

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

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 Judge Kuniko Ozaki
6 Trial Hearing
7 Thursday, 24 March 2011
8 (The hearing starts in open session at 9.43 a.m.)
9 THE COURT USHER: All rise. The International Criminal Court is now in session.
10 Please be seated.
11 THE COURT OFFICER: Good morning, Madam President, your Honours. We are
12 in open session.
13 PRESIDING JUDGE STEINER: Good morning. Could, please, the court officer call
14 the case.
15 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
16 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08. Thank
17 you, your Honours.
18 PRESIDING JUDGE STEINER: Thank you very much. Good morning. Welcome
19 the Prosecution team, the legal representatives of victims, the Defence team,
20 Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters and court
21 reporters.
22 We will continue today with the questioning of Witness 119. She has been examined
23 by VWU and is able and willing to continue giving her testimony. Therefore I ask,
24 please, the court officer to turn briefly into closed session in order for the witness to
25 be brought into the courtroom.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0119

1 *(Closed session at 9.45 a.m.) Reclassified as Open session

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

3 (The witness enters the courtroom)

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

5 (The witness speaks Sango)

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

7 (Open session at 9.47 a.m.)

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

9 PRESIDING JUDGE STEINER: Thank you very much. Good morning, Madam

10 Witness.

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

12 PRESIDING JUDGE STEINER: Did you have a restful night?

13 THE WITNESS: (Interpretation) Yes, I was able to unwind and relax.

14 PRESIDING JUDGE STEINER: Are you feeling better this morning?

15 THE WITNESS: (Interpretation) Yes, I feel better.

16 PRESIDING JUDGE STEINER: Madam Witness, we will continue with your

17 questioning by the Defence this morning. But before I give the floor to the Defence I

18 would like to remind you that you are still under oath. Do you understand that,

19 madam?

20 THE WITNESS: (Interpretation) I do understand that, your Honour.

21 PRESIDING JUDGE STEINER: I think there is some problem with my microphone

22 because apparently it is activated. Can you hear me?

23 THE WITNESS: (Interpretation) Yes, I can hear you very clearly.

24 PRESIDING JUDGE STEINER: Sorry, madam, I had a problem with my

25 microphone and, for the sake of the record -- for the sake of the record, I need to ask

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 you again if you understand that you are still under oath?

2 THE WITNESS: (Interpretation) I understand that perfectly, your Honour.

3 PRESIDING JUDGE STEINER: I would like to remind you, madam, that you are

4 under protective measures, that your image and your voice that are broadcast outside

5 the courtroom are being distorted so that the public cannot identify you.

6 In order to keep that protection, it is important that during open sessions you don't

7 mention -- you don't mention any names of friends, neighbours, family members, you

8 don't give any reference as to your work, any information that can lead to your

9 identification. If need be, we can go into private session and then you can speak

10 freely because in private session nobody can hear you. Do you understand that,

11 madam?

12 THE WITNESS: (Interpretation) I fully understand all of what you have said, your

13 Honour.

14 PRESIDING JUDGE STEINER: And finally, madam, just to remind you that if at

15 any time you feel tired, distressed or for any reason you want a break, please just let

16 us know and you will have as many breaks as you need. Is that fine with you,

17 madam?

18 THE WITNESS: (Interpretation) Yes, that suits me fine, your Honour.

19 PRESIDING JUDGE STEINER: Thank you, madam. So I'm giving back the floor to

20 the Defence - Maître Kilolo I suppose - to continue with your examination of the

21 witness. Maître Kilolo.

22 MR KILOLO: (Interpretation) Thank you, your Honour. Thank you for allowing

23 me to address the Court.

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

25 Q. Madam Witness, good morning.

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 A. Good morning.

2 Q. I don't have many questions to put to you. We have covered a lot of ground.
3 We covered a lot of ground yesterday. I am, however, going to put to you one or
4 two questions for the sake of clarity and, in all likelihood, we will have concluded in
5 this morning session. Does that suit you, madam?

6 A. That suits me, counsel.

7 MR KILOLO: (Interpretation) Can I ask the court officer to bring up onto our
8 screens document number 8. Sorry, do forgive me. I am going to give you the
9 reference CAR-OTP-0044-0155_R01. This corresponds to annex number 2, and I'm
10 referring to document 4.

11 PRESIDING JUDGE STEINER: Maître Kilolo, it's a confidential document, I
12 suppose.

13 MR KILOLO: (Interpretation) It's document number 12 on the list of the Defence.

14 Q. Madam Witness, you have a document on your screen. Do you remember
15 having made this drawing?

16 A. Yes, I made that drawing.

17 MR KILOLO: (Interpretation) Your Honour, the Defence would prefer to have the
18 redacted version of this drawing that is currently featuring on this screen. Sorry,
19 the non-redacted version of Annex 2.

20 PRESIDING JUDGE STEINER: This unredacted version has been given -- the one
21 that has been given to the Defence yesterday?

22 MR KILOLO: (Interpretation) Unfortunately, we didn't receive the document in
23 question, despite the fact that you had issued the order to the contrary, but it would
24 be sufficient just to bring the document up on our screens.

25 PRESIDING JUDGE STEINER: The court officer has the reference of the document?

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 THE COURT OFFICER: Your Honour, I don't have the reference at my disposal at
2 the moment. Maybe the Prosecution can help us.

3 PRESIDING JUDGE STEINER: Maître Badibanga.

4 MR BADIBANGA: (Interpretation) Thank you, your Honour. Compliant with
5 instructions issued by the Bench, a certain number of redactions have been lifted
6 over all the documents requested by the Defence counsel, and this is what was -- this
7 is what was made available. The specific document that the Defence counsel is
8 referring to, the redactions have been maintained, so some of the documents have
9 seen redactions where the redactions have been done, and the preparatory document
10 was, indeed, made available. This communication was done last week to the benefit
11 of Defence counsel. Thank you very much.

12 PRESIDING JUDGE STEINER: Maître Kilolo, the Chamber is not in a position to
13 decide as of now about the lifting of the redactions even because we don't have the
14 document available right now. The Defence could have asked for lifting of
15 redactions in advance, so I'm afraid the Defence will have to work with the redacted
16 version.

