

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0119

- 1 International Criminal Court
- 2 Trial Chamber III - Courtroom 1
- 3 Situation: Central African Republic
- 4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
- 5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki
- 6 Trial Hearing
- 7 Wednesday, 23 March 2011
- 8 (The hearing resumes in closed session at 2.36 p.m. from Courtroom 2) Reclassified as Open session
- 9 THE COURT USHER: All rise. Please be seated.
- 10 PRESIDING JUDGE STEINER: Good afternoon. Welcome back. I ask, please, the
- 11 court usher to bring the witness in.
- 12 (The witness enters the courtroom)
- 13 WITNESS: CAR-OTP-PPPP-0119 (On former oath)
- 14 PRESIDING JUDGE STEINER: We can turn into open session, please, court officer.
- 15 (Open session at 2.38 p.m.)
- 16 THE COURT OFFICER: Madam President, your Honours, we are in open session.
- 17 PRESIDING JUDGE STEINER: Thank you. Good afternoon, Madam Witness.
- 18 THE WITNESS: (Interpretation) Good afternoon, your Honour.
- 19 PRESIDING JUDGE STEINER: Did you have lunch and manage to rest a little bit?
- 20 THE WITNESS: (Interpretation) I had lunch and I was able to rest a bit.
- 21 PRESIDING JUDGE STEINER: Are you feeling well, or at least feeling better?
- 22 THE WITNESS: (Interpretation) I feel better.
- 23 PRESIDING JUDGE STEINER: Then are you able to continue giving your testimony?
- 24 THE WITNESS: (Interpretation) I am ready to continue my testimony.
- 25 PRESIDING JUDGE STEINER: Thank you very much, madam. I am giving the floor to

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- 1 Maître Kilolo, who will continue questioning you on behalf of the Defence. Maître
2 Kilolo.
- 3 MR LIRISS: (Interpretation) I know that you didn't ask me to speak.
- 4 PRESIDING JUDGE STEINER: Maître Liriss.
- 5 MR LIRISS: (Interpretation) Before my colleague continues, I would like to say that the
6 team is well aware of your obligations and of the team's obligations too and shall
7 endeavour insofar as possible to reduce the time of cross-examination but, if this is not
8 sufficient, please be assured that we will have completed the questioning of Madam
9 Witness, who is not in good health, as early as possible tomorrow.
- 10 Many of our questions may seem repetitive to you, but you will see that they are focused
11 on two key questions in relation to the charges against our client in command. So we
12 have to be able to determine who the people are, identify them and, as identification is
13 based on language, you can understand why we have dwelled on this and why we shall
14 be dwelling on it again. And we are going to ask for your indulgence and we shall even
15 ask the witness for her indulgence, requesting her not to see this repetition as harassment,
16 but rather as the need for clarification in the interests of all parties concerned. Thank you,
17 madam.
- 18 PRESIDING JUDGE STEINER: Maître Liriss, I thank you very much for your
19 explanation. I think it must be clear that the comment made by the Presiding Judge was
20 not so much in relation to the length of time used by the Defence, but to the fact that for
21 more than once we stayed for instance for 15, 20 minutes, half-an-hour with
22 questioning -- questions on one topic and repetitive questions, and the Presiding Judge
23 wanted to call the Defence's attention to the fact that the Defence should be more objective
24 in its questions in order to avoid that we stay for 20/30 minutes in one single subject.
- 25 Also, to remind Defence that the evidence that the parties need to present to the Chamber

