

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0119

1 International Criminal Court

2 Trial Chamber III - Courtroom 2

3 Situation: Central African Republic

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

5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and

6 Judge Kuniko Ozaki

7 Trial Hearing

8 Wednesday, 23 March 2011

9 (The hearing starts in open session at 9.35 a.m.)

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

11 Please be seated.

12 THE COURT OFFICER: Good morning, Madam President, your Honours. We are
13 in open session.

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

16 THE COURT OFFICER: Situation in the Central African Republic, case of The
17 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08. Thank
18 you, your Honours.

19 PRESIDING JUDGE STEINER: Thank you very much. Good morning. I welcome
20 the Prosecution team, the legal representatives of victims, the Defence team. Maître
21 Liriss, welcome back. Good morning Mr Jean-Pierre Bemba Gombo, our interpreters
22 and court officers. I need to get used to the layout -- again to the layout of this
23 courtroom.

24 We are going to continue with the questioning of Witness 119. The Chamber was
25 informed by VWU that she is feeling better and willing to continue giving her

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1 testimony. Therefore I ask, please, the court officer to turn very briefly into closed
2 session in order for the witness to be brought into the courtroom.

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

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

5 (The witness enters the courtroom)

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

7 (The witness speaks Sango)

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

9 (Open session at 9.38 a.m.)

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

11 PRESIDING JUDGE STEINER: Thank you. Good morning, Madam Witness.

12 THE WITNESS: (Interpretation) Good morning, your Honour.

13 PRESIDING JUDGE STEINER: Did you manage to rest during the night?

14 THE WITNESS: (Interpretation) Yes, I was able to rest.

15 PRESIDING JUDGE STEINER: Are you feeling better this morning, madam?

16 THE WITNESS: (Interpretation) I feel better, your Honour.

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

18 THE WITNESS: (Interpretation) I am ready, your Honour.

19 PRESIDING JUDGE STEINER: We are very glad to know that you are feeling better.

20 We want to remind you that at any time you need a break, please just let us know.

21 You have a supporting person at your side. Whatever you need, please let us know.

22 I need to remind you, madam, that you are still under oath. Do you understand

23 that?

24 THE WITNESS: (Interpretation) I understand entirely.

25 PRESIDING JUDGE STEINER: I also want to remind you that you are under

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1 protective measures. As I explained to you yesterday, your voice and image
2 broadcast outside the courtroom are being distorted. That means that the public
3 cannot identify you, but it's important that you don't mention names, or any reference
4 to any position that you may hold in your community, names of neighbours, of family
5 members or friends, any information that can lead to your identification. If need be,
6 madam, we go into private session and then you can speak freely, because nobody
7 can hear you outside the courtroom. Is that fine with you, madam?

8 THE WITNESS: (Interpretation) That is fine, your Honour.

9 PRESIDING JUDGE STEINER: So the Defence will continue questioning you and I
10 give the floor to Maître Kilolo. Maître Kilolo.

11 MR KILOLO: (Interpretation) Thank you, your Honour, for allowing me to speak.

12 QUESTIONED BY MR KILOLO: (Interpretation) (Continuing)

13 Q. Good morning, Madam Witness.

14 A. Good morning, sir.

15 Q. We will continue with the questioning. I will ask you again to make the same
16 effort which I am making. I am endeavouring to ask short questions and I am asking
17 you to make the effort of providing short answers. Is this suitable?

18 A. Yes, it is.

19 MR KILOLO: (Interpretation) Your Honour, may we go into private session?

20 PRESIDING JUDGE STEINER: Court officer, please.

21 *(Private session at 9.44 a.m.) Reclassified as Open session

22 THE COURT OFFICER: Your Honours, we are in private session.

23 MR KILOLO: (Interpretation)

24 Q. Madam Witness, we are in private session, which means that our discussions
25 will not be heard by the public. Have you understood that?

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1 A. I have understood that.

2 Q. What is the name of your neighbour who was taken in the -- into the canal and
3 that had mud?

4 A. His name is (Redacted).

5 Q. Where did he work?

6 A. He was (Redacted).

7 Q. What did the so-called Banyamulengue ask him for?

8 A. They asked him for money.

9 Q. Do you know if the so-called Banyamulengue knew that he worked for the
10 (Redacted)?

11 A. In my opinion, when they asked him for money, it wasn't because (Redacted)
12 (Redacted). They saw him. They asked for money, just like that.

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

15 PRESIDING JUDGE STEINER: Court officer, please.

16 (Open session at 9.46 a.m.)

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

18 MR KILOLO: (Interpretation)

19 Q. Could you tell the Court what time Boy-Rabé market opens?

20 A. Boy-Rabé market opens at 4.30. You can find women at the market at that
21 hour.

22 Q. Are you talking about 4.30 in the morning, or 4.30 in the afternoon?

23 A. 4.30 in the morning.

24 Q. What time does the market close?

25 A. The market closes in the evening.

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1 Q. What do you mean by "the evening"? Does that mean 5 o'clock, or later?

2 A. After 5 p.m. the market can close, but there are some people who still keep on
3 selling items. For example, the bakers and a number of little shops keep selling after
4 5 p.m.

5 Q. Up to approximately what time are you talking about? 8 p.m.? 7 p.m.?

6 A. The market can close at 10 p.m./10.30 p.m.

7 Q. How many times have you (Redacted)

8 A. (Redacted).

9 MR KILOLO: (Interpretation) Your Honour, could we briefly go into private
10 session?

11 PRESIDING JUDGE STEINER: Court officer, please.

12 *(Private session at 9.49 p.m.) Reclassified as Open session

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

14 MR KILOLO: (Interpretation)

15 Q. (Redacted) President Patassé (Redacted)

16 why he asked for assistance from the MLC?

17 A. I did not have any opportunity (Redacted).

18 Q. Did you hear that he had given authorisation to MLC troops to loot in this
19 country?

20 A. He spoke about it, but he didn't say that he asked them to do it, but he talked
21 about the little Banyamulengue who came along to help him out.

22 Q. (Redacted), that he didn't authorise looting at the time
23 in his country?

24 A. When he spoke, he didn't talk about looting or pillaging in what he said.

25 Q. Did he talk (Redacted) about rape, or murder?

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1 A. Well, all that he said (Redacted) was just about the little Banyamulengue who
2 came along to help him out.

3 Q. Do you think he was able to have information on violence that was being
4 carried out in his territory then? Did he have information on it?

5 A. I don't know. We didn't have an opportunity (Redacted).

6 Q. Is it accurate to say that most people living in your district are Mandja ethnic
7 group?

8 A. Yes, they are Mandja.

9 Q. Is it accurate to say that Bozizé's rebels were mainly Gbaya ethnic people?

10 A. Yes, that's right.

11 PRESIDING JUDGE STEINER: Can we go back into open session, Maître Kilolo?

12 MR KILOLO: (Interpretation) Yes, please, your Honour.

13 PRESIDING JUDGE STEINER: Court officer, please.

14 (Open session at 9.53 a.m.)

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

16 MR KILOLO: (Interpretation)

17 Q. Did the investigators from the Office of the Prosecutor ask you to get in touch
18 with the woman who screamed out with the incident with the six Banyamulengue to
19 verify what you said?

20 A. I told you I didn't know what happened to the girls, so I couldn't put the
21 investigators in contact with them.

22 Q. Perhaps I didn't express the question properly. I was talking about the woman
23 who was being dragged (Redacted). I wasn't talking about the girls
24 who were being raped.

25 A. The woman who was being dragged behind the house, well, I don't know. She

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1 was going along the road and I was only told afterwards that her son was a butcher at
2 the market. He sold beef there.

3 MR KILOLO: (Interpretation) If necessary, your Honour, we could briefly go into
4 private session.

5 Q. Are you in a position to provide the name of the woman who was screaming in
6 (Redacted) compound?

7 A. Well, under these circumstances, I had never experienced that before. The
8 Banyamulengue had taken over the district, and so all I could do was try and save the
9 woman's life. I wasn't there to record her name.

10 Q. Is it accurate to say that you knew the son of that woman, the butcher, and that
11 you even talked about him to the investigators?

12 A. I said that it was afterwards that I was told that she had a son who sold beef at
13 the market.

14 Q. Can you confirm that you spoke about this to the investigators of the Office of
15 the Prosecutor?

16 A. I can confirm that.

17 Q. Did the investigators ask you to put them in contact with the butcher to try and
18 find his mother?

19 A. I think that after I made my statement to the investigators it was up to them to
20 ask me to put them in contact with the person, but that did not happen.

