time when you saw the Banyamulengue, Madam Witness, other than the
6 weapons you have just described, were they carrying anything else when you saw
7 them?

8 A. No, I did not see any other types of weapons.

9 Q. Other than weapons, did you see anything else?

10 A. The biggest of them, that is the one who addressed me, was carrying a weapon
11 and a walkie-talkie.

12 MS BALA-GAYE: Now, I'm referring to page 21, lines 19 to 21 of the English
13 real-time transcript.

14 Q. Madam Witness, you told us that the Banyamulengue had been speaking a
15 language that you could not understand, but after this particular Banyamulengue
16 asked if you understood French and you said "Yes." Now, at this stage, without
17 going into the conversation, details of the conversation that you had with this
18 particular Banyamulengue, I would like to ask you some questions about the
19 language he spoke that you could not understand. Did you recognise this language?

20 A. When they were speaking to me, I could not understand the language. It was
21 only later that I learned that that language was Lingala.

22 Q. Without mentioning a specific name, Madam Witness, can you tell us from
23 whom you learned - you later learned - that the language was in fact Lingala?

24 A. I learned that from a brother who was living in the same neighbourhood. He
25 was married to a Zairean woman and he was the one who told me that that was his

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 wife's language.

2 Q. Madam Witness, do you know what influence, if any, that Lingala has in the
3 Central African Republic? My question is more did you come into contact with
4 Lingala at any point either prior to or after you heard the Banyamulengue speak?
5 Before you respond, Madam Witness, just a second. Sorry, I thought Defence
6 counsel was about to intervene. Sorry, Madam Witness, my question is: Did you
7 come into contact with Lingala at any point either prior to or after you heard the
8 Banyamulengue speak?

9 A. Those who speak Lingala in Bangui are those who are in the habit of crossing
10 the river, but in the 4th arrondissement we do not have many of them. Those I am
11 talking about are at Kilometre 5, but I personally did not have any contact with
12 Lingala before.

13 Q. You mentioned that those who speak Lingala in Bangui are those who have the
14 habit of crossing the river. Madam Witness, to which river are you referring to?

15 A. I was referring to the Ubangi River.

16 Q. These people who spoke Lingala and were residing mainly in Kilometre 5, did
17 you at any point speak to any of these people, or did you hear these people speak
18 Lingala at any point?

19 A. They usually spent all their time in that neighbourhood. I did not have the
20 opportunity to speak with them. This simply means that I do not understand that
21 language.

22 Q. Now, apart from the fact that the Banyamulengue spoke Lingala, how were you
23 able to tell that they weren't other Central African soldiers, for example?

24 A. I knew that they were not Central African soldiers, because this was the first
25 time that we had such an experience. Our soldiers had never behaved towards us in

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 that manner. That is why I am saying that they were not our soldiers.

2 Q. When the Banyamulengue arrived in your area - and I am still referring to
3 28 October, you said they came after 3 p.m. - where were the civilians in your
4 neighbourhood at this time?

5 A. At the time of the bombardment, many of them fled. They fled into the hills.
6 Many of them actually left.

7 Q. Now, in relation to, still talking about the arrival of the Banyamulengue in your
8 area, at this time where were the Central African Republic soldiers; and in this case I
9 am referring to, for example, the FACA that you mentioned earlier?

10 A. The FACA were in their barracks at Camp Béal.

11 Q. Madam Witness, how do you know that the FACA were at Camp Béal when the
12 Banyamulengue arrived?

13 A. I came to know about this from certain soldiers, or rather from the relatives of
14 soldiers who were in the neighbourhood. They were the ones who told us that the
15 soldiers were barracked in Camp Béal.

16 Q. Do you recall when they told you this? Was it before, or after, the arrival of the
17 Banyamulengue?

18 A. It was well before that. They were at Camp Béal when the Banyamulengues
19 arrived in the neighbourhood.

20 Q. Now, apart from the FACA, Madam Witness, did you see any other Central
21 African Republic authorities in your area; for example, the police?

22 A. No, I did not see them.

23 Q. And did these people who told you that the FACA were confined to Camp Béal,
24 did they tell you why the Central African soldiers were confined to the barracks at
25 this time?

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0119

1 A. No, they didn't tell us why. When they spoke, they said that they had been
2 confined to barracks at Camp Béal and, having provided this information, they
3 returned to their camp.

4 MS BALA-GAYE: Madam President, I would like to go into details of the
5 conversation that the witness had with the Banyamulengue at this time. May I
6 request that we move into private session?

7 PRESIDING JUDGE STEINER: Court officer, please.

8 *(Private session at 12.31 p.m.) Reclassified as Open session

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

10 MS BALA-GAYE:

11 Q. Madam Witness, as the court officer has just said, we are in private session; this
12 means that you can feel free to mention names, details which may identify you,
13 because the people outside the courtroom cannot hear you. Do you understand,
14 Madam Witness?

15 THE INTERPRETER: The Sango interpreter did not hear the answer of the witness.

16 MS BALA-GAYE:

17 Q. Madam Witness, I have just explained to you that we are in private session and
18 you can feel free to mention names and other identifying information. My question
19 is, do you understand that you can speak freely at this time, because no one from
20 outside the courtroom can hear you?

21 A. I understand perfectly.

22 Q. Now, I would like to focus on the conversation that you had with the
23 Banyamulengue. For everyone else in the courtroom, I'm referring to page 22, lines 6
24 to 7, of the English real-time transcript.

25 Madam Witness, you told us that, after you spoke to the Banyamulengue, one of them

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0119

1 instructed the other Banyamulengue who were carrying the woman who was
2 screaming -- you told us that he instructed them to leave her alone. Now, I would
3 like to have more information about the discussion you had with this particular
4 Banyamulengue at this time. You told us that he asked you who you were and you
5 told him. Did he say anything else to you at this time, Madam Witness?