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1 are for the purpose to clarify the Chamber, to help the Chamber to find the truth, and the
2 Chamber is composed by three professional judges. So not every time small
3 contradictions, or the lack of knowledge on some not so relevant points, will impress the
4 Chamber or will lead the Chamber to doubt the credibility of the witness.
5 We understand that is one of the Defence needs, is to prove the witness credibility, and
6 the Chamber has been extremely tolerant, extremely tolerant, but I want the Defence to
7 understand that the witness has a limit. If the witness becomes distressed, tired, the
8 Defence will not have any gain with that. So it's on behalf of a better understanding of
9 the purpose of the questioning by the Defence that the Chamber made the comment it
10 made in the first part of this hearing.
11 But, of course, the Defence has the floor to conduct its line of defence and the Chamber
12 will intervene whenever the Chamber needs a clarification on the relevance of a certain
13 point, but in an atmosphere of respect as always for the work of the Defence team.
14 Maître Kilolo, you have the floor.
15 MR KILOLO: (Interpretation) Thank you, your Honour, for those edifying
16 clarifications and we shall certainly take them into account.
17 MR KILOLO: (Interpretation) (Continuing)
18 Q. Madam Witness, we have approximately one hour and ten minutes left. If we do
19 not conclude today, we wish to reassure you that it will be completed by tomorrow
20 morning. We are well aware of your state of health. Have you understood?
21 A. I have understood you.
22 Q. Before going on, I would like to come back very briefly to the question of Lingala.
23 Is it accurate to say that the brother in your district who speaks Lingala was not there
24 either at the time of the attack of the first woman who was screaming or at the time of the
25 rape of the two little girls?

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1 A. That is accurate; he was not present.

2 Q. Under those circumstances how could the brother from your district know that the
3 attackers were Banyamulengue?

4 A. As he had to take action to release a woman who was being attacked by the
5 Banyamulengue, he had the opportunity to discuss them, to speak with them, in Lingala,
6 and he said that they were clearly Banyamulengue.

7 Q. How did he know that the language they were speaking was Lingala?

8 A. Well, they spoke Lingala. He knows the language; he knew it was Lingala. They
9 were speaking Lingala.

10 JUDGE ALUOCH: How can she possibly know what you are asking her? I am looking
11 at page 5, line 6. This is the English transcript, and it says, "How did he know that the
12 language they were speaking was Lingala?" Is that really a fair question to the witness?
13 Just think about it. Because you are asking her to find out what was in the mind; how
14 did he know? You are asking her, not him. That's what I mean.

15 MR KILOLO: (Interpretation) Thank you, your Honour. I shall reformulate the
16 question.

17 Q. Madam Witness, was the brother in your district a person who could understand
18 Lingala properly?

19 A. I can't speak Lingala. I've never had an opportunity to speak Lingala with him. I
20 only knew that he spoke Lingala on this one occasion when he was trying to convince the
21 attackers to release the woman; so that brother knew the Lingala language, he could speak
22 it because of his wife, who came from Zaire.

23 Q. As you weren't there at the time that he met the -- or ran into the Banyamulengue,
24 how do you know that he was able to be sure that the language that the people spoke to
25 you, when he was not there, was in fact Lingala?

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1 A. I have already said here that, when the Banyamulengue were attacking a woman,
2 this man went off to stop them and the attackers were speaking Lingala. As those people
3 were speaking Lingala, that was how he came and then told me that those people
4 spoke -- were speaking Lingala.

5 Q. Madam Witness, I'm going to recall your statement to the investigators. This is the
6 document CAR-OTP-0044-0194_R01. This is the statement in French. Here is the
7 question you were asked, "Were the troops which you saw looting the same troops that
8 you had seen before or were they different?" Your answer, "The Banyamulengue were
9 out of control. I can't know, there were so many of them." Question, "I want to know if
10 they were the same troops that you had seen before?" Your answer, "No, they were
11 different." Could you confirm this?

12 A. I can confirm that.

13 Q. What do you mean by "different" troops?

14 A. I didn't say that they were different groups. The ones I met, the first, and the
15 others that were looting, wore the same clothes, but I couldn't identify who their leader
16 was.

17 Q. To your knowledge, were there any FACA deserters that joined the ranks of General
18 Bozizé?

19 A. I think that there were soldiers that followed him.

20 Q. How were those soldiers dressed?

21 A. We recognised the soldiers that had followed him when they turned up, but I wasn't
22 there. I didn't see them following them, but I saw people in my district wearing civilian
23 clothes.

24 Q. Did you also see soldiers that joined them and that you recognised by their clothes?

25 A. I didn't see them when they followed him.

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1 Q. How did you know that soldiers had followed him, had joined his troops?

2 A. I found out because there was a soldier living in my district; his name is (Redacted)
3 (phon). He came into (Redacted), he was in a vehicle, and that was how I knew that
4 there were soldiers running to the ranks.