21 Q. Once again, if you have names, madam, we could go into private session. My
22 question is as follows: Can you give the Court the names, or the identity, of persons
23 who saw the woman being dragged along by the so-called Banyamulengue outside
24 (Redacted) compound and who could confirm your statement?

25 A. I told you that that all happened in a very difficult situation. Most of the

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1 people had run away. The few people who remained were locked inside their
2 houses, and those were the circumstances when I went out to save the woman's life.
3 There was no one outside, except for the Banyamulengue who had taken over the
4 entire district.

5 Q. Did you talk to the six so-called Banyamulengue who were taking away the
6 woman who was screaming?

7 A. No, they didn't come over towards me. They stayed where they were and they
8 were given orders to release the woman. I didn't take the risk of getting close to
9 them.

10 Q. Did you ask the leader why the woman had been arrested?

11 A. I don't know if I had time to ask that. I just asked the leader, you know,
12 "What's that woman done?", and the leader didn't answer. I said it was unacceptable
13 to drag her away like that. It was not acceptable and I asked if she'd done something
14 else.

15 Q. Did you ask the woman why she had been taken?

16 A. When the woman ran over towards me, and I prayed, the woman was crying.
17 She was arrested and she couldn't speak, because she was sobbing all the time.

18 MR KILOLO: (Interpretation) Your Honour, could we go very quickly into private
19 session?

20 PRESIDING JUDGE STEINER: Court officer, please.

21 *(Private session at 10.01 a.m.) Reclassified as Open session

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

23 MR KILOLO: (Interpretation)

24 Q. Madam Witness, I'd like to remind you of the statement you made to the
25 investigators. I am referring to CAR-OTP-0044-0210_R01, the statement in the

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1 French version. Here is the question that was put to you by the investigators, "You
2 said that the Banyamulengue took the girl behind (Redacted) house to abuse her.

3 What prompts you to say that they wanted to abuse her?" This is your answer, "Do
4 you think that it is normal that two Banyamulengue should carry a girl, who is asking
5 them to leave her alone, but they took her behind a house to do what, do you think?

6 I deduced from their actions that they wanted to abuse her." Do you stand by your
7 statement?

8 A. I stand by that statement. That is my statement.

9 Q. The investigators of the OTP, did they ask you to put them into contact with
10 (Redacted) in order to corroborate your statement?

11 A. The investigators didn't have to ask me that, because when I left I saw that that
12 particular woman was being dragged behind (Redacted) house. (Redacted) wasn't
13 there. Had he left? Had he fled? Was he in the house? In any case, he wasn't
14 there to observe what was happening. It was me who witnessed that and I related
15 the scene to the investigators.

16 Q. Would it be accurate -- excuse me, Madam President. Could we go into open
17 session please?

18 PRESIDING JUDGE STEINER: Court officer, please.

19 (Open session at 10.05 a.m.)

20 THE COURT OFFICER: Madam President, we're back in open session.

21 MR KILOLO: (Interpretation)

22 Q. Would it be accurate to say, Madam Witness, that this lady in question who was
23 crying out never told you that she was being dragged away with a view to her being
24 abused?

25 A. I said that she was crying, but she didn't speak to me.

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1 Q. Would it be accurate to say that you never personally heard Mr Jean-Pierre
2 Bemba say to the so-called Banyamulengue to go to Boy-Rabé and to muddle through
3 and fend for themselves in application of Article 15?

4 A. Well, how could I ever see Mr Bemba to hear him say that? I never saw him
5 and it was the Banyamulengue who spoke to me of Article 15.

6 Q. Maybe I misunderstood your answer to this topic yesterday. Can you explain
7 to the Court what you mean by "Article 15"?

8 A. I think that the Banyamulengue came from Zaire. In Central African Republic
9 I have never heard of Article 15, and if that were the case then it could only feature in
10 the penal code. So you would do better to put that question to the Banyamulengue
11 and Jean-Pierre Bemba to explain to you what precisely Article 15 involves.

12 Q. I'm discovering this term myself. Is this Article 15 of the Central African
13 Republic penal code?

14 A. I think I have already said in this courtroom that the articles that I am aware of
15 are those of the Central African Republic penal code, but the particular Article 15 you
16 are referring to I heard about in the mouths of the Banyamulengue and you would do
17 better to put that question to those Banyamulengue people.

18 Q. Are you able to disclose to the Court the name of the so-called Banyamulengue
19 that allegedly said that to you, in which case we would switch into private session?

20 A. I don't know how to answer your question. I am not from Zaire. I am from
21 Central African Republic. An individual coming to my country, how can I know
22 what his name is? I talked to that individual, but I don't know his name.

23 Q. Can you disclose to the Court the name of one or several people who were
24 present during that conversation and can corroborate your statements?

25 A. I would like to turn into private session, please.

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

2 *(Private session at 10.10 a.m.) Reclassified as Open session

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

4 THE WITNESS: (Interpretation) I said to the investigators that among all those
5 people that I mentioned the name of (Redacted), because he was (Redacted)

6 (Redacted). I also mentioned the name of (Redacted), who lives at (Redacted)

7 neighbourhood, because the inhabitants of that neighbourhood, where they were

8 located on the hill, they could see how (Redacted) gave me help. Those are

9 the names of the people that I have already cited.

10 Q. During these events, where did you meet (Redacted)? Was this at the Boy-Rabé
11 market?

12 A. (Redacted). He was coming from that direction,

13 and we met at the Boy-Rabé social centre and then we all went from there to the
14 market.

15 Q. You met him before or after the looting of your house?

16 A. I have said that when we met, and after going to the market and after there were
17 the gunshots and everything, everybody ran. After those events, I went back home
18 and I was able to see that the door had been bashed in.

19 PRESIDING JUDGE STEINER: Maître Kilolo, sorry to interrupt you. I think you
20 are making the same mistake that I am making. We need to give a pause before she
21 finishes in order to allow the English translation to finish. We are having
22 overlapping conversations here, because we are focusing on the French interpretation
23 and not on the English one. So, please, count to five before you put another question
24 to the witness.

25 THE INTERPRETER: Many thanks from the interpreters of the English booth.

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1 MR KILOLO: (Interpretation) Thank you very much, your Honour.

2 Q. Madam Witness, I am going to put to you the question once again. Can you
3 disclose to the Court the name of one or several people who were present with you
4 when the leader of the alleged Banyamulengue told you that Mr Jean-Pierre Bemba
5 reportedly sent them to Boy-Rabé to muddle through and fund themselves in
6 application of Article 15?

7 A. I don't have any names to provide. I was alone to go out and my dog followed
8 me. A Banyamulengue used the butt of his weapon to attack the dog and following
9 that the dog died.

10 Q. So that means that, apart from your dog, (Redacted) nor (Redacted) were
11 present when that conversation took place between you and the alleged chief of the
12 alleged Banyamulengue?

13 A. That is right. I was the only person to be standing outside and to speak with
14 that person.

15 Q. Would it be accurate to say that President Patassé was the person who brought
16 the Banyamulengue into Central African Republic in 2002?

17 A. I don't know. I wasn't with President Patassé where he was, so I'm therefore
18 unable to say whether it was he or whether it was not he who did that. I am unable
19 to do that.

20 Q. I would like to recall to your memory the statement you made to the
21 investigators, and here I'm referring to document CAR-OTP-0044-0140_R01.

22 PRESIDING JUDGE STEINER: Maître Kilolo, shall we continue in private session?

23 MR KILOLO: (Interpretation) With your leave, your Honour, because the next
24 question will be relevant in that respect.

25 Q. This is what you stated, "There was a woman who was the leader of the 5th

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1 arrondissement. Patassé took the Banyamulengue to put them into the 5th

2 arrondissement school." Do you stand by that statement?

3 A. The Banyamulengue were transported in a vehicle to the Malimaka school, and
4 it's in this way that the -- that (Redacted) blew a whistle to raise awareness among
5 the local inhabitants - (Redacted) - and she did this with a view to
6 chase away these Banyamulengue.

7 Q. Do you confirm that it is, indeed, Patassé who took the Banyamulengue in
8 question to put them in the 5th arrondissement school?

9 A. Patassé was the Head of State at that time. The role of the Head of State wasn't
10 to transport people to put them into a school. I don't know how those
11 Banyamulengue were put into that school. I stand by what (Redacted) said. She
12 took her whistle in order to raise awareness of the local inhabitants and this took
13 place before the meeting that was convened.