17 MR LIRISS: (Interpretation) Madam, we did request that the redactions be released
18 and you asked -- now, when you look at this, I think that, unless we are going to ask
19 the witness what's written on it, I think it's very difficult to use this document
20 without lifting the redactions. We asked for them to be lifted and the Prosecutor
21 told us that the redactions had been lifted, but now we realise that this was not done,
22 at least not on all the documents. The Prosecutor said that he decided not to lift the
23 redactions on annex 2, and I would just like the Chamber to know that we requested
24 the redactions be lifted and we made that request in due time.

25 PRESIDING JUDGE STEINER: Let me try to understand, Maître Liriss. The

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 Defence has asked for the lift of redactions in a number of documents and the
2 Chamber ruled on that. Was this document among those for which the Chamber
3 authorised the lift of the redactions?

4 MR LIRISS: (Interpretation) Could you allow me to check with my colleague,
5 please?

6 (Pause in proceedings)

7 PRESIDING JUDGE STEINER: Maître Liriss, we are waiting.

8 MR LIRISS: (Interpretation) Your Honour, apparently we requested that the
9 redactions be lifted on all the documents, including annex 2, and the Prosecutor - the
10 Office of the Prosecutor - said that certain redactions would be done for certain
11 exhibits, but not on other exhibits. Apparently that was what was decided, and the
12 Prosecution said there was no problem for the annexes. The Office of the Prosecutor
13 said there was no problem for the annexes, but perhaps it was simple omission and
14 the redactions were not lifted from annex 2.

15 PRESIDING JUDGE STEINER: In any case, Maître Liriss, what I have in front of me
16 was the communication sent by the Prosecution on 18 March about the Prosecution's
17 views on redactions in certain documents, and there are a number of documents to
18 which the Prosecution's view is that the redactions should not be lifted. Following
19 the Prosecution's views, the Defence authorised only those liftings -- the lifting of
20 those redactions where the Prosecution was in favour, which means that if this
21 document that you are mentioning the redactions were not lifted at that point, will
22 not be lifted now on the spot. Maître Kilolo, you can proceed.

23 MR LIRISS: (Interpretation) Your Honour, would it then be possible to ask the
24 witness about identifying what has been redacted here? Could we do this in private
25 session, perhaps?

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: Maître Liriss, this is exactly what Maître Kilolo tried
2 to do yesterday and the Bench reacted. We are not going to informally, or through
3 the witness, lift a redaction. I can ask the Prosecution whether the Prosecution
4 would agree now with the lifting of this specific redaction, as requested now by the
5 Defence.

6 MR BADIBANGA: (Interpretation) Thank you, your Honour. Now, we took
7 time to make a close examination of the Defence 's request and that is why a number
8 of redactions were lifted. Those that were maintained were according to the Office
9 of the Prosecutor necessary, and therefore the trick proposed by the Defence would
10 comprise this and so the Prosecutor would like the redactions to be maintained.
11 Thank you.

12 (Trial Chamber confers)

13 PRESIDING JUDGE STEINER: Maître Liriss, the few informations still redacted
14 from that document will continue being redacted. Maître Kilolo, please, you can
15 proceed.

16 MR KILOLO: (Interpretation)

17 Q. Madam Witness, we shall continue the examination. My question is as follows:
18 Do you remember having done this sketch yourself?

19 A. Yes, that is indeed my writing. I did it.

20 Q. Could you tell us where your house is on this sketch?

21 A. I think that, if the Judges don't want us to talk about certain things, then neither
22 do I wish to talk about it.

23 PRESIDING JUDGE STEINER: Madam, the information that you can see on your
24 screen is information that can be discussed. The information that cannot be
25 discussed is the one which is covered by a black strip. So if the Defence asks you

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 something about information that is not covered in black, you can answer to the
2 Defence's question. Do you understand that, madam?

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

4 PRESIDING JUDGE STEINER: Maître Kilolo, just don't try to obtain from the
5 witness information that is redacted, please.

6 MR KILOLO: (Interpretation) Thank you, your Honour. This witness -- your
7 Honour, I don't know if we have the technical facilities in this Chamber so that the
8 witness could have a means of identifying her house on the sketch so that we could
9 have a visual depiction of its location in relation to the hill and other elements on the
10 sketch?

11 PRESIDING JUDGE STEINER: Court officer?

12 (Pause in proceedings)

13 PRESIDING JUDGE STEINER: Do you have a hard copy of the sketch?

14 MR KILOLO: (Interpretation) Yes, indeed, your Honour.

15 PRESIDING JUDGE STEINER: Court usher, I'm asking whether it can be used in
16 that -- yes, it's better, because then we can see what the witness is doing.

17 (Pause in proceedings)

18 PRESIDING JUDGE STEINER: The court usher is informing that it's easier if you
19 ask the witness to make all marks you want and then the document will be displayed
20 at the end. Is that fine with the Defence?

21 MR KILOLO: (Interpretation) There is no problem with that, your Honour.

22 Q. Madam Witness, on the paper document you have in front of you, could you
23 mark your house using the letter "M" for maison so that we can see where it is on the
24 sketch?

25 PRESIDING JUDGE STEINER: Maître Badibanga.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0119

1 MR BADIBANGA: Your Honour, I think the instructions you gave a few minutes
2 ago were very clear and I'm afraid that this sort of exercise is designed to go around
3 the redactions. Perhaps the Defence should ask questions, as you said, on the
4 elements which are already visible in the document and not to ask the witness to add
5 information which may be a way around the redactions. Perhaps this is the
6 proposal we could make. But we think that if you ask the witness to put marks or
7 indications on the sketch, then we may end up with a result which is not in line with
8 your instructions. Thank you.

9 PRESIDING JUDGE STEINER: The specific place of the witness's residence is
10 redacted?

11 MR BADIBANGA: Yes, indeed, your Honour.

12 PRESIDING JUDGE STEINER: Maître Kilolo, you are trying again and the Bench is
13 not happy with that.

14 MR KILOLO: (Interpretation) Your Honour, now this is a major problem for us.
15 First, the Defence doesn't know if the specific location of her house is redacted or not.
16 We couldn't know that in advance, and also, it is essential to know where her house is
17 in relation to the hill; otherwise, our whole line of questioning would not be justified
18 and this would seem to be a violation of the rights of the Defence.