6 A. When he asked me this question, he called me and he addressed himself to me
7 in Lingala, because I didn't understand. He asked me the question to see whether I
8 understood French, and I said, "yes" to that. The first question was follows: He
9 said to me, "Que es ti?" There was an answer, and he said, "Que ve ti?" I let him
10 know that everything that he was saying with regards to that woman, God would not
11 be in agreement with that for them to do such acts.

12 He asked -- he was asking me the question, "Que ve ti?" Then he said, "What do you
13 want?" And I said -- he was asking me if my husband was a rebel. I said "No." I
14 said that my husband was not a rebel. He asked me the question again, "Pesanga
15 mai?" I said that I do not understand. The other Banyamulengue said that he was
16 asking for water, and I brought water.

17 The others asked me a question, "Pesanga mai fooku (phon)?" I asked the question
18 to ask them what that meant, and he said that he was asking for food. I answered
19 them, saying that we also are hungry. For a long time, we haven't ate. He said,
20 "Your President Ba Wax, he has provided money to Bemba." That's what he said to
21 me. I let them know that we are not rich; we are poor. We do not have sufficient
22 means, and that would have to be shared. Patassé had given money to Bemba. He
23 asked me to leave, to go outside.

24 Q. Madam Witness, did he tell you any other information regarding Mr Bemba?

25 A. Having said that -- I said that, well, we had to go and see President Patassé.

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

1 He answered that, saying that Patassé had given the money to Papa Bemba, and Papa
2 Bemba had asked us to come and to apply Article 15, but I didn't know Article 15.
3 What was he speaking about? I didn't know what he was speaking about.

4 Q. When he told you that Mr Bemba had asked them to come and to apply
5 Article 15, even though you didn't know what that meant at the time, did you later
6 come to know what that meant, Madam Witness?

7 A. I had no idea of Article 15. I didn't know what that meant.

8 Q. He told you that Mr Bemba had asked them to come. Did he tell you what
9 they had asked them to do when they arrived?

10 * A. He said that they had to manage for themselves, because Patassé had already
11 given him his share of money, and that they had to apply Article 15.

12 MS BALA-GAYE: Madam President, I believe we can now move into open session.

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

15 (Open session at 12.40 p.m.)

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

17 MS BALA-GAYE:

18 Q. Madam Witness, we are in open session, so I ask you to avoid mentioning
19 names or other information that may lead to your identity or the identity of others.
20 If you would like to mention information that would lead to your identity, please
21 inform me and I will request that we move briefly into private session. Do you
22 understand, Madam Witness?

23 A. Yes, I understand.

24 Q. I would like to ask you some more questions about the woman that you heard
25 screaming, the one who was being carried away by the Banyamulengue. My

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 question is, do you know why the Banyamulengue were taking this woman away?

2 A. They were dragging her; she was screaming. I don't know what they had the
3 intention of doing. Were they going to kill her? Were they going to sleep with her?
4 I didn't know.

5 Q. How far away was this woman and the Banyamulengue? How far away were
6 they from you when you went outside your home?

7 A. I think it was 50 metres. I think it was at a distance of 50 metres.

8 Q. Can you explain to us how the Banyamulengue were carrying this woman?

9 A. First of all, they were pulling her. They were dragging her. She was resisting
10 and, therefore, they carried her to put her behind a house.

11 Q. Just to clarify, Madam Witness, how many Banyamulengue did you see
12 carrying this woman at this time?

13 A. When I left, I saw that there were six of them; three were holding her feet, three
14 others were holding her by the head.

15 Q. Do you recall the reaction of the other Banyamulengue who were present while
16 these six Banyamulengue were carrying this woman?

17 A. They were screaming, they were making gestures to their colleague, saying to
18 carry her.

19 Q. You told us that one of the Banyamulengue instructed these soldiers to leave the
20 woman alone. Do you know who this Banyamulengue was that gave these
21 instructions?

22 A. The person who was giving the instructions was the person who had a weapon
23 and a walkie-talkie and it was that person when I left who addressed me and it was
24 that person who gave the instruction. When I spoke to him, he had given the
25 instruction for that person, for the woman, to be released and he released her.

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 Q. Before you spoke to this Banyamulengue person in particular, Madam Witness,
2 was he present? Was he able to see the six Banyamulengue carrying the woman?

3 A. From where I saw him, he was able to see the others - the other
4 Banyamulengue - I think. I could see him, I spoke to him about it and he gave this
5 instruction. That means that he did see them. He saw them clearly.

6 Q. Now, while he could observe what was going on, and before you spoke to him,
7 did he do anything at that point before you spoke to him, Madam Witness?

8 A. No, no, he did nothing. He had done nothing, because they were all lying
9 down next to the road. Those who were standing up were those who were carrying
10 the woman. He was watching them do it.

11 Q. Now, you have talked about your conversation with this particular
12 Banyamulengue. My question is: Did he tell you anything about what -- where
13 they were going while they were in your neighbourhood, or what they were doing
14 while they were in your neighbourhood?

15 A. He asked me a question as to whether -- where Boy-Rabé was and I said "It's not
16 here", because I was afraid. I was afraid because I had seen them carry off this
17 woman. There were members of my family in the house and I said, "Boy-Rabé isn't
18 here. It's 200 kilometres from here." And they asked me the question, "Where are
19 the rebels?" And I said, "The rebels aren't here. They are 200 kilometres away."