14 Q. Madam Witness, I am going to read an excerpt from the statement that you
15 made to investigators, "There was a woman, a leader of the 5th arrondissement," full
16 stop. The second sentence, "Patassé took the Banyamulengue to put them in the
17 school of the 5th arrondissement," end of quote. That's the second sentence. Do
18 you stand by your statement in this respect?

19 A. I do stand by that statement.

20 Q. (Redacted) talk about the situation in the 5th arrondissement and the PK12 during
21 the meeting held between (Redacted)

22 A. Not at all.

23 Q. Would it be accurate to say that it was President Patassé who had decided to
24 deploy the alleged Banyamulengue into the 5th arrondissement and even at PK12?

25 A. I said a little earlier on that, when the Banyamulengue entered into the Central

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1 African Republic, was Bemba the leader? I don't know. Maybe he was, but it
2 wasn't he who was with these people coming into the Central African Republic.

3 Q. Do you mean by that that it was President Patassé that decided to deploy the
4 alleged Banyamulengue in the Malimaka school located in the 5th arrondissement
5 and even at PK12?

6 A. I wasn't next to President Patassé to know that it was he who gave that order.

7 Q. Do you know whether (Redacted)

8 (Redacted), said to President Patassé that he

9 didn't agree with the fact that the alleged Banyamulengue be deployed in the
10 Malimaka school located in the 5th arrondissement?

11 A. He didn't (Redacted) didn't have an opportunity to voice

12 (Redacted) views about that particular point.

13 Q. Do you know whether President Patassé was aware of the fact that there was a
14 rising among the local inhabitants headed by the 5th arrondissement neighbourhood
15 chief to resist the deployment of the so-called Banyamulengue in her neighbourhood?

16 A. (Redacted), it was because he had learned that the local

17 inhabitants had risen up. It was because of that that he (Redacted)

18 (Redacted).

19 Q. President Patassé, what was his stance with regard to the deployment of the
20 so-called Banyamulengue in the Malimaka neighbourhood in the 5th arrondissement?

21 A. (Redacted)

22 (Redacted) All he said was the small Banyamulengue had come to assist him.

23 MR KILOLO: (Interpretation) Perhaps, your Honour, we could now move into
24 open session with your leave?

25 PRESIDING JUDGE STEINER: Court officer, please.

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1 (Open session at 10.25 a.m.)

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

3 MR KILOLO: (Interpretation)

4 Q. I'd like to remind you of the statement you made in this hearing Chamber. I'm
5 referring to 18 March 2011 transcript, page 45, lines 12 through 18, the French version,
6 real-time version. You stated that the Banyamulengue asked you where Boy-Rabé
7 was located. You answered that Boy-Rabé wasn't here. It was 200 kilometres away.
8 Are you suggesting that those so-called Banyamulengue didn't know how to get to go
9 from -- get to Boy-Rabé and he was -- they were relying on local inhabitants to find
10 their way to get to Boy-Rabé?

11 A. The local population was scattered. When the leader asked me that question,
12 he wanted to establish where Boy-Rabé was located. Since I had children, I refused.
13 I said, "Boy-Rabé isn't here. It is 200 kilometres away." If he knew where Boy-Rabé
14 was, he would never have asked me the question in the first place.

15 Q. Do you mean by that that these people relied on the local inhabitants to find
16 their way to get from A to B?

17 A. How could I possibly know? I didn't know.

18 Q. Do you know who gave the order to make tents available so that the alleged
19 Banyamulengue could establish themselves at the Malimaka school?

20 A. I didn't live in the Malimaka neighbourhood. It was this lady who responded
21 and reacted. In the light of the Banyamulengues' arrival they gave us that
22 information, but I couldn't possibly know who gave them the tents to enable them to
23 establish themselves in that particular location.

24 Q. That lady, the chief of the Malimaka neighbourhood, did this lady tell you that
25 these tents had been set up with the authorisation of the Central African authorities of

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1 the time?

2 A. When the authorities decide to do something, they don't need to ask the
3 authorisation of anybody. They don't need to do so. They don't need to ask
4 anybody's agreement before setting up the Banyamulengue in that particular locality.

5 Q. Do you mean that it was the Central African authorities who asked the
6 Banyamulengue to set up operations at that particular place and provided them with
7 tents?

8 A. When the Banyamulengue came in even in my neighbourhood everyone was
9 surprised, but who could come and provide that information about the arrival of the
10 Banyamulengue? No one.

11 Q. How were the alleged Banyamulengue taken to the Malimaka school? By
12 what means of transportation?

13 A. I have no answer for you. I wasn't there.

14 Q. I will remind you of your statement to the investigators, and I am referring to
15 CAR-OTP-0044-0140_R01. I will read out the question that was put to you: "Could
16 you give us some details about the incident that occurred at the 5th arrondissement?",
17 and your answer was, "I was not in that neighbourhood, but this (Redacted) said that
18 the Banyamulengue were taken in military vehicles and tents were also taken so that
19 they could stay at the school. It was the Malimaka school." Do you stand by that
20 statement?

21 A. I stand by it.

22 Q. Would it be accurate to say that the military vehicles used by the alleged
23 Banyamulengue to leave the Boy-Rabé market belonged to the Central African Army?

24 A. I said that those vehicles did not have plates, but it was the same vehicles that
25 were used to transport the FACA soldiers.

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- 1 Q. I will remind you of your statement to the investigators and I refer to document
2 CAR-OTP-0044-0192_R01, and this is the question that was asked of you: "Do you
3 know what the Banyamulengue did with those various items?" Answer: "They left
4 with them." Question: "And how did they take them away?" Your answer was:
5 "There was a military vehicle that came to pick up all these various items and take
6 them back." Question: "How many vehicles came to pick up these various items?"
7 Your answer was: "There were three very large military vehicles." Question:
8 "What armed force did these military vehicles belong to?", and your answer was:
9 "They were vehicles belonging to the Central African Army." Do you stand by that
10 statement?
- 11 A. Yes, I stand by that statement, because it was the same vehicles that were used
12 to transport the soldiers of our country. That is what I saw.
- 13 Q. Is it correct to say that it was President Patassé who took the decision to attack,
14 or bomb rather, the neighbourhood in the 5th arrondissement, the Gbafio
15 neighbourhood?
- 16 A. Yes, he was the one who gave instructions for that neighbourhood to be shelled.
- 17 Q. Without giving any names of course, is it correct to say that it was President
18 Patassé who sent an aeroplane to drop bombs on your neighbourhood?
- 19 A. That's correct.
- 20 Q. Now, how much time -- during what period of time, or for how long, were
21 those bombs dropped on the neighbourhood before the alleged Banyamulengue
22 arrived?
- 23 A. Three days.
- 24 Q. Would it be correct to say that President Patassé gave that order to General
25 Bombayake?

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1 THE INTERPRETER: The Sango interpreter did not hear the first words uttered by
2 the witness.

3 THE WITNESS: (Interpretation) He was the supreme chief. No one else could
4 give such orders.

5 MR KILOLO: (Interpretation) Your Honour, could we go into private session
6 briefly?

7 PRESIDING JUDGE STEINER: I wanted --

8 *(Private session at 10.37 a.m.) Reclassified as Open session

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

10 PRESIDING JUDGE STEINER: I want again to apologise to the interpreters. I will
11 try to do my best.

12 THE INTERPRETER: Many thanks from the interpretation team.

13 MR KILOLO: (Interpretation)

14 Q. Now, who was General Bombayake at that time; at the time of those events?

15 A. Bombayake was a pilot in the air force.

16 Q. Was he in command of a particular unit at the time within the Central African
17 Republic?

18 A. He was an officer in the air force, as I said.

19 Q. Do you know what the GP is?

20 A. Those are the soldiers responsible for the security of the President of the
21 Republic.

22 Q. Do you know who their commander was?

23 A. I don't know.

24 Q. Ma'am, I would like to remind you of your statement to the investigators, and I
25 make reference to document CAR-OTP-0044-0137_R01, French version, and here is

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1 the question that was asked of you: "What armed force did Bombayake belong to?",
2 and your answer was: "He was the commander of the air force of the Central
3 African Army. He flew, but he -- he flew aircraft, but he was always next to
4 Patassé." Question: "And who are the Central African forces?" Your answer was:
5 "The FACA." Do you stand by that statement?