19 So the Defence is insisting on having the identification of the geographical position of
20 the house. We are not asking for the address, but we need to see where it is on this
21 map, on this sketch, and in relation to the hill which is on the same sketch.

22 Your Honour, I would also like to draw your attention to the fact that, in any case, in
23 Annex 5 we have a picture of her house with the hut. This is document

24 CAR-OTP-0044-0178_R01. I think we've had enough indications on this. What
25 we're interested in is just finding out where her house is positioned in relation to the

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 hill, and that is very important.

2 PRESIDING JUDGE STEINER: Maître Badibanga?

3 MR BADIBANGA: (Interpretation) Sorry to intervene repeatedly, your Honour.

4 Now, there is a reason behind all this, there's a logical reason. You will see that on
5 this document, for example, the redaction which has been kept is the indication of a
6 street which would show exactly where the house is.

7 Now, we don't have a problem with the witness saying that her house is next to the
8 hut, but the question asked by the Defence would give us indications

9 with -- indications of the locality, the name of the street, and so on, and then we
10 would easily be able to identify where the house is.

11 Obviously, if the Defence wants to know what distance the house is from the hill, for
12 example, we have no objection to that. Thank you.

13 (Trial Chamber confers)

14 PRESIDING JUDGE STEINER: Maître Kilolo.

15 MR KILOLO: (Interpretation) Your Honour --

16 PRESIDING JUDGE STEINER: Are you going to proceed just with the questioning
17 on distances between her place and the colline, without any marks being made on the
18 sketch that, according to the Prosecution, identifies the exact locale of the witness's
19 residence, which is information protected since the beginning of these procedures?
20 So the Bench has just to regret the Defence brought this issue in the middle of the
21 questioning of the witness, instead of submitting in advance to the Chamber the
22 possibility of lifting further redactions from the sketches.

23 So the list, the Defence list of evidence was filed on time, so the Defence was already
24 aware that it would use the sketch in its line of questioning. So the Chamber is not
25 in a position and is not going to suspend the hearing in order to analyse in-depth

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0119

1 what further redactions can be lifted or not.

2 The Chamber relies on the information given by the Prosecution that the request for
3 the witness to mark with the "M" the exact place of its residence will identify her
4 address and the Chamber will not allow that. So the Defence has to overcome these
5 difficulties in order to proceed with the examination of the witness and, for the Bench,
6 this discussion is over.

7 (Trial Chamber confers)

8 MR KILOLO: (Interpretation)

9 Q. Madam Witness, how many hills are there in Bangui, as far as you know?

10 A. I couldn't really tell you. There are lots of hills in Central African Republic. I
11 haven't had the time to count the hills in Bangui.

12 Q. Could you give us the name of the hill which you can see in front of you on the
13 sketch?

14 A. The hill doesn't have a name; it's in the Mena (phon) district.

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

17 PRESIDING JUDGE STEINER: Court officer, please.

18 *(Private session at 10.23 a.m.) Reclassified as Open session

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

20 MR KILOLO: (Interpretation) Your Honour, for the record, I would like to state the
21 position of the Defence, which is to state that the redactions of Annex 2 have made it
22 impossible for us to carry out relevant questioning which would show whether
23 Madam Witness was able to observe the movement of the soldiers on the hill as seen
24 from her house.

25 I would, therefore, like to ask the court officer to display document number 12 on the

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

1 screen. No, sorry, document number 8 on the list of the Defence. It is the map of
2 Bangui. It is a public document.

3 PRESIDING JUDGE STEINER: So the Defence is saying that without the sketch the
4 Defence would not be able to make relevant questions in relation to whether the
5 witness was able to observe the movement of the soldiers on the hill as seen from her
6 house; is that correct?

7 MR KILOLO: (Interpretation) Indeed, your Honour. Our position is to say that we
8 need to have geographical information to show what her point was when observing
9 the movements of the soldiers on the hill. We have some information on the hills in
10 Bangui, but it seems to us very difficult to carry out the cross-examination without
11 this information which is of critical importance. We shall now attempt to proceed in
12 different way using the map of Bangui.

13 PRESIDING JUDGE STEINER: Just one second.

14 (Pause in proceedings)

15 It's really regrettable that, being this information is so critical, of such critical
16 importance, the Defence have not requested on time the lifting of further redactions
17 in the document. In any case, if the Defence feels unable to proceed to the
18 questioning of the witness in this respect, after the Defence-- before the
19 Defence changes to another subject, the Chamber will try to obtain information from
20 the witness in relation to whether she was able to observe the movements of the
21 soldiers on the hill and how she did it. You can proceed, Maître Kilolo.

22 MR KILOLO: (Interpretation) Your Honour, I didn't wish to delay the examination
23 here in court and so I shall ask a number of questions on the basis of the map of
24 Bangui, which is a public document, but I would like to draw your kind attention to
25 the fact that for other witnesses, under similar circumstances, this had never been a

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

1 problem. They were able to identify their house and even in relation to the houses
2 of other people, and it had never been a difficult in the past. So we can't really
3 understand why the Prosecutor has a different attitude to this witness here.
4 Court officer, would it be possible to have a view of the bottom part of the map?
5 Could we have a close-up of the bottom part of the map? Could we centre it a bit
6 more, or go up a bit just a bit further please? Going up a bit further, please. There.
7 No, could we go down slightly? Down a little bit and just stop where you see
8 "Fouh," which is above the map -- under the map, sorry. Go down slightly so that
9 we can see "Fouh" and we can also see the river at the same time. There you are.
10 Thank you.

11 Q. Madam Witness, here you have a map of Bangui. Your Honour, could I just be
12 sure that we are in private session? Thank you.

13 Madam Witness, you said that you did not know the name of the hill that you
14 showed on your sketch. Do you know whether it was the hill that is found close to
15 the Kasai camp?