5 Q. I would like to come back to a question which was asked by the Office of the
6 Prosecutor, and I would like to remind you that you should not give any names while we
7 are in open session. I'm referring to the transcript in the edited version in French, it's
8 dated 18 March 2011, page 22, lines 22 to 25. Here's the question which the Office of the
9 Prosecutor asked you, "Let's come back to the confusion you mentioned or the conflict
10 between Patassé and Bozizé. Could you tell us that something happened because of this
11 misunderstanding if, indeed, something did happen? You told us that there had been a
12 rebellion. Can you tell us how it started?" I shall continue, I shall continue through this
13 question and ask the following question: Do you remember exactly what Bozizé did
14 when he started his rebellion?

15 A. Please, could you please keep the questions separate, in different parts. When you
16 ask all the questions together, I get lost.

17 Q. Excuse me, madam, I shall rephrase the question. Do you remember what Bozizé
18 did - exactly what Bozizé did - when his rebellion started?

19 A. When the rebellion occurred, he withdrew and his partisans took their main road
20 and started burning tyres.

21 Q. Would it be accurate to say that Bozizé had attacked the government?

22 A. He attacked the government, but how? I didn't say that in my statement.

23 Q. Would it be accurate to say that he launched an attack during his rebellion to take
24 power?

25 A. Now, you are asking me this question. You are black, like me. If somebody wants

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1 to take power, how does it happen? In Africa obviously that involves an attack.

2 Q. Do you know whether Bozizé's rebels tried to take the presidential palace in Bangui?

3 A. I wasn't among the rebels. I was in my neighbourhood. Amongst themselves,
4 they occupied the major arteries. We were aware of that, because a number of their
5 partisans lived in our neighbourhood and so they used vehicles to come and visit the
6 members of their family. They even looted President Patassé's house. I wasn't a rebel,
7 so I can't know at what particular time they went into the palace.

8 Q. Do you know upon what date Bozizé's rebels occupied the major transport arteries?

9 A. Everybody knows that they came and that they took power on 15 March.

10 Q. Do you know how much time before the shelling of 28 October 2002 Bozizé's
11 rebellion had been launched?

12 A. I didn't fully understand your question.

13 Q. If we use the shelling as a reference point that took place in the 4th arrondissement,
14 do you know how many days prior to the shelling the rebellion by Bozizé had begun?

15 A. When Bozizé had launched his rebellion and taken refuge in that place, it was upon
16 that particular -- at that particular time that the shelling began.

17 Q. Do you know if it was the same day as the shelling, or a few days, two or three days
18 or five days, prior to the shelling?

19 A. I have already told you that at that time nobody had the time, nor the bravery, to jot
20 down those details in writing. We were traumatised. We didn't know what was
21 happening. We didn't know whether we were going to survive. All these questions
22 surrounding dates, please don't ask me these questions.

23 Q. Madam Witness, please be indulgent -- be particularly indulgent. I would like to
24 know that, if I was to suggest 25 October as being the date upon which the rebellion led
25 by Bozizé began, would you be in agreement with that date?

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1 A. I cannot accept that, because when he was ready to launch his rebellion I wasn't next
2 to him to know that. It was only when the rebellion was in train that I knew that the
3 rebellion was unfolding.

4 Q. Do you know where Bozizé's rebels were stationed?

5 A. Their base was established at PK12.

6 Q. Do you know how much time they spent at PK12?

7 A. When they established -- when they launched the rebellion, well, I wasn't -- no, I
8 wasn't with them to know at what date they withdrew from PK12, or even how long they
9 actually spent at PK12.

10 Q. If I were to tell you that the northern neighbourhoods encompass Fouh, Boy-Rabé,
11 Combattant and Miskine, would you agree with that?

12 A. I think that the northern suburbs -- northern neighbourhoods north of Boy-Rabé,
13 going off to Gobogo (phon) and Fouh, right the way through to Nginda.

14 Q. Could we also consider that PK12 is part of what can be termed the northern
15 neighbourhoods?

16 A. PK12 is a place that is located 12 kilometres away on the road that leads into the
17 provinces.

18 Q. Is it accurate to say that all the northern neighbourhoods had been taken over by
19 Bozizé's rebels and that they had stationed their base at PK12?

20 A. I have already told you that I was at that particular place where I was, so I
21 can't -- I'm not omnipresent to know -- ubiquitous, rather, to be in all the locations where
22 they were.