6 A. Yes, Bombayake was indeed in the air force, but at that time he also was part of
7 the entourage of the President, the Head of State.

8 Q. Now, why did you specify that he was always beside Patassé?

9 A. Because I know that he was at the office of the presidency beside President
10 Patassé and he flew the aeroplane that was there.

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

12 PRESIDING JUDGE STEINER: Court officer, please.

13 (Open session at 10.42 a.m.)

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

15 MR KILOLO: (Interpretation)

16 Q. Witness, in your statement to the investigators, and I am referring to document
17 CAR-OTP-0044-0138_R01. Now, this is the question that was asked of you: "Other
18 than your children and your niece, who else was there with you?", and your answer:
19 "No one else, because the men could not remain in the neighbourhood. Some
20 remained because there were rumours to the effect that the" something "would be
21 burnt." You see, unfortunately this version has been redacted so I don't have that
22 actual word. And then you were asked: "Who was going to burn down the," once
23 again illegible, and you answered: "Since Bozizé took refuge in the" blank, redacted,
24 redaction, "the Head of State wanted to burn down the" redacted item. Can you
25 confirm that?

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1 A. Yes, I do confirm that.

2 Q. Could you tell the Court what it was that the Head of State wanted to burn
3 down?

4 PRESIDING JUDGE STEINER: Maître, are you asking the witness to mention
5 exactly the information that is redacted?

6 MR KILOLO: (Interpretation) Unless I am instructed otherwise by the OTP, it
7 seems to me that this information was redacted in the past, but at this time it would
8 not be a problem to disclose the information.

9 PRESIDING JUDGE STEINER: I maybe agree with you, but then it would be more
10 appropriate to request the lifting of the redactions instead of asking the witness to
11 mention any information that is redacted. I ask the Prosecution whether the
12 Prosecution sees any inconvenience in lifting the redaction in this information?

13 MR BADIBANGA: (Interpretation) Your Honour, it seems to me that we are in
14 open session, unless I am mistaken, and -- well, really, the Defence could have asked
15 for the Court to go into private session; that would have been more suitable. The
16 redactions were applied, as you said, and they have not been lifted as of this point in
17 time.

18 PRESIDING JUDGE STEINER: Would you please first -- I am sorry, but for the
19 record to identify yourself.

20 MR BADIBANGA: (Interpretation) I beg your pardon, I have been in the
21 courtroom since the beginning of this witness's testimony. I am a member of the
22 OTP Defence (sic) team.

23 THE INTERPRETER: The English interpreter apologises. He did not hear OTP
24 counsel's name.

25 PRESIDING JUDGE STEINER: I am sorry to insist, the English interpreter could not

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1 understand your name. It is just for the sake of the record.

2 MR BADIBANGA: (Interpretation) Entirely so. I suppose I should slow down.

3 I am Jean-Jacques Badibanga and today I will be speaking on behalf of the Office of
4 the Prosecutor. Thank you.

5 PRESIDING JUDGE STEINER: Thank you, Maître Badibanga, but my question was
6 not answered. My question is whether the Prosecution has a reasoned objection for
7 the lifting of the redaction on the information mentioned by Defence counsel?

8 MR BADIBANGA: (Interpretation) If I could have a moment to consult my team,
9 your Honour? Your Honour, it has been confirmed to me that at the request of the
10 Chamber on Monday we redisclosed the information and withdrew the redactions,
11 but that applied only to the Defence. So the suggestion from the OTP is that the
12 Defence may ask questions on this point, but in private session, insofar as this
13 information is not accessible to the public.

14 (Trial Chamber confers)

15 PRESIDING JUDGE STEINER: Maître Liriss.

16 MR LIRISS: (Interpretation) Your Honour, I believe there's a mistake on the part of
17 the OTP. We did receive annexes that were redacted, but we did not receive this
18 particular document which has been redacted.

19 PRESIDING JUDGE STEINER: Maître Badibanga, the Chamber, after deliberation,
20 have come to the conclusion that there is no need for the redaction of the information
21 pursued by the Defence, so therefore, the Chamber is authorising the lifting of such
22 redaction so the Defence can mention what that redaction refers to, quatrième
23 arrondissement.

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

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1 PRESIDING JUDGE STEINER: Court officer, please.

2 *(Private session at 10.51 a.m.) Reclassified as Open session

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

4 MR KILOLO: (Interpretation) Your Honour, just to ensure that I have understood
5 your decision, since you lifted the redaction is private session still necessary to put
6 this question to the witness?

7 PRESIDING JUDGE STEINER: Maître Kilolo, if the question involves the reference
8 to quatrième arrondissement it can be put in public session. The redaction was
9 lifted.

10 MR KILOLO: (Interpretation) Could we please go into open session?

11 PRESIDING JUDGE STEINER: Court officer, please.

12 (Open session at 10.52 a.m.)

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

14 MR KILOLO: (Interpretation)

15 Q. Madam Witness, I would like to go back to the question that I asked of you a
16 few moments ago. Could you tell us what the Head of State wanted to burn down at
17 the time of the events?

18 A. The Head of State wanted to burn down the 4th arrondissement.

19 Q. How do you know that?

20 A. I said that a soldier who was living in our neighbourhood told me that. He
21 told me that I had to go away with the children because the neighbourhood was
22 going to be burnt to the ground.

23 Q. Are we indeed talking about the Head of State of the time, former President
24 Patassé?

25 A. Yes.

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1 Q. Why did President Patassé want to burn down the 4th arrondissement?

2 A. Because President Bozizé had taken refuge in the 4th arrondissement.

3 Q. Now, was the 4th arrondissement burnt down?

4 A. No, the neighbourhood was not burnt to the ground. I was told -- I was
5 informed that night, but there was only bombing.

6 Q. Do you mean that all those military operations, all that bombing and shelling in
7 the 4th arrondissement, were decided upon by President Patassé at the time?

8 A. When those soldiers -- when that soldier came to inform me that the President,
9 President Patassé, had given orders that the 4th arrondissement be burnt down, it's
10 true that I didn't learn that myself, but it was information that was provided to me.

11 THE INTERPRETER: The Sango interpreter would like it if someone could ask the
12 witness to repeat her answer, because he did not quite understand the meaning of her
13 reply.

14 MR KILOLO: (Interpretation)

15 Q. Madam Witness, Madam Witness, could you repeat your question (sic) please.
16 The interpreter has not understood.

17 A. I said the soldier informed me that President Patassé gave the instruction to
18 burn down the 4th arrondissement.

19 MR KILOLO: (Interpretation) Madam President, could we go into private session
20 for the last question before the break?

21 PRESIDING JUDGE STEINER: Court officer, please.

22 *(Private session at 10.57 a.m.) Reclassified as Open session

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

24 MR KILOLO: (Interpretation)

25 Q. Now, the person who gave you that information about the orders given by

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1 President Patassé regarding the bombing of the 4th arrondissement, was that person
2 reliable in your opinion?

3 A. He himself was an officer in the air force, so I could only trust what he said.

4 Q. Could you tell the name of this officer to the Court?

5 A. When the investigators came to Bangui, I really didn't have his name in mind,
6 but after I was asked the question I searched my memory and tried to remember his
7 name and it was (Redacted).

8 Q. Is he indeed a Central African military officer?

9 A. Yes, he is (Redacted) in the air force.

10 MR KILOLO: (Interpretation) Your Honour, I think we only have two minutes
11 remaining.

12 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo. Madam Witness, we are
13 having half-an-hour's break in order for you to take some rest. It's 11 o'clock now.

14 We'll be back at 11.30. Court officer, please turn into open session.

15 (Open session at 11.00 a.m.)

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

17 PRESIDING JUDGE STEINER: Thank you. We are having now a half-an-hour
18 break. It is 11 o'clock. We will be back at 11.30. I please ask the court officer to
19 turn into closed session in order for the witness to be taken outside the courtroom.

20 In the meantime, we are going to suspend and resume at 11.30.

21 *(Closed session at 11.00 a.m.) Reclassified as Open session

22 THE COURT OFFICER: Madam President, your Honours, we are in closed session.

23 (The witness stands down)

24 THE COURT OFFICER: All rise.

25 (Recess taken at 11.02 a.m.)