16 A. It's not that hill that is close to the Kasai camp. If you look at my sketch, you
17 will see that this hill is right in the middle of the neighbourhood and that there are a
18 number of houses that have been built out of stone.

19 Q. Madam Witness, is this the hill close to the National Water Authority Bozugabi
20 (phon) area?

21 A. All these hills that you are talking to me about are large hills; the main hills of
22 the town of Bangui. The one I'm talking about is the one that is found right in the
23 middle of the neighbourhood. It is not a major hill, or a large hill.

24 Q. Is it the hill that is found close to the Boganda Lycée?

25 A. The hill in question is located behind the 4th arrondissement. When you go

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

1 out by way of the 4th arrondissement, you can continue your way and you find
2 yourself at that hill.

3 Q. When you go from PK12 and you move towards Boy-Rabé, is it the hill that you
4 come across along your way going from PK12 towards Boy-Rabé?

5 A. It's not like that. First of all, you have to go into the neighbourhood to see the
6 hill in question.

7 Q. Witness, could you show us on this map -- in relation to Boy-Rabé, which you
8 see at the top of the screen, could you tell us exactly where this hill is located?

9 A. I think that this hill is not shown here. It is a hill found in the neighbourhood,
10 surrounded by buildings. I don't see the hill here. All the hills on this map are
11 large hills.

12 Q. Witness, at the bottom of the map you see the river, the Ubangi River, and Port
13 Beach, the way by which the alleged Banyamulengue -- the way they went to go into
14 the Central African Republic. Can you see that? You can see it at the very bottom.
15 Courtroom officer, might it be possible to zoom in on the part of the map that is lower
16 down? If you could zoom in slightly and make it larger? There.

17 A. I see that on that side I can see the way that takes us towards Charles de Gaulle
18 Avenue, and you see the river that is located opposite the French embassy. I can see
19 Charles de Gaulle, I can see the Lycée de Rapide, but I don't see that here. I don't see
20 the island you are talking about.

21 Q. Now, did the so-called Banyamulengue cross this river to get into the Central
22 African Republic?

23 A. I told you that this river is the border between our country and the
24 Banyamulengue's country, and I told you that when they went into our country I
25 wasn't there to see them come in. I wasn't the one who asked them to come.

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

1 THE INTERPRETER: Correction from the English booth: The witness's previous
2 answer ended with, "I don't see the hill that you are talking about."

3 PRESIDING JUDGE STEINER: The English booth was making a correction. I'm
4 sorry to interrupt you. You can proceed.

5 MR KILOLO: (Interpretation)

6 Q. Do you still stand by your position, which is that these people whom you saw
7 on the hill came -- they must have crossed this river before getting to your
8 neighbourhood, or not?

9 A. I'm not contradicting myself. Since this is the river that separates us from their
10 country, to my knowledge this river -- it was this river that they crossed to come into
11 our country, but I wasn't there when they crossed.

12 MR KILOLO: (Interpretation) Thank you. Court officer, might it be possible to
13 move up or go in the other direction; move up on the map so that we can have a view
14 of Boy-Rabé? If we could move up slightly more so that we can view Fough and even
15 Gobongo? A little bit more, please, and Gobongo will appear. There. If you
16 could go up a bit and we can see the road that leads towards Damara. Very well.

17 Q. Madam Witness, can you see the top of the map in front of you? Now, the
18 path or the way that goes from Boy-Rabé towards Gobongo, is that the path or the
19 way that leads to PK12?

20 A. Yes, but if you look at your sketch you'll see that the path from Boy-Rabé and
21 leads at that point at that crossroads, that half is on one side and if you keep on along
22 your path you go directly towards PK12.

23 Q. Are we to understand that, going from their base at PK12, that is the way that
24 was taken? That is the path that Bozizé's rebels took before reaching Boy-Rabé?

25 A. The major road that you see, if you take that road you get to the Lycée Boganda

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

1 and you can get to Boy-Rabé. Even if you leave from the Hospital -- l'Hôpital de
2 l'Amitié, you can get to the Boy-Rabé market.

3 Q. Are we to understand that this was the way that Bozizé's rebels when they came
4 from their base at PK12 to reach Boy-Rabé?

5 A. They left the base to come, but listen: When they left their base to go into the
6 area, you couldn't know which way they were taking to get there. I'm telling you
7 that Bozizé's men established their base in the Gbafio neighbourhood, and during the
8 shelling they made an incursion into my neighbourhood when they came from PK12,
9 but it was during a crisis. Who could take the risk of going out to see how people
10 were moving about and identify people and try to take note of the movement of the
11 various troops?

12 THE INTERPRETER: The Sango interpreter would like to ask if someone could
13 please ask the witness to slow down.

14 PRESIDING JUDGE STEINER: Sorry again, Maître Kilolo. Well, now it's working.
15 Madam Witness, the Sango interpreter is asking you please to speak a little bit slower.
16 He's having difficulties in following you. Thank you very much. Maître.

17 THE INTERPRETER: Many thanks from the interpreters. We are having some
18 sound difficulties this morning, so we are particularly grateful. The sound
19 technician will be coming at the break to check the equipment.

20 MR KILOLO: (Interpretation)

21 Q. Ma'am, I'd just like to remind you that we are in private session, which means
22 that our questions and answers are not being heard by the general public. My
23 question is as follows: Are we to understand that we agree on one point; namely,
24 coming from PK12, the direction taken to reach Boy-Rabé necessitates going through
25 the Gobongo area, Galabadja and moving down through Fouh to reach Boy-Rabé?

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

1 Do we at least agree on that point in terms of the direction that's taken?

2 A. N'galabaga (phon) is found on that side. When you come from PK12 you go to
3 Gobongo, and then after Gobongo you get to Fouh, and from Fouh, as you can see,
4 there are two roads. The main road and then there is a path that goes to Boy-Rabé.
5 That's the shortcut that people usually take to get there. And if you continue along
6 the main road, you get to the crossroads where our lady is found, as well as a service
7 station. If you keep on going, you leave Boganda, and then you go towards
8 Boy-Rabé.