23 Q. I would like you to be particularly indulgent with us, please. Bearing in mind that
24 you have told me that Bozizé's rebels were stationed at PK12, to your knowledge how
25 many days did the rebels stay at PK12?

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1 A. I don't live at PK12. Consequently, I do not know how long they stayed at PK12.
2 Some went off on the Bozoum road, others in the Sibut road, but I am unfamiliar with the
3 date at which they left.

4 Q. To your knowledge, what troops were fighting Bozizé's rebels at Boy-Rabé during
5 the shelling and the gunfire?

6 A. I have already told you that there was a plane. In fact before there was a vehicle,
7 the GP - the presidential guard - vehicle that had gone into that locality to seek to arrest
8 him, and that was why the local population rose up and built barricades and started to
9 burn tyres and it was after that that the plane began its shelling in that particular sector.

10 Q. To your knowledge, these shelling operations, were they organised by loyalist
11 troops loyal to Patassé?

12 A. I was in my own home, and when the plane was shelling the sector I couldn't know
13 whether it was the loyalist forces that were undertaking the shelling.

14 Q. I would like to recall to your memory the statements you made to the investigators.
15 I'm referring to document CAR-OTP-0044-0163_R01, the statement in the French version.
16 This is what you stated: "With regard to the date that I gave in reference to the entry of
17 the Banyamulengue, I said that it was 22 October 2002. It wasn't the 22nd, but 28
18 October 2002". When you say 'the entry of the Banyamulengue,' where are they
19 entering?" Answer: "In the neighbourhood." Do you stand by that statement?

20 A. I do stand by that statement.

21 Q. Would it be accurate to say that the alleged Banyamulengue entered your
22 neighbourhood at 3 p.m.?

23 A. That is right. It was the time at which they entered the neighbourhood.

24 Q. Where were you between 5 a.m. and 3 p.m. on 28 October 2002?

25 A. I was in my home. In my home.

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1 Q. What means -- what makes you remember so precisely that date 28 October and 3
2 p.m.?

3 A. I have told you, this was the question that was put to me, and the answer that I
4 supplied wasn't the right one, and that's why I corrected it.

5 Q. Do forgive me, Madam Witness. Perhaps I phrased my question inappropriately.
6 My question is the following: You remember with certainty that it was 28 October 2002
7 that the Banyamulengue entered at Boy-Rabé; is that correct?

8 A. That's what I said.

9 Q. Do you have any specific memories, a particular event, that prompts you to
10 remember with such clarity that particular date without being mistaken?

11 A. Nothing specific with regard to that date, no event, no particular event that I can
12 refer to.

13 Q. What's the distance between Port Beach and Boy-Rabé?

14 A. I haven't measured it, but I would say that it's a sizeable distance.

15 Q. Boy-Rabé is located in which PK?

16 A. Boy-Rabé is located at the cross-roads where Barthélemy Boganda secondary school
17 is located and the 4th arrondissement.

18 Q. Can we say that that's at PK5?

19 A. It could be five kilometres. The distance could be five kilometres, I believe.

20 Q. So could we say, then, that from PK0 to the centre of the town of Bangui there is five
21 kilometres; you need to traverse five kilometres to get from that point to Boy-Rabé?

22 A. Well, first you get to a roundabout, and then you take the road that leads to
23 Boy-Rabé.

24 Q. In October and November 2002, was there a military point held by the FACA at
25 Boy-Rabé?

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1 A. No, there wasn't.

2 Q. Madam Witness, bearing in mind (Redacted) - I'm not going to mention it,
3 because we are in open session - you are very familiar with the authorities of your country
4 and those at the time of the events; isn't that right?

5 A. Yes, I know them.

6 Q. Can you tell us of Miskine?

7 A. Miskine is a particular individual who was in the inner circle of the Head of State.

8 Q. Do you know whether Miskine's troops, to your knowledge, were involved in the
9 violent acts and abuses that took place at Bangui during the events in question?

10 A. The sole thing that I know is that the morning of the day when the Banyamulengue
11 left the Boy-Rabé neighbourhood, Miskine's men had shot at the local inhabitants and shot
12 at the residence of a gentleman, or an authority, which was close to the President.