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- 1 (Upon resuming in closed session at 11.34 a.m.) Reclassified as Open session
- 2 THE COURT USHER: All rise. Please be seated.
- 3 PRESIDING JUDGE STEINER: Welcome back. Could, please, the court usher
- 4 bring the witness in.
- 5 (The witness enters the courtroom)
- 6 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 7 (Open session at 11.37 a.m.)
- 8 THE COURT OFFICER: Madam President, your Honours, we are back in open
- 9 session.
- 10 PRESIDING JUDGE STEINER: Thank you very much. Welcome back, Madam
- 11 Witness.
- 12 THE WITNESS: (Interpretation) Hello again, your Honour.
- 13 PRESIDING JUDGE STEINER: Did you manage to rest a little bit?
- 14 THE WITNESS: (Interpretation) Yes, I was able to rest a bit.
- 15 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony?
- 16 THE WITNESS: (Interpretation) I'm ready to do so.
- 17 PRESIDING JUDGE STEINER: I think there is any problem with my microphone,
- 18 because it is activated. But, in any case, the witness says that she is ready to continue
- 19 giving her testimony and therefore I give the floor to Maître Kilolo.
- 20 MR KILOLO: (Interpretation) Thank you, your Honour.
- 21 Q. Madam Witness, we shall continue with questioning. Can you hear me?
- 22 A. Yes, I understand you.
- 23 Q. I'm coming back to your statement to the Court. I'm referring to the transcript
- 24 of 18 March 2011, and the French version, the real-time transcript, page 35, lines 16 to
- 25 19. Here's my question: Is it accurate to say that the Banyamulengue were wearing

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1 new military uniforms?

2 A. Yes, that's right. They were wearing new uniforms.

3 Q. Did you find out who provided the so-called Banyamulengue who came to
4 Bangui with the military uniforms?

5 A. When they turned up for the first time, and they were based in Ouango, now
6 I think this is an open session, I would like to go into private session.

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

8 *(Private session at 11.41 a.m.) Reclassified as Open session

9 THE COURT OFFICER: Your Honours, we are in private session.

10 THE WITNESS: (Interpretation) When they turned up for the first time, and they
11 were still based in Ouango N'garagba, we heard in the district that the
12 commander-in-chief at the time, who was the President of the Republic, was the
13 person who had given them the uniforms and, when they came back the second time,
14 I couldn't tell you who provided them with their uniforms.

15 PRESIDING JUDGE STEINER: Open session? Court officer, please.

16 (Open session at 11.42 a.m.)

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

18 MR KILOLO: (Interpretation)

19 Q. Madam Witness, would it be accurate to say that the leader of the so-called
20 Banyamulengue had the type of walkie-talkie used by Central African soldiers, or
21 their military leaders, or the police and police commissioners, in the Central African
22 Republic?

23 A. I saw them with a walkie-talkie but, you know, I'm not a member of the military
24 forces, I can't tell you if it was a walkie-talkie from the Central African Army or if it
25 was one that they had brought. But I can tell you that I have seen that sort of

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1 walkie-talkie used by the officers of our army.

2 Q. I would like to recall your statement to the investigators. I'm referring to
3 document CAR-OTP-0044-0150_R01. This is the statement in French. This is what
4 you stated: "He had the same clothes as the others and no stripes and nothing to
5 indicate that he was a leader. He was wearing black shoes."

6 Question: "Was he carrying weapons?" Answer: "He was carrying weapons like the
7 others." Question: "Did he have any means of communication?" Answer: "Yes, a
8 walkie-talkie with an antenna." Question: "Can you describe the walkie-talkie
9 device?" Answer: "They are the same devices that the military leaders, police and
10 commissioners have here. These were black devices."

11 Can you confirm this?

12 A. Yes, I can confirm it.

13 Q. Would it be accurate to say that you never saw the leader of the so-called
14 Banyamulengue using the walkie-talkie that he had?

15 A. That's right. I never saw him communicating with that device.

16 Q. Would it be accurate to say that, with the exception of the walkie-talkie, the
17 leader of the alleged Banyamulengue had no other means of communication?

18 A. I didn't see any other means of communication.

19 Q. I would like to recall your statement to the investigators. I'm referring to
20 document CAR-OTP-0044-0141_R01. This is the statement in French. This is the
21 question which you were asked -- your Honour, could we briefly go into private
22 session?

23 PRESIDING JUDGE STEINER: Court officer, please.

24 *(Private session at 11.48 a.m.) Reclassified as Open session

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

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1 MR KILOLO: (Interpretation)

2 Q. Here's the question you were asked, madam: "When (Redacted)

3 were the Banyamulengue still in your district?" Your answer: "No, because on the

4 same day (Redacted) we pushed them back to Boy-Rabé market. At midnight, they

5 started firing at the market so that they could come towards our area. In the

6 morning, they left the market to go to PK12. (Redacted), President Patassé

7 said (Redacted), 'Go to PK12 and see how the atmosphere is and see how the

8 Banyamulengue are living with the Central Africans.'" Can you confirm this?

9 A. Yes, I can confirm it.

10 Q. Did President Patassé (Redacted) that the PK12 community and the alleged

11 Banyamulengue were getting on well together, living together?

12 A. At PK12 the Banyamulengue had taken over all the homes, they had broken

13 down the doors and had occupied the entire sector. They were -- they had occupied

14 the homes and they were preparing food to have a meal.

15 Q. Excuse me, madam. Perhaps I should make my question clearer. On the

16 basis of President Patassé's statement, was he trying to reassure (Redacted) by seeing

17 that, from his point of view, the Banyamulengue and the PK12 community were

18 living together in harmony?

19 A. (Redacted), because at the time the Banyamulengue and the Central

20 Africans didn't get on and so they couldn't live together peacefully.

21 Q. As far as you know, why did President Patassé say, "Go to PK12 and see what

22 the atmosphere is like and see how the Banyamulengue are living with the Central

23 Africans there"?

24 A. I can't guess what Mr Patassé was thinking. I can't say anything to the Court

25 here about what Mr Patassé was thinking.

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1 Q. How did you understand what President Patassé said?

2 A. (Redacted)

3 (Redacted), because the Banyamulengue had not
4 behaved properly with the local communities.

5 Q. On the basis of the statement by President Patassé, do you know if President
6 Patassé had information on what crimes had been committed in the field?

7 A. (Redacted). I don't know if he was well-informed of
8 everything that was going on.

9 Q. With the exception (Redacted), were there other
10 (Redacted) with President Patassé?

11 A. (Redacted). When the Head of
12 State (Redacted).

13 Q. Do you mean that (Redacted) President Patassé (Redacted)
14 (Redacted)

15 A. (Redacted)

16 Q. Do you mean that all (Redacted) were
17 Central African citizens?

18 A. They were Central Africans.

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

20 PRESIDING JUDGE STEINER: Court officer, please.

21 (Open session at 11.56 a.m.)

22 MR KILOLO: (Interpretation) Excuse me.

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

24 MR KILOLO: (Interpretation) Excuse me.

25 Q. Madam Witness, did you hear the leader call the Banyamulengues by their

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1 name?

2 A. No, he didn't call them by their names.

3 Q. Did the soldiers call one another by their names?

4 A. I didn't hear that.

5 Q. Would it be accurate to say that the leader of the alleged Banyamulengue was
6 not present at the time the two girls were raped by the so-called Banyamulengue?

7 A. He was not present.

8 Q. Did you personally inform the leader of the alleged Banyamulengue of the rape
9 of the two young girls?

10 A. I didn't know which way he had gone, so I couldn't find him to give him the
11 information.

12 Q. To your knowledge, did the two young girls or their parents lodge a case with
13 the legal authorities in your country with charges of rape?

14 A. I don't know anything about that. If they had come to tell me about that
15 I would have known, but for the moment I don't know what happened.

16 Q. Did you personally lay charges with the legal authorities of your country after
17 the attack on the two juvenile girls; the attack which you say you were a witness to?

18 A. I didn't have the strength to go off and lay charges during these events. There
19 was the Head of State there who was still in power.

20 Q. Why have you said that Patassé was still Head of State and that you couldn't lay
21 charges at that time?

22 A. I told you that (Redacted) he said that the little
23 Banyamulengue had come to help him out. After hearing that, how do you expect
24 me to go off and lay charges? And if I'd done that, right now I'd be either in prison
25 or dead.

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1 Q. Would it be accurate to say that you didn't file a complaint and press charges
2 for the plunder that you claim to have fallen victim to, for the plunder made in your
3 home?