20 Q. Madam Witness, in relation to Boy-Rabé, my question for you is: Is this area a
21 well-known area within Bangui, or is it an area that only a few people would be able
22 to identify within Bangui?

23 A. Boy-Rabé is a neighbourhood that is known by a lot of people. By all, exactly.

24 Q. Now, during your first meeting with the Banyamulengue, that is outside your
25 house, did you hear the Banyamulengue refer to themselves in any way, Madam

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 Witness?

2 A. Outside my house, I heard gunshots. I didn't have the opportunity to hear
3 them discussing things between each other.

4 Q. And do you know who the leader of the Banyamulengue was, Madam Witness?

5 A. I didn't know who was the leader of the Banyamulengue. The person who
6 spoke to me, given that he had a weapon and a walkie-talkie, I supposed that he was
7 their leader.

8 Q. Did this Banyamulengue that you spoke to, did he tell you who Bemba was?

9 A. He just said "Papa Bemba." I didn't know who he was.

10 MS BALA-GAYE: Madam President, I am about to move to another topic. I
11 wonder if the Court would like to break now, or if I can continue? I believe there are
12 just a few minutes left. From this angle it looks like five minutes.

13 PRESIDING JUDGE STEINER: Court officer, please turn into open session. I am
14 sorry, we are in open session. Madam Witness, we are going to suspend our session
15 now. We are going to have a longer break in order for you to have lunch and to rest
16 a little bit. It's almost 1 o'clock. We are going to resume at 2.30 in the afternoon. I
17 ask, please, the court officer to turn into closed session in order for the witness to be
18 taken outside the courtroom, and in the meantime we are going to suspend and
19 resume at 2.30. Court officer, please.

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

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

22 (The witness stands down)

23 THE COURT OFFICER: All rise.

24 (Luncheon recess taken at 12.54 p.m.)

25 *(Upon resuming in closed session at 2.34 p.m.) Reclassified as Open session

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

- 1 THE COURT USHER: All rise. Please be seated.
- 2 PRESIDING JUDGE STEINER: Good afternoon. Welcome back. Please could the
- 3 court usher bring the witness in.
- 4 (The witness enters the courtroom)
- 5 PRESIDING JUDGE STEINER: Could we turn into open session, please, court
- 6 officer.
- 7 (Open session at 2.36 p.m.)
- 8 THE COURT OFFICER: We are in open session, Madam President.
- 9 PRESIDING JUDGE STEINER: Thank you. Good afternoon, Madam Witness.
- 10 THE WITNESS: (Interpretation) Good afternoon, your Honour.
- 11 PRESIDING JUDGE STEINER: Did you have lunch and manage to rest a little bit?
- 12 THE WITNESS: (Interpretation) Yes, I did have an opportunity to have lunch and
- 13 take some rest.
- 14 PRESIDING JUDGE STEINER: Are you feeling better from your pain?
- 15 THE WITNESS: (Interpretation) Yes, I took some medication and I feel better.
- 16 PRESIDING JUDGE STEINER: So are you ready to continue giving your testimony?
- 17 THE WITNESS: (Interpretation) I'm ready to answer your questions.
- 18 PRESIDING JUDGE STEINER: Thank you very much. I give the floor back to
- 19 Ms Bala-Gaye from the Prosecution.
- 20 MS BALA-GAYE: Thank you, Madam President, your Honours.
- 21 Q. Good afternoon, Madam Witness.
- 22 A. Good afternoon, ma'am.
- 23 Q. Prior to the break, we were discussing the first time that you met the
- 24 Banyamulengue outside of your home. Now, apart from this particular incident that
- 25 you have told us about, did you see the Banyamulengue at any other time after this

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 incident?

2 A. I haven't understood the question properly.

3 Q. That's fine. I will repeat the question, or I will rephrase it. My question is:

4 Apart from the incident that you have just told us about, and I am referring to when

5 you met the Banyamulengue outside your home and you saw them - six of

6 them - carrying away a woman, now, after this particular incident, did you see the

7 Banyamulengue at any other time?

8 A. After that incident, I did have occasion to see them again.

9 Q. Can you explain to us when you had the occasion to see the Banyamulengue
10 again? Was this the same day, or was this another day, Madam Witness?

11 A. It was the same day.

12 Q. Now, can you tell us what the Banyamulengue were doing when you saw them
13 again on this same day?

14 A. Their leader - their leader - asked me to sit down. I sat down beside a canal,
15 and then after that I heard some girls calling out in the canal. Right after that I took
16 off my shoes to go and see about these girls who were shouting and calling out, and
17 that is when I saw the tragedy.

18 Q. Can you describe to us the tragedy that you saw beside the canal, Madam
19 Witness?

20 A. What I saw was that they took two of the girls and they put the head of one
21 against the head of the other, and then after that I saw a column of Banyamulengue,
22 who were standing one behind another, and two were on the girls sleeping with them,
23 and the girls screamed out which alerted me and so I went to see all of that.

24 Q. Now, I would just like to ask you a few questions in relation to what you have
25 just told us. How many Banyamulengue did you see beside the canal with these two

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 girls? Can you give us an idea, Madam Witness?

2 A. I didn't see them other than by the canal. They took the girls into the canal.
3 They were in the canal as they were sleeping with these girls. There were a great
4 many of them.

5 THE INTERPRETER: Correction from the English booth, the witness said at the
6 beginning of the account that she was under a straw hut, a paillotte.

7 MS BALA-GAYE:

8 Q. Madam Witness, perhaps you can just assist us to have an idea of how many of
9 them you saw. Was this more than five? Was there more than ten, for example?

10 A. There was a great many of them. Some of them were in the hole, lining up one
11 after another, and others were outside the canal. Under such circumstances I really
12 wasn't in a position to count them, but there were a great many of them.