13 Q. That was in which neighbourhood?

14 A. It was in the Gbafio neighbourhood.

15 Q. Do you know whether this neighbourhood adjoins the neighbourhood where the
16 Banyamulengue were located on 28 October 2002?

17 A. It's a neighbourhood which is close.

18 Q. Can you give an approximation of how long it would take to walk from one
19 neighbourhood to the other, the two neighbourhoods I've just mentioned?

20 A. Well, between those two neighbourhoods, there is another neighbourhood and the
21 distance between the two neighbourhoods is not very sizeable. There are just one or two
22 canals and roads, which separate the two neighbourhoods in question.

23 Q. Can you tell us about Barril?

24 A. Barril? I heard talk of him in Bangui.

25 Q. Do you know whether he was involved in the committal of violent acts and abuses

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1 at Bangui during the events in question?

2 A. I don't have any information with regard to Barril. Nobody gave me such
3 information.

4 Q. Can you tell us about Victor Ndoubabe, a former chauffeur of President Patassé?

5 A. The only thing I can say with regard to that gentleman is that Bozizé's rebels had
6 kidnapped him.

7 Q. Do you know Prosper Ndouba, former spokesman of President Patassé?

8 A. Yes, I know that person.

9 Q. What can you tell us -- what can you tell us about that person in relation to the
10 events that occurred in the Central African Republic?

11 A. During the events, he was also kidnapped by Bozizé's rebels.

12 Q. Can you tell us about the surveillance and security body operating in Central
13 African Republic?

14 A. Monitoring surveillance company, it's only these days that we are now familiar with
15 that particular body. It's only now that people are trained to do that and to look after
16 buildings and monitor the people coming in and out of buildings.

17 Q. SCPS, does this acronym mean anything to you?

18 A. No.

19 Q. Can you tell us of the self-defence and vigilance units?

20 A. These are groups that were set up at the behest of the Head of State. He asked for
21 the setting up of these groups in each neighbourhood.

22 Q. Are you speaking of Patassé when you say "Head of State"?

23 A. Yes.

24 Q. Do you know whether these groups were organised in the way of a private militia of
25 President Patassé at the time of the events in question?

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1 A. At that particular time, when these groups were being put together, the authorities
2 in each neighbourhood had to supervise and sustain these groups because these groups
3 were responsible for monitoring and security in the neighbourhoods. However, the
4 resources for sustaining these groups were absent, which meant that that organisation
5 didn't work at all.

6 Q. Madam Witness, I would like to read an excerpt of a public report made by the UN
7 development programme in relation -- with regard to private militia belonging to
8 President Patassé. Subsequent to that, I'm going to ask you whether this excerpt
9 corresponds to the information that you yourself are referring to.

10 For the Chamber, the document's reference number is the following:

11 CAR-DEF-0002-0721. This is document number 10 on the list provided by the Defence,
12 and I will also provide the EVD number D01-00063. I will read out a passage from the
13 UNDP report, and this is entitled Karakos, Balawa and Sarawi, "After the mutinies of 1996,
14 President Patassé who, up until that time, had depended on the presidential guard and
15 the armed soldiers of the MLPC realised that these forces would not be sufficient to
16 ensure his personal and political survival.

17 "Consequently, he set up three militia groups that were based in Bangui, and they were
18 known as Karakos, Balawa and Sarawi. These neighbourhood militia quickly expanded,
19 reaching 1,500 people in all, and many of them, the most part of them were young
20 unemployed people who were followers of the President. Bangui has eight
21 arrondissements that are different divided into neighbourhoods. The Karakos militia
22 was based in the Boy-Rabé neighbourhood where the Gbaya people live, for the most part,
23 in the 4th arrondissement."

24 Madam Witness, now, this first passage from the report does that correspond to the
25 information that you might personally have in this regard?

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1 A. With regard to the Karakos who were based in the 4th arrondissement, that is true.
2 Most of them were unemployed youth who were trained and, since they had no jobs,
3 many of them followed or rallied around President Bozizé.

4 Q. Do you know whether these militia groups were involved in the commission of acts
5 of abuse and violence during the time of the events?