4 A. No, I didn't file a complaint and press charges for that.

5 Q. Why do you say that you would be dead? How do you file a complaint and
6 press charges?

7 A. During the events, the Banyamulengue were still at Bangui. They had taken
8 hold of the entire locality. They had gone to PK12 and the Head of State had already
9 made a statement. How could I possibly have filed a complaint, and how could I
10 ever expect, having done so, win at any trial?

11 Q. Without any citing any names, Madam Witness, nor referring to the function of
12 the individual because we are currently in open session, do you know if your
13 neighbour, the neighbour who had been -- who had been put into the mud at the
14 bottom of the canal, had he filed a complaint and pressed charges before the legal
15 authorities?

16 A. I don't know.

17 Q. Would it be accurate to say that the leader of the alleged Banyamulengue was
18 not personally present at the Boy-Rabé market when you witnessed the alleged
19 Banyamulengue with what you call the booty or the spoils?

20 A. No, he was not there next to the spoils that had been collected.

21 Q. Would it be accurate to say that you never saw the presence of a leader among
22 the Banyamulengue women who were standing next to the so-called loot that had
23 been stockpiled at the Boy-Rabé market?

24 A. I didn't see any leader with them.

25 Q. Would it also be accurate to say that even at the time when the so-called

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1 Banyamulengue left Boy-Rabé with these goods, that you didn't see the presence of a
2 leader among the Banyamulengue?

3 A. That is right.

4 Q. Would it also be accurate to say that you are unable to confirm the fact that the
5 leader of the alleged Banyamulengue was informed of looting at the Boy-Rabé market;
6 you are unaware of this?

7 A. I didn't see any leader, so I couldn't possibly have spoken to a leader that I
8 didn't see.

9 Q. What was the date at which the events in the Central African Republic, at what
10 date did the events in the Central African Republic finish?

11 A. I don't remember the Banyamulengue in my neighbourhood. Yes, I know the
12 date at which they left my neighbourhood. They came one day and they left the next
13 day. The Banyamulengue spent a lot of time in Bangui. They went into the
14 provinces, they killed and they committed acts of abuses and of violence, but I can't
15 tell you at what date they left.

16 Q. Do forgive me, Madam Witness. I will rephrase my question. What was the
17 year and in what month did the events that are of concern of us here, when did these
18 events finish in the Central African Republic?

19 A. The events in question began in October 2002 and they lasted right the way
20 through to 2003.

21 Q. When did President Bozizé take power in the Central African Republic?

22 A. Are you referring to the presidential election, presidential elections of Bozizé?
23 I don't remember the date.

24 Q. Do forgive me, Madam Witness. I am going to clarify my question. When
25 did President Bozizé accede to power following the departure of President Patassé,

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1 subsequent to the events in question?

2 A. Bozizé entered Bangui on 15 March.

3 Q. Should I understand, therefore, that it was 15 March 2003, it was that date that
4 saw the end of the events in question in the Central African Republic?

5 A. Bozizé entered on 15 March 2002/2003. The events occurred in 2002/2003, and
6 then when he -- well, he came back on 15 March in order to take power.

7 MR KILOLO: (Interpretation) Your Honour, I think we could very swiftly move into
8 private session once more.

9 PRESIDING JUDGE STEINER: Court officer, please.

10 *(Private session at 12.09 p.m.) Reclassified as Open session

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

12 MR KILOLO: (Interpretation)

13 Q. Madam Witness, the report that (Redacted) submitted to Counsel Ngoungaye with
14 regard to the victims at Boy-Rabé, was that report crucial in order to be able to -- in
15 order for the legal authorities not only to record the crimes but also to punish the
16 perpetrators of those said crimes?

17 A. I have told you that (Redacted), and we referred to the legal
18 representatives of the victims, and (Redacted) the victims themselves to draw up a list
19 because these victims were more abreast, obviously, of what had occurred to them.
20 For (Redacted) on that list before submitting it
21 to Counsel Ngoungaye.

22 Q. Please, do forgive me. I am going to clarify my question. The information
23 that the victims were able to collate, (Redacted), in order to communicate that
24 information to Counsel Ngoungaye, was this information crucial in order to establish
25 exactly what had occurred on the ground in order to punish the perpetrators of these

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1 crimes?

2 A. If we hadn't suffered these abuses, (Redacted) never have asked the victims to
3 compile a list in order to submit this list to Counsel Ngoungaye. The married
4 women were raped, women were forced. That type of situation gave rise to divorces
5 and nobody knew whether these people were enjoying a good state of health or not.
6 Some people have died after these events, but we never, had never seen such a set of
7 circumstances before, and this is why (Redacted) to send this information to Counsel
8 Ngoungaye.

9 Q. Do you know whether Counsel Ngoungaye handed over this report to the
10 judicial authorities with a view to tracking down the perpetrators?

11 A. Yes, I know that this information was handed over, because in my
12 neighbourhood there were two victims, two women victims, who were summoned.
13 Two women victims were summoned by the legal authorities in order to hear their
14 statement with regard to the events in question.

15 Q. I would like to refer you back to my question, Madam Witness, in that case.
16 This information, therefore, the information that was handed over to Counsel
17 Ngoungaye and after that to the legal authorities, this information, was it crucial to
18 enable the legal authorities to establish very precisely what had occurred?

19 A. Yes, that information was indeed crucial. This information was important and
20 that's why he handed over that information.

21 PRESIDING JUDGE STEINER: A clarification; crucial to whom? I didn't
22 understand your question.

23 MR KILOLO: (Interpretation) Your Honour, would you like me to ask the question
24 once again to the witness?

25 PRESIDING JUDGE STEINER: No, not necessarily. I think the witness has already

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1 answered, but I'm not sure what she meant by "indispensable". To whom? To her?

2 To Maître Ngoungaye? To the judicial authorities? It's not clear.

3 MR KILOLO: (Interpretation) My question was designed to establish whether the

4 information that (Redacted) from the victims was crucial -- whether

5 that information was crucial for the judicial authorities in order to precisely establish

6 what had occurred on the ground. If you wish, I can re-word the question in that

7 way.

8 PRESIDING JUDGE STEINER: I don't think she is able to answer on whether

9 something has been crucial for the justice. I think it's better if you go ahead.

10 MR KILOLO: (Interpretation)

11 Q. Madam Witness, is it accurate to say that it was subsequent to 15 March 2003,

12 after the events in question, that (Redacted) the report given to Counsel Ngoungaye

13 with regard to the abuses inflicted upon the local inhabitants?

14 A. During the lull the victims started coming forward, and Counsel Ngoungaye

15 was involved in order to meet the victims. It was in this way that, well, the victims

16 drew up the list themselves with a view to handing over that information to Counsel

17 Ngoungaye.

18 Q. I'm going to remind you of what you said to the investigators. I'm referring to

19 document CAR-OTP-0044-0118_R01. This is the French version of your statement.

20 This is the question that was put to you: "Have you already consulted a lawyer?"

21 Your answer: "Yes, Counsel Ngoungaye. (Redacted) drew up a petition with regard

22 to some victims." Question: "Would you mind being more accurate in your answer?"

23 Answer on your part: "Immediately after the reports, (Redacted) a report for Counsel

24 Ngoungaye in conjunction with the victims of the 4th arrondissement." Do you

25 stand by your statement?

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1 A. Yes, I do stand by that statement.

2 MR KILOLO: (Interpretation) Your Honour, would you mind if we move into open
3 session once more?

4 PRESIDING JUDGE STEINER: Court officer, please.

5 (Open session at 12.18 p.m.)

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

7 MR KILOLO: (Interpretation)

8 Q. Madam Witness, can you clarify when was the communiqué released over the
9 radio to enable people to come and retrieve the goods that had been looted?

10 A. This was a few days following the withdrawal from the neighbourhood. It was
11 at that particular time that the communiqué was broadcast over the radio.

12 Q. Do you mean by that, without supplying any names, that it was a few days after
13 the withdrawal of the alleged Banyamulengue from your neighbourhood?

14 A. Yes, it was a few days after their withdrawal before the communiqué was
15 broadcast.

16 Q. Do you know whether this was three days or a week, more or less, just to give
17 us an idea?

18 A. If my memory serves me well, it was five days after that we heard the
19 communiqué on the radio.

20 Q. What are the various radio stations that broadcast that communiqué?

21 A. Central African Radio, Centrafrique and Radio Ndeke Luka.

22 Q. In what language did these radio stations broadcast this communiqué?

23 A. In our country, communiqués can be broadcast in French and in Sango.

24 Q. Do you know what authority organised the handing back of these looted goods
25 to their initial owners?

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1 A. I have already said in this courtroom that nobody was asked to give back these
2 goods. You know, when communiqués are broadcast over the radio and you are not
3 necessarily paying much attention you don't necessarily understand, but I know that
4 the local population was asked to go to the port in order to be able to see or identify
5 their goods.