13 Q. That's perfectly fine, Madam Witness. From your position under the straw hut,
14 were you able to see the Banyamulengue clearly?

15 A. The straw hut wasn't very far from the canal. The canal was just beside the
16 flowers close to the straw hut, and from there I could see everything that was going
17 on in the canal.

18 Q. You told us that the Banyamulengue were sleeping with the two girls. Madam
19 Witness, can you explain to us what you mean by "sleeping with the two girls"?

20 A. I would like to say -- I would like to say that the Banyamulengue had sexual
21 relations with those girls.

22 Q. And can you tell us how many of these many Banyamulengue who were
23 present at this time, how many of them you saw sleeping with the two girls; sexually
24 sleeping with the two girls?

25 A. I've told you that before I was able to look in the canal some of them were

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 already out. What I saw was that there were two who were on top of the two girls,
2 one on one of the girls and one on the other girl, and the others were waiting their
3 turn.

4 Q. Madam Witness, can you describe the clothing - the state of the clothing - of the
5 two Banyamulengue that were on top of the two girls? My question is, were they
6 fully clothed? What could you see at this time?

7 A. The Banyamulengue only dropped their trousers as far down as to their knees.
8 They put their weapons down before they took their positions upon the girls.

9 Q. You told us that the two Banyamulengue put their weapons on the ground.
10 Now, in relation to the other Banyamulengue, you've told us that all the
11 Banyamulengue you saw were armed. So my question is: Where were the arms of
12 the other Banyamulengue? Not the two you have just mentioned, but the other
13 Banyamulengue who were at the canal.

14 A. They still had their weapons with them.

15 Q. I would like to ask you very few questions in relation to each girl. Now, in
16 relation to the first girl, while the Banyamulengue was having sexual relations with
17 her, can you tell us what, if anything, this first girl was doing from what you could
18 observe?

19 A. She was screaming. She was struggling, struggling against the
20 Banyamulengue, and screaming at the same time.

21 Q. You just told us she was screaming, Madam Witness. Were you able to hear
22 anything that she was saying while she was screaming?

23 A. She was screaming. The two of them were screaming. They were saying,
24 "Mother, I'm dead. I'm dead. They've killed me. I'm dead".

25 Q. Now, in relation to the two girls, you told us about the clothes of the

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 Banyamulengue. Did you notice anything about the clothes of the two girls at this
2 time?

3 A. One of them was wearing a pagne, and an undergarment. The other one was
4 wearing a dress.

5 Q. While the two Banyamulengue were sleeping with the two girls, did you notice
6 anything about the clothes that you have just described to us?

7 A. One of them -- correction, the two of them used the girl's dress to -- and put the
8 dress on the girl's face before sleeping with her. The other one hid the girl's face
9 before sleeping with her and, when he was having sex with the girls, the girls were
10 bleeding and there were traces of blood on their clothing.

11 Q. In relation to the bleeding that you saw, Madam Witness, are you able to tell us
12 from which part of the body this bleeding came from?

13 A. The blood was flowing from their vaginas.

14 Q. For the sake of clarity, Madam Witness, did you see this in relation to one girl,
15 or in relation to both girls?

16 A. Both of the girls.

17 Q. And just one last question on this particular point: Were you able to see the
18 part of the body that the two Banyamulengue used to have sexual relations with the
19 two girls?

20 A. Yes, I know.

21 JUDGE ALUOCH: Please can you find out from the witness the ages of these girls.
22 Was she able to assess their ages, please?

23 MS BALA-GAYE: Yes, your Honour, I am actually coming to that point.

24 Q. Madam Witness, firstly you told us that the girls cried out to say "You have
25 killed us" or "You are killing me." Can you tell us in what language they said that?

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 A. They were screaming out in Sango.

2 Q. Now, the two girls that you saw, Madam Witness, were you able to tell how old
3 they were?

4 A. After I took them and I took them (Redacted) and I
5 asked them questions about their age. One was 12 and the other one was 13.

6 Q. Before I ask you more questions about what, if anything, these girls told you
7 apart from their age, my question is what, if anything, did you do when you saw the
8 Banyamulengue sleeping with these two girls?

9 A. No, when I went out, when I saw them and heard them scream, I saw the
10 Banyamulengue without underwear. One of them had naked buttocks. He had
11 pimples on his buttocks. I'm a mother and I went back. Behind the flowers there
12 was a large stone, and I pushed it and it rolled towards one of the Banyamulengue.

13 Q. Can you tell us after -- what happened after you pushed the stone and it rolled
14 towards the Banyamulengue? Did they react in any way?

15 A. The Banyamulengue in question, when he felt the stone on his buttocks he cried
16 out, and the other started to yell and they started running off in all directions and the
17 one who got the stone couldn't get away. The others brought him out of the canal.

18 Q. Madam Witness, did you notice if there was a leader among these
19 Banyamulengue that you saw at the canal?

20 A. They were in the canal. When they were in the canal, I didn't see their leader
21 whom I had already seen beforehand.

22 Q. You told us that you spoke to the girls after what happened to them and that
23 they told you about their age. Did the girls tell you anything else at this time?

24 A. Those young girls were not sisters. It was towards the Mandaba
25 neighbourhood when those acts of violence and abuse were going on there. One of

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0119

1 the girls said that the Banyamulengue had gone into their house, raped her mother,
2 raped her sisters. Her father tried to intervene and they shot him right there, so she
3 was trying to take refuge somewhere. The other one said that she had been at home
4 when the Banyamulengue went into the place, and so she tried to flee. So the two of
5 them, it was when they were fleeing that the Banyamulengue caught them in our
6 neighbourhood -- correction, my neighbourhood, and behaved in this manner.