9 Q. Could you now show us the hill that you have been speaking of? Is this hill to
10 be found leaving Boy-Rabé on the path that leads towards Fouh, going from your
11 neighbourhood in Boy-Rabé? Because I think there's about 18 neighbourhoods in
12 question. Is it along the way that leads to Fouh?

13 A. The hill in question is not located close to a road, no. You have to go into the
14 neighbourhood to see the hill.

15 Q. How far away is the hill from the main road?

16 A. The road that goes from Boy-Rabé to l'Amitié, when you end at that road you
17 can see the hill. It's about 100 metres away.

18 Q. Do you mean 100 metres from the road?

19 A. I said 100 metres from the road that is found in the neighbourhood, not 100
20 metres from the main avenue.

21 Q. Are there other compounds between (Redacted) and the main road, Avenue
22 Boganda?

23 A. To go to the Boganda Lycée, there's quite a distance between (Redacted) and the
24 Lycée Boganda.

25 Q. Could you give us a general idea of the distance between the hill and the main

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

1 road?

2 A. If you take the way that goes behind the 4th arrondissement police station,
3 I think I could say it was four or five kilometres.

4 Q. And how far away from the main road is (Redacted)?

5 A. What main road are you talking about?

6 Q. Avenue Boganda.

7 A. I've told you, from Avenue Boganda to get to the market, that's -- it's far away.
8 First you have to go to the market (Redacted).

9 Q. Are we talking about more than five kilometres (inaudible).

10 A. No, not five kilometres.

11 PRESIDING JUDGE STEINER: Maître Douzima.

12 MS DOUZIMA-LAWSON: (Interpretation) I thank you, your Honour. I wish to
13 intervene just to avoid any possible confusion. I think there's been some confusion
14 between the Lycée Boganda and the avenue Boganda, which are two different things.
15 I thank you.

16 PRESIDING JUDGE STEINER: Thank you very much, Maître Douzima-Lawson.
17 I think maybe the Defence can profit of this explanation.

18 MR KILOLO: (Interpretation) Thank you, your Honour, although I don't quite see
19 the relevance.

20 Q. The specific question was: What was the distance between the (Redacted)
21 and Avenue Boganda?

22 A. I've said from the Boganda Lycée, Lycée Boganda is found along the road.
23 There is a way that goes towards the cemetery, that goes by way of the market. On
24 the other side of the road, you see there's the Lycée Boganda and the 4th
25 arrondissement police station on each side of the road. You see, that road leads to

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

1 (Redacted) neighbourhood.

2 Q. Witness, I would like to remind you of your statement to the investigators, and I

3 make reference to document CAR-OTP-0044-0140_R01, and this is the French

4 language statement. This is the question that was put to you: "What is the name of

5 the major road that the Banyamulengue took to get to (Redacted) neighbourhood?"

6 Your answer was, "Avenue Boganda." Question, "How do you know that?" Your

7 answer was, "Because I know that to enter Bangui one must cross the river, and after

8 they crossed Boganda Road." Question, "Did you see them take Boganda Road?"

9 Answer, "I didn't see them, but I imagine so, because it is the only avenue that goes

10 from the river all the way to (Redacted) neighbourhood." Do you stand by that statement?

11 A. I think that if you leave from the centre of the town and you go towards our

12 neighbourhood in Boy-Rabé, you first come to a cross-road. Avenue Boganda is

13 located on the left side. I go from the Boganda Avenue because there's a large lycée

14 there, a large school Lycée Boganda, so it's the avenue that goes by way of PK12,

15 PK12, and also goes in front of Lycée Boganda and that's what I call Avenue Boganda.

16 MR KILOLO: (Interpretation) Court officer, if we could reposition the map and

17 move towards the river and have a look at the part of the map closer to the river, and

18 if we could also see Boy-Rabé. If you could zoom in, please. Very well.

19 Q. Witness, now you have this map right in front of you. I'd like to ask you if you

20 could trace or reconstitute this journey that was just read out to you from your

21 statement.

22 If you go from the Oubangui river, you are saying that these people, since you saw

23 them on the hill, that they went by way of the road to their left, on the left of the

24 screen, and went up all of Avenue Boganda and then they made a detour, an entire

25 detour, before they got to Boy-Rabé.

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

1 A. I was asked the question about the way that -- or the path that goes from the
2 river to the Boy-Rabé neighbourhood. I am talking about this avenue, Avenue de
3 l'Indépendance. You take that avenue to get to the Boganda Lycée and then the
4 Boy-Rabé neighbourhood. I was talking about the Lycée Boganda. It is, indeed,
5 the Avenue de l'Indépendance.

6 Q. Witness, we seem to have two contradictory versions here. The first version,
7 which you provided to the OTP investigators on 12 May 2009, you were asked clearly,
8 "What is the name of the main road that the Banyamulengue took to get to (Redacted)
9 neighbourhood?" Your answer was, "Avenue Boganda." It was an answer that was
10 provided without any hesitation. I'd like to make reference to the French document,
11 CAR-OTP-0044-0140_R01.

12 PRESIDING JUDGE STEINER: Maître Badibanga.

13 MR BADIBANGA: (Interpretation) Thank you, your Honour. We did not want
14 to disturb the Defence during their cross-examination, but at this stage it seems to us
15 that we must draw your attention to one particular point and in which we are in utter
16 disagreement.

17 The witness -- I beg your pardon. I believe that this passage should have started two
18 phrases earlier, two sentences earlier, and I'll read out the passage in question. Once
19 again, this is the reference that was provided by the Defence, CAR-OTP-0044-0140:
20 "What road did the Banyamulengue take to get to (Redacted) neighbourhood?" The
21 witness says, "I don't know, but I believe that they entered towards the Oubangui
22 River and they took the main road to get to Boy-Rabé." After that, the question is
23 then put stemming from the excerpts that the Defence counsel put to the witness.
24 What I want to say is that, in conclusion and now, we hear that the witness asserted
25 very clearly and unambiguously to investigators that they took such a road.

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

1 I believe that both in English and in French -- well, I don't know, but I believe that
2 what the witness said was without any ambiguity whatsoever. Thank you, your
3 Honour.