6 Q. I'll rephrase my question. Do you know which authority had that
7 communiqué broadcast over the radio in order for these goods to be matched up with
8 their owners?

9 A. These goods were stored at the police commissariat at the port. In all
10 likelihood it was the police commissioner, but I can't tell you with any accuracy who
11 it was.

12 Q. Who was responsible for the port police station at the time of the events?

13 A. Responsible for the harbour police station? You know, when a communiqué
14 goes over the radio, names aren't mentioned. You only hear, "The police
15 commissioner said," this, that or the other.

16 Q. Was this a Central African person?

17 A. All police stations in the Central African Republic come under the authority of
18 the Central African police commissioner.

19 Q. Do you know which public officials would have handed back these looted
20 goods to their owner?

21 A. When I arrived, there were lots of people there. You know, you'd have to
22 have -- you had to go there and you had to retrieve your goods. After that, you had
23 to go to the police station to say -- to prove that those goods belonged to you. You
24 know, there are lots of goods that had been looted and these items that were stored
25 there weren't necessarily high-value items. I didn't see my mattress there, I didn't

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1 see my television set and I didn't see other goods that had been looted from my home,
2 so I decided subsequent to that to go back home.

3 Q. The people - the public officials - that received you when you went there, were
4 these in civilian dress? Were these civilians belonging to the Central African State,
5 or were these soldiers or police officers belonging to the Central African authorities?

6 A. In the police station, you would only ever see policemen.

7 Q. Do you mean by that that these were Central African police officers that
8 received you when you went to retrieve your goods?

9 A. Police officers received us.

10 Q. In which language did you speak to these police officers?

11 A. I have already told you that when you arrived you had to first and foremost
12 identify your own goods. After that, you went to the police officers to prove why
13 those goods belonged to you. So when I wasn't able to retrieve my goods, I just went.
14 You know, it's not all Central African people spoke French. There were some that
15 spoke Sango. So when the people came to try and retrieve their goods,
16 conversations were held in Sango with these officials.

17 Q. Did you see people who were able to retrieve their goods in that place?

18 A. When I arrived, I only went to try and retrieve my own goods. I wasn't
19 involved in whether other people were trying to find theirs. When I finished my
20 search and I couldn't see my goods, I just simply went.

21 Q. Madam Witness, in total how many times were you able to personally meet the
22 leader of the alleged Banyamulengue?

23 A. I only met him when the Banyamulengue entered our neighbourhood.

24 Q. Do you mean by that during the event with the six Banyamulengue in front of
25 your compound?

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1 A. Yes, and it was the time also when we drove them back.

2 Q. Did you also meet him a second time when the local inhabitants took hold of
3 machetes to drive back the Banyamulengue and that the leader called upon them to
4 remember Rwanda?

5 A. We were driving them back. There were lots of people there. The local
6 inhabitants were furious, so the local inhabitants marched forward to drive them back
7 and calling -- and the leader -- well, some of these people wanted to fire on the
8 inhabitants and their leader said, "Don't fire. Remember Rwanda."

9 PRESIDING JUDGE STEINER: Maître Kilolo, sorry to interrupt you. Judge Aluoch
10 needs to put a follow-up question and for that purpose I ask, please, the court officer
11 to turn into private session.

12 (Private session at 12.29 p.m.) Reclassified as Open session

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

14 JUDGE ALUOCH: Mr Kilolo, I'm sorry to take the proceedings back, but this is as
15 far back as page 41. This is the English transcript, real-time transcript on my screen.
16 This was when the witness was talking about Counsel Ngoungaye handing
17 over -- (Redacted) -- the report, (Redacted) to the counsel and you put a
18 question, this is the answer the witness gave, page 41, line 16. I believe we are in
19 private session, because I want to try and elicit names, if possible.

20 Madam Witness, this is the answer that you gave: "Yes, I know that this information
21 was handed over because, in my neighbourhood, there were two victims, two women
22 victims who were summoned. Two women victims were summoned by the legal
23 authorities in order to hear their statement with regard to the events in question."

24 Madam Witness, would you happen to know the names of these two women victims
25 at all? If you do, can you give the names because we are in private session. Thank

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1 you.

2 THE WITNESS: (Interpretation) The women who (Redacted), the first one, her
3 name (Redacted) and the second woman, her name was (Redacted)
4 (Redacted).

5 JUDGE ALUOCH: Thank you very much. Thank you, Mr Kilolo.

6 PRESIDING JUDGE STEINER: Court officer, let's turn -- sorry. Do you want to
7 proceed in private?

8 MR KILOLO: (Interpretation) Very well, your Honour, on the specific point.

9 Q. Madam Witness, did you mention (Redacted), did you mention them
10 to the investigators so that they could cross-check what you had said?

11 A. Those victims came later. When I met the investigators, I had not yet received
12 that information so I could not pass it on to them; that is to say, the information about
13 those two women, (Redacted).

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

15 PRESIDING JUDGE STEINER: Court officer, please, let's turn into open session.
16 (Open session at 12.33 p.m.)

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

18 PRESIDING JUDGE STEINER: Maître Kilolo, if you allow me before you continue,
19 do you think it would be possible for the Defence to finish its questioning by the end
20 of this session or not?

21 MR KILOLO: (Interpretation) I fear, your Honour, that we will have to continue and
22 even tomorrow. We do hope to finish, no doubt, tomorrow around 1 in the
23 afternoon.

24 PRESIDING JUDGE STEINER: The Chamber will respect, of course, the planning of
25 the Defence, although the Chamber has asked itself many times about the relevance of

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1 many questions that have been put by the Defence. So maybe the Defence could be
2 more objective and just ask questions that are really relevant for the case; otherwise,
3 the Chamber will have to intervene every time to ask the Defence to justify the
4 relevance of the questions. So I really would like the Defence to pay more attention
5 for the wise use of its time. You can proceed, Maître Kilolo.

6 MR KILOLO: (Interpretation) Thank you, your Honour. We will certainly take
7 your advice to heart. I believe we are in open session.

8 Q. Madam Witnesses, would it be correct to say that in your neighbourhood no
9 one spoke Lingala at the time of the events?

10 A. I'm the one who doesn't understand Lingala, but there was a brother who had
11 come to interpret for me everything that was being said in Lingala. That person, you
12 see, he had a wife who was from Zaire.

13 Q. Witness, I'd like to remind you of your statement before the Chamber. I make
14 reference to the real-time transcript of 18 March 2011, page 19, lines 15 to 20 and this
15 is what you said. I quote, "There were only Central African people in my
16 neighbourhood." Question, "Witness, between 2002 and 2003, what language or
17 what languages were spoken by the people who lived in your neighbourhood, by the
18 residents of your neighbourhood?" Answer: "The residents of my neighbourhood
19 spoke Sango. Some of them spoke French." Do you stand by that statement?

20 A. Yes, I stand by that statement.

21 Q. Would it be correct to say that when the leader of the so-called Banyamulengue
22 spoke to you (Redacted) compound that it would have been impossible for you
23 to identify the language in which he was speaking?

24 A. That's right.

25 Q. Once again, I'd like to remind you of your statement before the Chamber. I

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- 1 make reference to the transcript of 18 March 2011, page 26, lines 24 to -- correction,
2 page 36, lines 24 to 28. This is the real-time transcript, French version. This is what
3 you said. I quote: "When he spoke to me I did not understand that language. It
4 was only afterwards that I realised that this language was, indeed, Lingala."
5 Question: "Now, without mentioning any particular names, witness, could you tell us
6 who told you later that the language in question was actually Lingala?" Answer: "I
7 learned that from a brother who was living in the same neighbourhood. He had
8 married a woman from Zaire. This gentleman was the one who told me that it was
9 the language that his wife spoke." Is that correct?
10 A. Yes, that's correct. That's indeed what I said.
11 MR KILOLO: (Interpretation) Madam President, could we go into private session?
12 PRESIDING JUDGE STEINER: Court officer, please.
13 *(Private session at 12.40 p.m.) Reclassified as Open session
14 THE COURT OFFICER: Madam President, we are now in private session.
15 MR KILOLO: (Interpretation)
16 Q. Witness, could you give us the name of this brother who lives in your
17 neighbourhood?
18 A. His name is (Redacted).
19 THE INTERPRETER: A message from the Sango booth: Could the parties and
20 participants please respect the five-second rule.
21 PRESIDING JUDGE STEINER: Madam Witness and Maître Kilolo, you need to wait
22 and count to five after one finishes speaking and before you start speaking; otherwise,
23 the interpreter cannot follow you. So Maître Kilolo, wait five seconds after an
24 answer is given and, Madam Witness, although we know that you understand French,
25 as soon as Maître Kilolo finishes to put to you a question, you count to five before

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1 starting to give your answer. Thank you very much. Maître Kilolo.