7 Q. Madam Witness, did they tell you anything about what the Banyamulengue did
8 to them by the canal? Did these two girls tell you anything about that particular
9 incident?

10 A. They were crying. There was blood that was flowing. (Redacted)
11 (Redacted), and when they explained what happened to them there were
12 a lot of Banyamulengue. When they finished explaining what had happened, they
13 were afraid because there were a lot of Banyamulengue everywhere. It was very
14 scary.

15 Q. Madam Witness, for the sake of clarification purely, did these two girls tell you
16 anything about whether or not they actually consented to having sexual relations
17 with the Banyamulengue?

18 A. These girls were 12/13 years old. They were virgins. The Banyamulengue
19 took them by force. The girls did not consent.

20 MS BALA-GAYE: Madam President, in order to avoid asking a question about how
21 they sustained such injuries, is it possible to see if the Defence agree in relation to the
22 physical element of what the witness is describing at this point?

23 PRESIDING JUDGE STEINER: Maître Liriss, could we agree that the witness is
24 describing the existence of sexual intercourse with penetration in relation to the two
25 girls?

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 MR LIRISS: (Interpretation) Your Honour, for the moment that the witness says
2 that she saw these sexual relations and she saw this penetration, if she confirms that
3 she saw this penetration this is sufficient for me.

4 PRESIDING JUDGE STEINER: Maybe the Prosecution could obtain from the
5 witness a more -- without details, but more precise information on what she saw.

6 MS BALA-GAYE:

7 Q. Madam Witness, are you able to tell us how these two girls actually sustained
8 injury from their vagina? You told us that they were bleeding. Did you -- can you
9 tell us how they sustained these injuries, firstly?

10 A. These girls were still virgins and, as the Banyamulengue they took them by
11 force, they were deflowered. That's why the blood was running.

12 Q. From what you could observe, Madam Witness, were you able to actually see
13 the Banyamulengue deflower the girls?

14 A. I've told you that these young girls were screaming out. When I tried to look I
15 saw two Banyamulengue on the girls, and their buttocks were making movements
16 and that means that they were sleeping with these girls and that's why I pushed the
17 large stone towards them.

18 PRESIDING JUDGE STEINER: Maître Liriss, is that sufficient for you, or you want
19 more details?

20 THE INTERPRETER: Maître Liriss said that was sufficient and he will take the
21 conclusions therefrom.

22 PRESIDING JUDGE STEINER: You can continue, Ms Bala-Gaye.

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

24 PRESIDING JUDGE STEINER: Before you proceed, madam, I don't want to put to
25 you any embarrassing question, but sometimes it is necessary just to have a clear

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 picture from the transcript. On page 53, line 10, the Prosecution asked you if you
2 were able to see the part of the body that the two Banyamulengue used to have sexual
3 relations with the two girls and you answered, "Yes, I know." Could you tell the
4 Chamber which part of the body is that?

5 THE WITNESS: (Interpretation) They used their masculine part of their body.

6 PRESIDING JUDGE STEINER: Thank you very much. Ms Bala-Gaye.

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

8 Q. Madam Witness, I would now like to move on and my question for you is:
9 During this period, while the Banyamulengue were in your neighbourhood, can you
10 tell the Court what, if anything, happened to you personally?

11 A. Well, this is what happened to me. Having seen what they did to these young
12 girls, I was not happy. I went home and (Redacted)

13 (Redacted) to

14 leave, and then we accompanied these girls to the market. When I returned, I saw
15 that the Banyamulengue had already broken down the main door of my house and
16 they had taken a watch and a foam mattress as well.

17 THE INTERPRETER: The interpreter corrects: It was a clock and not a watch.

18 MS BALA-GAYE:

19 Q. For the sake of clarity, Madam Witness, did this happen the same day, or did it
20 happen on another day?

21 A. It was the same day.

22 Q. You told us that when you returned from the market, you saw the
23 Banyamulengue -- you saw that the Banyamulengue had already broken the main
24 door of your house, and that they had taken away a watch -- sorry, a clock and a foam
25 mattress as well. My question is: Did you actually see the Banyamulengue that

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 broke into your home, Madam Witness?

2 A. You know, the Banyamulengue, there were so many of them, they took over the
3 whole neighbourhood. They committed atrocities. They went through there.
4 When we came back from the market and arrived at my home, they had already
5 broken down the door. I didn't know who had broken down the door, but they
6 took -- they took the clock. I saw the Banyamulengue leaving with these things
7 when they broke down the door.

8 Q. You told us that you saw the Banyamulengue leaving with these items when
9 they broke down the door. Can you tell us how many Banyamulengue you actually
10 saw leaving your home, Madam Witness?

11 A. When I arrived, some had already taken away the mattress and the alarm clock.
12 I saw people leaving the house with the radio.

13 Q. How far away from the house were you when you saw the Banyamulengue
14 leaving?

15 A. I was next to my straw hat -- straw hut which was next to the main door of the
16 house, and I was in the corridor entering into the compound next to the straw hut and
17 it was there that I saw them. They weren't very far from where I was.

18 Q. Madam Witness, do you know where the Banyamulengue took these items to?

19 A. When I arrived, I saw inhabitants running in my direction saying that the
20 soldiers who had come had broken down their doors and they had pillaged all their
21 goods. I asked, "Where did they take them?" They said that they had taken them to
22 the market, so together with the other inhabitants we went to the market where they
23 had stocked or stored the goods at the market, but under the surveillance of guards,
24 so there wasn't the possibility to take back our goods, or items.