4 PRESIDING JUDGE STEINER: Maître Kilolo, are you able just to conclude this part
5 of your questioning or shall we suspend?

6 MR KILOLO: (Interpretation) With your leave, your Honour, we can now move to
7 recess.

8 PRESIDING JUDGE STEINER: Court officer, please, turn first into open session.
9 (Open session at 11.02 a.m.)

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

11 PRESIDING JUDGE STEINER: Madam Witness, we are going to suspend for
12 half-an-hour, then you can take some rest and as well as our interpreters and court
13 reporters. We are resuming at 11.35.

14 I will ask the court officer, please, to turn into closed session in order for the witness
15 to be taken outside the courtroom. In the meantime, we are going to suspend and
16 resume at 11.35.

17 *(Closed session at 11.03 a.m.) Reclassified as Open session

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

20 THE COURT OFFICER: All rise.
21 (Recess taken at 11.04 a.m.)

22 (Upon resuming in closed session at 11.42 a.m.) Reclassified as Open session

23 THE COURT USHER: All rise. Please be seated.

24 PRESIDING JUDGE STEINER: Welcome back. Could, please, the court usher bring the
25 witness in.

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

- 1 (The witness enters the courtroom)
- 2 PRESIDING JUDGE STEINER: Can we turn into open session, please.
- 3 (Open session at 11.44 a.m.)
- 4 THE COURT OFFICER: Madam President, we are in open session.
- 5 PRESIDING JUDGE STEINER: Thank you. Is my microphone working?
- 6 THE INTERPRETER: Message from the English booth: We can hear you perfectly,
- 7 your Honour.
- 8 PRESIDING JUDGE STEINER: Thank you very much. Madam Witness, welcome back.
- 9 THE WITNESS: (No interpretation)
- 10 PRESIDING JUDGE STEINER: I heard no translation.
- 11 THE WITNESS: (Interpretation) Good morning, your Honour.
- 12 PRESIDING JUDGE STEINER: Can we continue, madam, with your questioning?
- 13 THE WITNESS: (Interpretation) Yes, we can continue.
- 14 PRESIDING JUDGE STEINER: Maître Kilolo, at the end of the previous session your last
- 15 question was related to an alleged contradiction in the witness's statement. The
- 16 Prosecution appear to have objected, but of course the Defence is allowed to point out
- 17 what the Defence understands as contradictions in order to allow the witness to clarify the
- 18 issue. So you can proceed, if you so wish, from your last point, and we are having again
- 19 problems with the microphones here.
- 20 MR KILOLO: (Interpretation) Your Honour, just to move on then –
- 21 (Pause in proceedings)
- 22 PRESIDING JUDGE STEINER: I am really sorry, Maître Kilolo, that nothing that I said is
- 23 on the transcript, at least on the English transcript. So I was saying that you stopped
- 24 your questioning of the witness at one point, in which you raised an alleged contradiction
- 25 in the witness's statement. The Prosecution objected, but in the view of the Bench the

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 Defence is allowed to raise the issue of a possible contradiction in order to allow the
2 witness to clarify the issue. So you can proceed with your questioning from the point
3 that you raised before the break. You have the floor, Maître Kilolo.
4 MR KILOLO: (Interpretation) Your Honour, if you see no problem in doing so, I
5 would just like to ask two further questions and then round off on this particular issue.
6 We would prefer to go beyond this question about the contradiction bearing upon the two
7 avenues.

8 Q. Madam Witness, you indicated that the MLC soldiers were coming from the
9 direction of the Ubangi River; is that correct?

10 A. As far as I can tell, the Banyamulengue who entered in that direction were speaking
11 Lingala. They were coming from the other side of the river, but when they came I didn't
12 say what you are suggesting I did say.

13 Q. Would it be accurate to say that you never saw the MLC soldiers coming from the
14 direction of the Ubangi River and moving along the Avenue de l'Indépendance, or
15 Avenue Boganda, in order to reach Boy-Rabé?

16 A. I said clearly that this was a time when everything -- when there were massive
17 upheavals. I was within my own home. I didn't have any opportunity to leave my
18 home and to see them crossing the river and coming up the road in our direction.

19 MR KILOLO: (Interpretation) Your Honour, I would like to broach my last topic.
20 Would you mind if we moved into private session?

21 *(Private session at 11.52 a.m.) Reclassified as Open session

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

23 PRESIDING JUDGE STEINER: Maître Kilolo, if I may, don't forget to give five seconds'
24 pause after she finishes an answer and you start a new question, please.

25 MR KILOLO: (Interpretation)

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

1 Q. Madam Witness, I would like to return to the testimony you made before the Bench.

2 I'm referring to transcript -- the transcript of 18 March 2011, page --

3 PRESIDING JUDGE STEINER: I am sorry, Maître Kilolo. I don't want to interrupt you,

4 but we are having problems with the transcript. It's something against the Presiding

5 Judge, because when I say something it doesn't appear on the transcript, but you can

6 proceed, Maître.

7 MR KILOLO: (Interpretation)

8 Q. Madam Witness, I'm referring to the testimony you made before the Bench, the

9 real-time transcript in the French version of 18 March 2011, page 9, line 10 through 12.

10 You stated the following, (Redacted)

11 It (Redacted), to put a name upon that body." Is that correct,

12 Madam Witness?

13 A. Yes, (Redacted).

14 Q. Is this the same as (Redacted)

15 (Redacted)

16 A. Yes, it was also called (Redacted).

17 MR KILOLO: (Interpretation) Your Honour, could we move into open session, please?

18 (Open session at 11.56 a.m.)

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

20 MR KILOLO: (Interpretation)

21 Q. Madam Witness, we are now in open session. I call upon you, therefore, not to cite

22 any names and not to disclose the -- your professional activities of yourself, or any other

23 people. Do you understand?

24 A. I understand you entirely.

25 Q. Can you explain to the Chamber what -- a company that works in conjunction with

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0119

1 the State, what does that involve exactly?