6 A. We had no such information after they rallied around President Bozizé and after
7 they fled together.

8 Q. I would like to move on to the next part of this UNDP report. "The Balawa militia,
9 made up primarily of members of the Kaba ethnic group, were based in the
10 neighbourhood known as Combattant in the 8th arrondissement. The Sarawi militia was,
11 for the most part, in the Sara neighbourhood which bears the same name as the ethnic
12 group that lives there, for the most part; that is, in the 5th arrondissement. The members
13 of the militia, the Sarawi militia, were also many in number. In other neighbourhoods
14 within the 5th arrondissement, such as Malimaka, Miskine, Mustapha and Nguiseman
15 (phon), each militia was made up of approximately 500 men, for the most part, armed
16 with Kalashnikovs." Madam Witness, does that information correspond to the
17 self-defence groups that you just spoke of?

18 A. That does not correspond to the description of the self-defence groups. There are
19 self-defence groups in each neighbourhood. They are young people in that
20 neighbourhood who were responsible for self-defence. It doesn't correspond to that at
21 all.

22 Q. Do you know what role was played by these various militia loyal to President
23 Patassé during the events in Bangui.

24 A. I was not part of these militia groups, so I'm not in a position to say. I don't know.

25 Q. To your knowledge, when did the MLC soldiers cross the Ubangi River, given that

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1 they arrived at Boy-Rabé on 28 October 2002?

2 A. I wasn't responsible for directing the troops that were sent to Bangui. The day they
3 entered Bangui, well, I don't know. If they hadn't entered my neighbourhood, I never
4 would have known, so I can't tell you when they came in.

5 Q. Ma'am, you told the investigators the first time, during your meeting with them on
6 12 May 2009, that the alleged Bemba rebels entered on 22 October 2002. That's when
7 they entered Boy-Rabé. I'm referring to document CAR-OTP-0044-0134_R01. This is a
8 statement that was given in the French language. Now, on a second occasion, somewhat
9 later, you stated that you didn't remember the date and that you were going to check. I
10 make reference to document CAR-OTP-0044-0139_R01, also a statement given in the
11 French language. My question is as follows: Did you actually check this point?

12 A. Well, I gave those dates to the investigators because the events had occurred a long
13 time before. I gave them the date of 22 October, and I told them that I would have to
14 check that. So I went and asked one of the people who was with me, when we pushed
15 back those assailants, and he said, no, it wasn't that. So I went back to them and I told
16 the investigators that.

17 Q. If necessary, Madam Witness, we will go into private session so that you can tell us
18 the name of that person. Are you in a position to provide us with that name?

19 A. I agree.

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

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

22 MR KILOLO: (Interpretation)

23 Q. Witness, we are in private session, so if you wish you can provide us with the name
24 of the person with whom you made inquiries to determine the date on which the -- those
25 people came in, the people you referred to as the Bemba rebels.

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1 A. I did a first cross-check with (Redacted). He was a (Redacted), but he was
2 assigned in the provinces. So I went to see (Redacted), who told me that it was rather on
3 the 28th, not on the 22nd.

4 Q. What led you to question the date of 22 October, which you had provided prior?

5 A. Well, you know, when you are subjected to an event, you're traumatised and you
6 are not in a position to make note of a date. I know that it was during the month of
7 October, and even though I gave the 22nd as the date, I wasn't sure. I told them -- I
8 apologised and I said that I was going to check. So I did that cross-check and I corrected
9 the date that I had first provided.

10 Q. Why did you choose (Redacted), why did you choose them to help you ascertain the
11 date on which the so-called Banyamulengue entered the area?

12 A. Well, I've told you that not everyone was educated, not everyone would be able to
13 take note of such things. I saw them as well-educated people, and that is why I
14 approached those two people.

15 Q. Madam Witness, perhaps your Honour, if we could go back into open session,
16 please.

17 PRESIDING JUDGE STEINER: Court officer, please.

18 (Open session at 3.45 p.m.)

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

20 MR KILOLO: (Interpretation)

21 Q. Madam Witness, now, your version regarding the date on which the MLC troops
22 entered, now, that choice seemed to be -- seemed to have occurred in three stages. First
23 you said it was 22 October, without any hesitation, in terms of your statement and then
24 you said, secondly, that you were going to check, and then, third, the next day, on 13
25 May 2009, then you said that regarding -- that it was 28 October 2002. My only question

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1 on this point is as follows: What happened exactly between the time when you gave the
2 first date, on which the MLC entered, 12 May 2009, and the time when you gave a second
3 date, namely, on 13 May 2009, what happened that led you to radically change your
4 opinion regarding the date?