25 Q. At the market, Madam Witness, can you give us an idea of the type of items that

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 you saw with the Banyamulengue?

2 A. I didn't see certain objects, because they were wrapped up with sheets. There
3 were only foam mattresses that were visible, freezers, there were clothing - men's and
4 women's clothing - there were shoes. There were a lot of items which had been
5 placed in that area.

6 Q. Can you tell us the name of the market where the Banyamulengue had these
7 goods, Madam Witness? These items that you said were pillaged, can you tell us the
8 name of the market?

9 A. It was the market of Boy-Rabé.

10 Q. And how far away were you when you saw the Banyamulengue guarding these
11 pillaged items? How far away were you from them?

12 A. When we arrived with the people, we arrived firstly at the market, we were
13 close to them; and it was difficult to see the items, but they were ready to shoot at us.

14 Q. Can you give us an idea of approximately how many people were with you at
15 the market?

16 A. Most of the inhabitants of the neighbourhood had already fled. The few who
17 were still there closed themselves in their houses, and the Banyamulengue were
18 breaking down their doors to take the items therein. When I (Redacted), there weren't
19 a lot of people who came out of their houses at that time.

20 Q. Do you know if these pillaged items were taken from your neighbourhood, or if
21 they were taken from other neighbourhoods as well?

22 A. It wasn't just in my neighbourhood because, when we arrived at the market,
23 they came from Mandaba neighbourhood with lots of items and they were putting all
24 these items in front of somebody's house opposite the market. That means that they
25 didn't just come from my house, but they were -- but from others. They were in a

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

1 pile.

2 Q. Apart from the pillaging that you have mentioned, Madam Witness, do you
3 know if the Banyamulengue did anything else in your neighbourhood at this time?

4 A. Yes. Well, they committed murder.

5 MS BALA-GAYE: Madam President, I believe that we would need to go into private
6 session, because I avoided asking a few questions that -- but I believe that even the
7 next set of questions would need to be in private session.

8 PRESIDING JUDGE STEINER: Court officer, please.

9 *(Private session at 3.19 p.m.) Reclassified as Open session

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

11 MS BALA-GAYE:

12 Q. Madam Witness, we are in private session. This means that you can speak
13 freely and provide any names or information which may identify you.

14 Now, before asking you more questions about murder committed by the
15 Banyamulengue that you've just told us about, I have a few questions regarding the
16 pillaging. How do you know that the goods carried by the Banyamulengue were, in
17 fact, pillaged? I'm referring to the goods that you say came from your
18 neighbourhood, as well as Mandaba neighbourhood.

19 A. Firstly, (Redacted) that the Banyamulengue had broken down
20 their doors and they had taken their clothing, and that was how the population and
21 myself -- we went to the market in order to see the place where the goods had been
22 piled. It was at that time that we saw other Banyamulengue who were coming from
23 Mandaba neighbourhood and they were bringing other goods on their heads, in
24 addition to what we'd seen.

25 Q. Can you give us an idea of the number of people who (Redacted) that the

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0119

1 Banyamulengue pillaged their goods? Can you give us an idea of how many of the
2 residents (Redacted)

3 A. Around 30.

4 Q. You also told us that the Banyamulengue committed murder, Madam Witness.
5 How do you know this?

6 A. When we were able to push them back at the market, there were military
7 vehicles which had taken the goods. They broke down the door of a house and,
8 when one of the children from the family wanted to react, he was killed immediately.
9 His sister called -- sounded the alert, and I saw the body myself covered in blood and
10 the body was carried away.

11 Q. This person that was murdered by the Banyamulengue, Madam Witness, do
12 you know his name?

13 A. He was called (Redacted).

14 Q. Do you know when (Redacted) was murdered by the Banyamulengue, Madam
15 Witness?

16 A. He was shot on the morning of the 29th.

17 Q. How do you know this, Madam Witness?

18 A. I told you that it was (Redacted) who informed me that (Redacted) had been
19 killed in the house; and myself, I went to see the body with my own eyes.

20 Q. I don't think my question was clear, Madam Witness, so I'll try to reformulate it.
21 In relation to the date that you were told on which this man (Redacted) was killed,
22 was it the sister who told you the actual date when he was killed?

23 A. I said that it was the sister of the person who died who informed me.

24 Q. Now, apart from the murder of (Redacted), Madam Witness, did you hear of
25 any other murders in your neighbourhood, or in other neighbourhoods, while the

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0119

1 Banyamulengue were there?

2 A. First of all, they killed (Redacted); and afterwards, (Redacted)

3 (Redacted) me that the mistress who was in the Dorcas area had also been

4 killed. She might be a schoolteacher. Myself, before going to see the body, this is

5 something that we saw. The body was not in a good condition. The word was

6 maitresse, which can be translated two ways.

7 Q. You told us that this woman was killed in the Dorcas area. For our

8 understanding, Madam Witness, where is the Dorcas area located?

9 A. Dorcas is not in my neighbourhood; it is in the neighbourhood of (Redacted) chef

10 de quartier, called (Redacted) (phon).

11 Q. And of which neighbourhood is this chef de quartier a neighbourhood of? Can

12 you tell us the name, Madam Witness, the name of the neighbourhood?

13 A. The neighbourhood is called Vutumbo (phon).

14 Q. Did these people tell you who was responsible for the killing of this

15 schoolteacher, Madam Witness?

16 A. I didn't understand the question. Please, can you ask the question again?

17 Q. My question is, did they tell you who killed this school teacher at the Dorcas

18 area?