2 MR KILOLO: (Interpretation)

3 Q. Madam Witness, now, after you parted ways with the so-called Banyamulengue,
4 how much time after that was it when you met with (Redacted)
5 (Redacted)

6 A. I said that after pushing back the Banyamulengue to the market, that was when
7 that brother came to my home to talk to me about something, and I talked to him
8 about the language that was spoken by that person and that is when he gave me that
9 piece of information.

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

11 PRESIDING JUDGE STEINER: Court officer, please.

12 (Open session at 12.43 p.m.)

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

14 MR KILOLO: (Interpretation)

15 Q. Madam Witness, without giving any names, are we to understand that this
16 brother from your neighbourhood was not present when the leader of the so-called
17 Banyamulengue spoke to you?

18 A. He was not present.

19 Q. Now, this brother from your neighbourhood, does he speak Lingala?

20 A. Yes, he understands and he speaks Lingala.

21 Q. Would it be correct to say that you never had any contact with Lingala before
22 your meeting with the so-called Banyamulengue?

23 A. I've told you that I did not understand Lingala.

24 Q. I beg your pardon, I'll put my question differently. Before meeting the alleged
25 Banyamulengue, be it (Redacted) compound or at the time of the rape of the two

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1 young girls, had you previously had an opportunity to be in contact with Lingala?

2 A. Yes. Yes, Lingala was spoken by many people. There are even -- well, there's
3 even Congolese music in Lingala that is played on the radio, but myself I don't speak
4 Lingala. I don't understand Lingala.

5 Q. Ma'am, I would like to go back to your statement before the Chamber. I make
6 reference to the transcript of 18 March 2011, French version real-time, page 37, lines 13
7 and on, and I quote. This is the question that you were asked by the Prosecution,
8 "My question is as follows: Were you in contact with Lingala at any particular time
9 before or after hearing the Banyamulengue speak?" "Those who spoke Lingala in
10 Bangui, or those who were in the habit of crossing the river, but in our part of the
11 world there are few such people because they are in the habit of working more in the
12 area of Kilometre 5. But myself, I didn't have contact with that language, with
13 Lingala, and particularly not before, not in the past." Do you stand by that
14 statement?

15 A. I stand by that statement.

16 Q. Under those conditions, could you explain to the Bench how were you in a
17 position to remember in the space of a few hours a number of sentences in a language
18 that was unknown to you and then repeat what was said to a brother in your
19 neighbourhood to allow him to translate and identify that language?

20 A. You know, an educated person --

21 PRESIDING JUDGE STEINER: Madam, sorry for interrupting you.

22 Maître Badibanga wants to say something.

23 MR BADIBANGA: (Interpretation) Thank you, your Honour. It seems to me that
24 the words really that are being put in the mouth of the witness are not actually the
25 words of the witness. I don't seem to find them in the transcript. I don't believe she

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1 repeated to this neighbour the words and then asked for a translation. I don't
2 believe that's what she said. She said that she did not understand Lingala, but
3 perhaps the Defence would be so kind as to give us the precise reference.

4 PRESIDING JUDGE STEINER: Maître Kilolo, I would like you to give the precise
5 reference in the transcript. It really appeared that we are talking about two different
6 moments and your question appears to put the witness in a very confused situation.

7 MR KILOLO: (Interpretation) If you don't mind, I will immediately clarify matters
8 with the witness.

9 Q. Witness, today you said -- and I make reference to today's transcript, the
10 real-time transcript, French version, page 53, line 26. You stated that the brother that
11 we were speaking of was not present at the time when you were in contact with the
12 alleged Banyamulengue; is that correct?

13 A. Yes, that's correct. He was not present.

14 Q. Is it -- was it indeed that brother who said to you that the language spoken by
15 the so-called Banyamulengue was Lingala?

16 A. Yes, it was indeed that brother.

17 Q. How did that brother know that the language spoken by these people was
18 Lingala?

19 A. I've told you that the Banyamulengue had taken a woman as hostage, a woman
20 who lived across from the house, and he intervened to have her released, and so that
21 is how it came to be that he came to see me to tell me that person was from Zaire.

22 Q. I'm sorry, I'll have to put my question differently. I'll rephrase. I am speaking
23 about the six Banyamulengue who were (Redacted) compound. Now, the
24 brother did not see them because he was not present, so how did he know that those
25 six people who were (Redacted) compound were speaking to you in Lingala?

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1 How did he know that?

2 A. The Banyamulengue went throughout the entire neighbourhood. They were
3 on my side. They were also over on his side. When I discovered that my door had
4 been broken down he was not there, he wasn't with me, but the Banyamulengue were
5 over on his side and he heard them speak over there. So he knew that those people
6 were Congolese and that is how I came -- that's how he knew, but it wasn't at my
7 house. He didn't hear them speaking Lingala at my house.

8 Q. Please forgive me, ma'am, but I'll try to be more specific. My question was not
9 about the Banyamulengue in general. My question actually is specifically about the
10 six Banyamulengue who were (Redacted) compound. Now, your brother did
11 not hear them speak. How was he able to know - how was he able to identify - that
12 language as being Lingala; the language that they were using?

13 A. I've told you that he intervened to help a woman who was being assaulted by
14 the Banyamulengue, and when he went to my house I then said to him, "Well, a
15 Banyamulengue leader was speaking a language that I didn't know and he had to
16 intervene in French." Myself, I didn't know that they were Banyamulengue. I
17 didn't know of that armed group. It was him. When he arrived, he was the one
18 who told me that they were Banyamulengue; namely, people from Zaire who had
19 crossed over.

20 Q. Did you have to repeat some sentences to him that had been uttered by those
21 so-called Banyamulengue so that he could then translate them for you into French, or
22 into Sango?

23 A. I didn't report to him what had happened, but he himself intervened to help
24 that woman and he knew that the Banyamulengue were speaking Lingala at that time;
25 at the time when he was assaulting -- when they were assaulting that woman.

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1 Q. Are we to understand, ma'am, that this brother told you that in general terms
2 the Banyamulengue spoke Lingala, but they had no knowledge -- he had no
3 knowledge of the language used by the six Banyamulengue (Redacted)
4 compound?

5 A. But I've already told you that the six Banyamulengue did not speak (Redacted)
6 (Redacted) compound. I told you that was a single Banyamulengue, a leader who
7 spoke in Lingala, and since I didn't understand he had to speak in French. And if he
8 intervened to help that woman, well, it's because she didn't speak Lingala, so he
9 intervened to beg the Banyamulengue to let this woman go.

10 MR KILOLO: (Interpretation) I think -- I see that it's nearly 1 o'clock.

11 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo. In relation to the last
12 topic, the Chamber notices that the same question was put six times, six times to the
13 witness. If the Defence continues in this line of questioning, the Chamber will start
14 to intervene and ask for the relevance every time a repetitive question is put to the
15 witness.

16 We are going to suspend now, madam, for the lunch break. You can have your
17 lunch and take some rest. It's 1 o'clock. We'll be back at 2.30 and this time in
18 Courtroom 1. We are going to turn into closed session in order for the witness to be
19 taken outside the courtroom. We are suspending and resuming at 2.30 in Courtroom
20 1. Court officer, please.

21 *(Closed session at 1.00 p.m.) Reclassified as Open session

22 THE COURT OFFICER: Madam President, your Honours, we are in closed session.
23 (The witness stands down)

24 THE COURT OFFICER: All rise.

25 (Luncheon recess taken at 1.01 p.m.)

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- 1 RECLASSIFICATION REPORT
- 2 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 3 ICC-01/05-01/08-3038 and its instructions in the email dated 17 September 2013, the
- 4 version of the transcript with its redactions becomes Public.