2 A. The company that you are referring to is a company which is half State owned and
3 half privately owned.

4 THE INTERPRETER: Said the witness in French, message from the Sango booth.

5 MR KILOLO: (Interpretation)

6 Q. Under which umbrella authority does it come under?

7 A. The company falls under the purview of the Ministry for (Redacted).

8 Q. What is the status - the job and legal status - of people working for that entity?

9 A. There is the chairman and then the general secretary, and then we have the board
10 and then we have the vice-president and then there's the treasurer and then the
11 councillors, or the advisers.

12 Q. Would it be accurate to say that the agents, if you like, are -- enjoy this dual status,
13 private and public status?

14 A. In this particular company, there is the financial controller who is sent by the State
15 and who monitors.

16 Q. And what about the other officials?

17 A. The staff in that company are employed in the following: There is -- they are
18 elected officials, from the chairman right the way through to the treasurer.

19 Q. Who decides upon that, please?

20 A. It is incumbent upon the Chairman of the (Redacted).

21 Q. These officials, do they have an employment contract, or is their position confirmed
22 by administrative decision?

23 A. The employees are -- their position is confirmed by an administrative decision, a
24 decision made by the State administration.

25 Q. Administrative decision taken by which authority?

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 A. This is a decision that is signed by the chairman (Redacted).

2 Q. Wouldn't it be right to say that the company's resources come in part or all from
3 the State budget?

4 A. The State provides subsidies.

5 Q. Would it be accurate to say that (Redacted) represents the public authority or public
6 administration for the (Redacted)?

7 A. I haven't really understood your question.

8 Q. Could we say that the (Redacted) is the representative of the State for the (Redacted)
9 (Redacted)?

10 A. The (Redacted) manages the (Redacted) so is, in a certain way, the
11 representative or the eye for the government with the (Redacted).

12 Q. Would it be right to state that the government has the authority or power to dismiss
13 (Redacted)

14 A. The (Redacted) is elected by (Redacted), and if he or she doesn't do the job properly
15 then it's up to (Redacted). Then the (Redacted) has to react before the
16 (Redacted) can be dismissed.

17 Q. I would like to recall your statement to the Court. I'm referring to the transcript of
18 18 March 2011, the French version, the real-time transcript, lines 1 to 4. You stated as
19 follows: "If the (Redacted) behaves improperly - in other words, behaves in a negative
20 way towards the (Redacted)
21 (Redacted) to have the person removed from their position." Can you confirm
22 this?

23 A. Well, we have a hierarchy for (Redacted). The (Redacted)
24 (Redacted) and there may
25 be sanctions.

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

1 Q. How are the (Redacted) paid?

2 A. The (Redacted) received a flat payment of 600 francs.

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

4 PRESIDING JUDGE STEINER: Court officer, please.

5 *(Private session at 12.05 p.m.) Reclassified as Open session

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

7 MR KILOLO: (Interpretation)

8 Q. Madam Witness, we are in private session; the public cannot hear us. I want to

9 recall your statement to this Chamber. I'm referring to the transcript of 18 March 2011,

10 real-time transcript, French version, page 14, lines 18 to 23. This is what you stated:

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted) Can you confirm this?

15 A. I can confirm that.

16 Q. Do you (Redacted) taking up your position?

17 A. I think that (Redacted), but at one

18 point in time we were asked to go through training sessions and to (Redacted) before

19 working.

20 Q. Could you possibly remember (Redacted), when you took (Redacted), at the time

21 you took up your position?

22 A. I think the key points were that we had (Redacted), to tell

23 the truth. I think they're the key points.

24 Q. Which authority was present when you (Redacted); before which authority did you

25 (Redacted)?

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

1 A. (Redacted)

2 (Redacted).

3 Q. Would it be accurate to say that (Redacted)

4 (Redacted)

5 A. (Redacted)

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

7 PRESIDING JUDGE STEINER: Court officer, please.

8 (Open session at 12.09 p.m.)

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

10 MR KILOLO: (Interpretation)

11 Q. Would it be accurate to say that the (Redacted) have duties to observe, including

12 loyalty to the State?

13 A. When a (Redacted), he or she has to take the demands of the government into

14 account so that things work efficiently.

15 MR KILOLO: (Interpretation) Your Honour, could we go back into private session

16 again, please.

17 PRESIDING JUDGE STEINER: Court officer, please.

18 *(Private session at 12.11 p.m.) Reclassified as Open session

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

20 MR KILOLO: (Interpretation)

21 Q. Would it be accurate to say that, at the time you made your statement to the ICC

22 investigators in Bangui, you were under an obligation to comply with certain

23 requirements of the government because (Redacted)?

24 A. I think that when the investigators were in Bangui, it was to find out what had really

25 happened in the country, so I couldn't wait for any instructions from the government for

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0119

1 carrying out that process. I would like to say once again that, at that time, if the
2 government had given us instructions on what had happened with what the
3 Banyamulengue did in Central African Republic -- and I didn't have time to deal with that,
4 but there was nothing which stopped me speaking to the investigators of the Prosecutor's
5 office.

6 Q. Excuse me, Madam Witness. I think that when we look at the French transcript
7 your answer does not appear to be clear. Could you please clarify it or repeat your
8 answer? I shall remind you of my question. (Redacted), were you under any
9 obligations or duty of loyalty to the government of your country at the time you were
10 answering the questions asked by the ICC investigators in Bangui?

11 A. When I answered the ICC investigators' questions in Bangui, all I did was describe
12 what I had seen and what I had done. The government was not there. I experienced
13 this myself, and all I did was describe the facts and all I did was answer the questions
14 which I was asked.

15 Q. Would it be accurate to say that you were not free, if the case had arisen, of
16 violence -- of violent acts carried out by Bozizé's rebels at the time?

17 A. That's right.

18 Q. Who was the head of government when you made your statement in May 2009?

19 A. The person --

20 THE INTERPRETER: If the interpreter in the Sango booth understood correctly, the
21 person who was in the government at the time in 2009 was Bozizé.