19 A. It is was a Banyamulengue who killed her.

20 Q. Did they tell you when the Banyamulengue killed the schoolteacher, Madam

21 Witness? Did they provide you with this information?

22 A. It was the 29th. It was on that date that the people went to (Redacted) this

23 information. The Banyamulengue first went into the house to kill her and

24 afterwards all the population fled. Her body was putrefying. As a consequence, it

25 was put next to the Maison Dorcas, not in a cemetery.

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

1 Q. Apart from these two murders that you have just told us about, the two
2 murders that were committed by the Banyamulengue, (Redacted)
3 (Redacted) any other killings that occurred while the Banyamulengue were in the
4 neighbourhood?

5 A. The Banyamulengue, when they went into the neighbourhood, they killed a
6 person whom we were not able to identify and they threw the person's body in front
7 of the lycée, Lycée Boganda. Some people were running away and as they ran away
8 they were shot and their bodies lay decomposing out in the open. In actual fact they
9 killed many people.

10 Q. Just to be clear, Madam Witness, when were you informed of these particular
11 killings that you are talking about now? Do you know when these killings took
12 place and I'm not referring to the schoolteacher or (Redacted). I am referring to the
13 many killings you have just told us about. Do you know when they took place?

14 A. What I am telling you about is what I saw with my own eyes. The bodies that I
15 saw with my own eyes, I am talking about those bodies. Certainly there were other
16 people who told me about other killings, but I can't talk to you about that because I
17 was not able to identify those other bodies.

18 THE INTERPRETER: Correction from the English booth, many apologies, but the
19 word "maîtresse" was a reference to a mistress, not to a schoolteacher. We have
20 verified with our Sango colleagues.

21 MS BALA-GAYE: Thank you very much for that clarification.

22 Q. Madam Witness, just to be clear about these other incidents, and I know that
23 you did not witness them yourself, the many killings you referred to, did they tell you
24 that it was the Banyamulengue who committed all these killings that you heard
25 about?

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

1 A. They were Banyamulengue. It was the Banyamulengue who killed all those
2 people.

3 Q. Apart from the killings that were (Redacted), and the pillaging that you saw,
4 can you tell us if (Redacted) any other crimes (Redacted) while the
5 Banyamulengue were present in your neighbourhood?

6 A. After that, some women and some girls (Redacted). They had been raped.
7 They had been raped. Even some men had been killed by the Banya -- correction,
8 had been raped by the Banyamulengue. Can you imagine the Banyamulengue
9 raped other men? We were able to draw up a list of all these cases and send that to
10 the people responsible for justice.

11 Q. You said that after some women and some girls (Redacted) these
12 rapes against men and women committed by the Banyamulengue. My question is:
13 When did these people (Redacted)? Was it before the
14 Banyamulengue arrived, or after the Banyamulengue arrived, in your area?

15 A. It was after the Banyamulengue withdrew. That was when those people (Redacted)
16 (Redacted) of what had happened.

17 Q. Now, regarding the incidents of rape against men and against women, do you
18 recall any specific story or account regarding these rapes that you were told about?

19 A. In most cases, people were ashamed. They were ashamed to talk about these
20 events, particularly the men. They were not very willing to talk about what
21 happened. There were several similar cases.

22 Q. Just to clarify, Madam Witness, did any of these men actually (Redacted)
23 (Redacted) their rapes, or did you hear about this from the women and the girls (Redacted)
24 (Redacted)?

25 A. It wasn't the men who came to report the events. Rather, it was the witnesses;

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0119

1 the people who had experienced the same things. For example, there was one lady
2 who was living in my neighbourhood; she's no longer alive. After those events, well,
3 I didn't see her rape. The Banyamulengue raped her, many of them did, and after
4 they left she was not able to go about the neighbourhood. People made fun of her.
5 They would call out, "Banyamulengue's woman. Wife of the Banyamulengue." She
6 fell ill and she went away to die elsewhere. There were many such cases.

7 Q. Madam Witness, regarding the crimes committed by the Banyamulengue in
8 your neighbourhood - and I am referring to the crimes of rape, of pillaging and of
9 murder - did you report these crimes to anyone?

10 A. Yes, I did tell someone about them.

11 Q. Can you tell us who you told about these crimes committed by the
12 Banyamulengue, Madam Witness?

13 A. When the victims (Redacted) what had happened and (Redacted)
14 (Redacted) to draw up a list and to go see Mr Ngoungaye,
15 who is no longer alive. (Redacted) to go see him.

16 Q. Madam Witness, did you report these crimes to the Central African authorities?

17 A. Well, you know, they were aware. The authorities were aware.
18 Everyone - the entire population - was aware. Everyone knew that the
19 Banyamulengue had come to Bangui and had committed all these acts of violence and
20 abuse. That knowledge was in the public domain.

21 Q. Can you tell us what, if anything, the authorities did - the Central African
22 authorities - who were aware of what the Banyamulengue were doing, can you tell us
23 what they did?

24 A. The Banyamulengue went into my neighbourhood. (Redacted)
25 The population went out and we were able to drive back the Banyamulengue, but

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0119

1 when we tried to push them back some of them even shot at us before going away
2 with the goods they had looted. After that, the authorities wanted to base other
3 groups of Banyamulengue in the Malimaka neighbourhood. (Redacted)
4 (Redacted), the leader of that neighbourhood also launched an appeal
5 calling upon the people to go out and drive the Banyamulengue away. After that,
6 the Head of State (Redacted)
7 and said, "Listen, the Banyamulengue have come to give assistance. We mustn't
8 drive them away."

9 Q. For the sake of clarity, Madam Witness, who are you referring to as "the Head of
10 State" at that time?

11 A. I was talking about President Patassé. He was the one who (Redacted)
12 (Redacted) at the Palais de la Renaissance, and he spoke (Redacted).