5 A. But I came here to tell the truth. When the investigators asked me questions in
6 Bangui, it was my duty to tell them the truth and if I wasn't sure of an answer, well, I had
7 to do some checks, carry out some checks.

8 Q. Madam Witness, the Defence is of the opinion that no MLC troops arrived in the
9 Central African Republic before 30 October 2002. If that is the case, if that is true, to your
10 knowledge, what troops might it have been on 28 October 2002?

11 A. I am telling you, if they were Central African troops I would have said so. I can
12 recognise Central African soldiers, and they could not have committed such abuse and
13 violent acts. If I hadn't found myself facing those Banyamulengue, I wouldn't be here to
14 give testimony.

15 MR KILOLO: (Interpretation) That is your version of the events.

16 Now, for the purposes of the record - the transcript - I wish to provide the Chamber with
17 the document which supports the Defence's case, CAR-ICC-0001-0007. This is a
18 document that has been previously used in a hearing with number EVD-T-D04-0005. In
19 addition, we have document ICC-01/05-01/08-368. We also wish to make reference to the
20 transcript of 20 January 2011, French version, the edited version of the transcript, page 3,
21 lines 14 to 22, and this is in relation to examination of -- relative to examination of Witness
22 0068.

23 PRESIDING JUDGE STEINER: Maître Badibanga.

24 MR BADIBANGA: (Interpretation) Thank you. I believe we are hearing from a
25 witness now who is providing information that she is familiar with, or she claims to be

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1 familiar with, so I really don't see the scope of these oral arguments provided by the
2 Defence within the framework of hearing from this witness. If the Defence has
3 arguments to present, there are times in the procedure to do so and he will be able to
4 make his case at that point in time.

5 PRESIDING JUDGE STEINER: Maître Liriss.

6 MR LIRISS: (Interpretation) Your Honour, first of all, your decision regarding the
7 unfolding of the trial allows for the making of references to testimony of previous
8 witnesses on a given point. Furthermore, the document that we are making reference to
9 has already been provided in the same circumstances with regard to Witness 68. Finally,
10 this document is a document that relates to the date set by the investigation of the
11 Prosecution itself and we have said that we are in accordance with that date, and
12 furthermore this is a document that was used during the preliminary phase of the
13 proceedings.

14 PRESIDING JUDGE STEINER: If I understood, the Defence only make reference to some
15 documents and statements that could support its case in the final -- in relation to the latest
16 questions put to the Defence. Therefore, I don't see any prejudice on the reference made.
17 I don't understand really the objection made by the Prosecution. There is no -- no
18 prejudice in the reference made, since the witness is not being asked about these
19 documents, so your objection has to be overruled I am afraid.

20 Maître Kilolo.

21 MR KILOLO: (Interpretation) Your Honour, I think we have four minutes remaining
22 and I have a series of questions that cannot be interrupted.

23 PRESIDING JUDGE STEINER: Then we are going to adjourn.

24 Madam Witness, thank you very much for your efforts in being in the courtroom the
25 whole day. You are still recovering and the Chamber is really grateful to your efforts.

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1 The Defence will continue questioning you tomorrow, we hope only in the morning, but
2 for the time being you can go to your hotel, take some rest and we hope you have a very
3 restful night.

4 I thank very much the Prosecution team, the legal representatives of victims, the Defence
5 team, Mr Jean-Pierre Bemba Gombo, our interpreters and court reporters. We are going
6 to close the session for the witness to be taken outside the courtroom. In the meantime
7 we are going to adjourn and resume tomorrow morning at 9.30, and just to inform the
8 parties that the morning session will take place again in Courtroom 2.

9 Court officer, please turn into closed session.

10 *(Closed session at 3.57 p.m.) Reclassified as Open session

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

12 (The witness stands down)

13 THE COURT OFFICER: All rise.

14 (The hearing ends at 3.58 p.m.)

15 RECLASSIFICATION REPORT

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

17 ICC-01/05-01/08-3038 and its instructions in the email dated 17 September 2013, the

18 version of the transcript with its redactions becomes Public.