13 Q. When did this (Redacted) President Patassé take place? Was it -- how long
14 after Banyamulengue's arrival did this (Redacted) take place?

15 A. Only a few days after, but I don't remember the date, but we had driven
16 away -- driven them away from my neighbourhood and they headed towards PK12,
17 and the authorities wanted to base other groups around Malimaka. (Redacted)
18 there launched an appeal. He whistled, he used his whistle, and others were still at
19 PK12 when the Head of State (Redacted).

20 Q. You told us that the Head of State (Redacted) and you referred
21 to (Redacted), Madam Witness. Do you (Redacted) who was at this (Redacted)?

22 A. He called a (Redacted)
23 (Redacted)

24 Q. You told us that President Patassé informed (Redacted) that the Banyamulengue
25 had come to help you. Madam Witness, did the president - President Patassé, that

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

1 is - did he say anything else to (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. Madam Witness, after this (Redacted) President Patassé and the

8 (Redacted), what did you understand as to how you were to treat the

9 Banyamulengue that were in your area?

10 A. He didn't speak (Redacted) clearly about what the Banyamulengue were doing.

11 The atrocities were too serious; he couldn't. He didn't (Redacted) clearly how (Redacted) to
12 behave.

13 MS BALA-GAYE: Madam President, I have finished with the questions regarding

14 (Redacted) Patassé. With your leave, may we move into open session?

15 JUDGE ALUOCH: Just one more question to the witness. (Redacted)

16 (Redacted) the president, did (Redacted) tell the president what they had suffered and
17 the reasons why they were chasing the Banyamulengues from their areas? Did they
18 and, if they did, what was the response from the president?

19 MS BALA-GAYE: I will put the question to her, madam, your Honour.

20 Q. Madam Witness, you told us that after what happened in your neighbourhood

21 and in the neighbourhood in Mandaba that President Patassé (Redacted) as a

22 result of this. Can you tell us what exactly (Redacted)

23 informed President Patassé of at this time?

24 A. That day, the situation was difficult. (Redacted) didn't

25 have an opportunity to express (Redacted) views. (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 Q. For the sake of clarity, Madam Witness, did President Patassé (Redacted) exactly
3 why he had (Redacted)

4 A. No, he didn't explain (Redacted). He just said that
5 these little Banyamulengue had come to help him, but he didn't (Redacted) why he
6 had asked them, why they had come. He didn't explain that (Redacted).

7 MS BALA-GAYE: Madam President, may we move into open session?

8 PRESIDING JUDGE STEINER: Court officer, please.

9 (Open session at 3.51 p.m.)

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

11 MS BALA-GAYE:

12 Q. Madam Witness, we are now in open session, so I please ask you not to mention
13 any names or other information that could either lead to your identity or the identity
14 of others.

15 You told us that the same day that the Banyamulengue arrived in your
16 neighbourhood that you pushed them back to PK -- sorry, to the market. My
17 question is, can you tell us the duration, how many days, the Banyamulengue stayed
18 in the Boy-Rabé neighbourhood, or in your particular neighbourhood?

19 A. They went back at about 3 in the afternoon. They committed all these atrocities.
20 When (Redacted) the

21 inhabitants came out with sticks and *machetes. Their leader asked them not to
22 shoot at us. Their leaders told us -- reminded us what had happened in Rwanda.
23 We drove them back to the market. They were based in the old building at the
24 market that was in another neighbourhood. That is where they killed the chickens,
25 the goats, the hogs. They broke things, they broke into all the stores, and they took

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 foodstuffs that were found in the marketplace. It was the next day that they
2 withdrew.

3 MS BALA-GAYE: Madam President, I believe this would be a good place to stop. I
4 have a number of questions, but perhaps it's better to go into them on Monday.

5 PRESIDING JUDGE STEINER: Thank you, Ms Bala-Gaye. Madam Witness, we are
6 going now to adjourn. Everyone needs to take some rest, starting with yourself.
7 We wish you a very, very restful night and restful weekend. We'll be back in this
8 courtroom on Monday morning, at 9.30 in the morning. If you need anything during
9 the weekend, of course VWU will be close to you to make sure that you have a restful,
10 quiet and nice weekend.

11 I also would like to thank very much the Prosecution team, the legal representatives
12 of victims, the Defence team, Mr Jean-Pierre Bemba Gombo; to thank very much our
13 interpreters and court reporters, our court officer, court usher, wishing you all a
14 wonderful weekend.

15 We are going to turn into closed session in order for the witness to be taken outside
16 the courtroom and, following that, we are going to adjourn and resume on Monday
17 morning at 9.30 in this courtroom. Court officer, please.

18 *(Closed session at 3.55 p.m.) Reclassified as Open session

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

20 (The witness stands down)

21 THE COURT OFFICER: All rise.

22 (The hearing ends at 3.57 p.m.)

23 CORRECTION REPORT

24 The Court Interpretation and Translation Section has made the following corrections in
25 the transcript:

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 * Page 57 lines 21:

2 "other weapons " is corrected by "machetes".

3 SECOND CORRECTION TRANSCRIPT

4 The Court Interpretation and Translation Section has brought the following correction
5 into the transcript:

6 *Page 34 lines 10-11:

7 "A. He said that they had to make do, because Patassé had already given them
8 money, he had already done his part, and that they had to apply Article 15. "

9 Is corrected by

10 "A. He said that they had to manage for themselves, because Patassé had already
11 given him his share of money, and that they had to apply Article 15."

12 RECLASSIFICATION REPORT

13 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
14 ICC-01/05-01/08-3038 and its instructions in the email dated 17 September 2013, the
15 version of the transcript with its redactions becomes Public.