22 MR KILOLO: (Interpretation)

23 Q. Madam Witness, I would like to recall your statement to the Court. Madam
24 Witness, I shall recall your statement yesterday to the Court. I'm referring to the
25 transcript of 23 March 2011, yesterday's transcript, page 4, lines 22 to 27, in the French

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0119

- 1 version, the real-time transcript. Here's what you stated, "I told you that (Redacted)
- 2 (Redacted) the representatives of the victims and (Redacted) asked the victims themselves
- 3 to draw up the list, because they knew better than others what had happened to them.
- 4 (Redacted) on the list so that we could then send it to
- 5 Mr Ngoungaye." I have three questions. Who exactly met?
- 6 A. (Redacted), and that was how I got (Redacted)
- 7 (Redacted) come along to raise the awareness of the victims.
- 8 Q. To what exactly were the victims going to have their awareness raised?
- 9 A. Those people had experienced a very difficult situation. They were depressed.
- 10 Some of them had lost their husbands, or had divorced, and (Redacted) wanted to raise
- 11 their awareness. (Redacted) told them not to be discouraged and to go and see Mr Ngoungaye,
- 12 and (Redacted) wanted to encourage them to go that way. Some said they were ashamed, but (Redacted)
- 13 encouraged them to go and see Maître Ngoungaye.
- 14 Q. Did (Redacted) tell them who the people were who had carried out the crimes for
- 15 which they could lay complaints?
- 16 A. (Redacted) need to tell who the criminals were. They knew it was the
- 17 Banyamulengue who had carried out these violent acts.
- 18 Q. Did (Redacted) raise the awareness of all the victims in the Central African Republic,
- 19 or was it only the victims of the alleged Banyamulengue that (Redacted) interested in?
- 20 A. The investigators came to see me and they asked me questions about the
- 21 Banyamulengue who came into the Central African Republic and I answered them, but I
- 22 talked about awareness raising, but it didn't concern all victims, but the victims who'd
- 23 been attacked by the Banyamulengue.
- 24 Q. Why did (Redacted) only choose the victims of the so-called Banyamulengue?
- 25 A. When these events occurred in my neighbourhood I experienced it and everybody

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0119

1 saw (Redacted) was, and the fact that we pushed back the Banyamulengue (Redacted)

2 (Redacted)

3 Q. What about the other victims, madam?

4 A. I am here for the victims of the Banyamulengue, not for other victims.

5 MR KILOLO: (Interpretation) Thank you, Madam Witness. Thank you for

6 cooperating with us. We wish you a good trip back home.

7 Your Honour, the Defence has concluded with this witness and thank you for your

8 cooperation.

9 PRESIDING JUDGE STEINER: So first let's turn back into open session and then the

10 Defence can finish its questioning in open session.

11 (Open session at 12.25 p.m.)

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

13 MR KILOLO: (Interpretation) Madam Witness, once again thank you. We have

14 concluded our examination. The Defence thanks you for your cooperation and for your

15 patience and we wish you a good trip back home.

16 Your Honour, we have concluded and we thank you for your special indulgence. Thank

17 you.

18 PRESIDING JUDGE STEINER: Thank you very much, Maître Kilolo. I think the

19 Chamber has some few follow-up questions to put to you, madam. Could we please,

20 court officer, turn into private session.

21 *(Private session at 12.26 p.m.) Reclassified as Open session

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

23 PRESIDING JUDGE STEINER: Thank you very much.

24 First, madam, a clarification in order to check whether the transcript reflects with accuracy

25 what you said. Defence counsel asked you -- and this is on page 34, line 19. The

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Private Session)

ICC-01/05-01/08

1 Defence asked you: "Would it be accurate to say that you were not free, if the case had
2 arisen, of violence -- of violent acts carried out by Bozizé's rebels at that time?" Your
3 answer was: "That's right."
4 Since the question here is like I read, "Would it be accurate to say that you were not
5 free ...", free of what? It doesn't appear in the transcript. Maybe it would be better if the
6 Defence repeats the question, in order not to give the impression that I am directing the
7 witness, or to clarify whether in the French transcript what the question exactly is, Maître
8 Kilolo. At page 34, line 19, 20 and 21, what was your question?
9 MR KILOLO: (Interpretation) Your Honour, I just need to quickly find the question
10 which was asked. I know it's on page 36, line 16 to 23, in the French version.
11 Your Honour, the French version does seem to be in keeping with the question that I
12 asked and the answer that was provided to me. I quote: "Is it correct to state that you
13 were not free to speak of acts of violence or abuse committed by Bozizé's rebels at the time,
14 if such acts occurred?" Answer: "That's right."
15 PRESIDING JUDGE STEINER: This is exactly what is missing from the English
16 transcript, to say that you were not free. This reference to "de parler d'exactions," it's not
17 in the French transcript. So I'm going to ask the question again, the same question to
18 Madam Witness, just to make sure that she understood the question and the answer. Let
19 me go back to the real-time.
20 Madam Witness, I will repeat to you a question put by the Defence: "Is it correct to state
21 that you were not free to speak of acts of violence or abuse committed by Bozizé's rebels at
22 the time, if such acts occurred?" Your answer was, "That's right." Do you confirm that?
23 THE WITNESS: (Interpretation) But the question was asked to me about the violence
24 and the abuse committed by the Banyamulengue, and that's why I said I wasn't able to
25 talk about those things, because I wasn't there to talk about the things done by Bozizé's

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0119

1 rebels. We're talking about the violence and abuse committed by the Banyamulengue.

2 PRESIDING JUDGE STEINER: Thank you. Of course, the Defence will have the
3 opportunity to turn back to the issue, if the Defence so wishes.

4 I would like now to ask the court officer to put again on the screens the document

5 CAR-OTP-0044-0155. It's Annex 2, the famous Annex 2.

6 Madam Witness, can you see the sketch on your screen?

7 THE WITNESS: (Interpretation) Yes, I do see it.

8 PRESIDING JUDGE STEINER: So, first, some questions. Could, please, the court
9 officer turn into open session.

10 (Open session at 12.35 p.m.)

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

12 PRESIDING JUDGE STEINER: Madam, I will try to put to you some follow-up
13 questions and see whether we can have some clarifications without leading you to
14 identify where exactly you live but, first, I would like you to clarify something in the
15 statement you gave to the Prosecutor. In English it's CAR-OTP-0054-0268, and in French
16 0044-0123.

17 You said, "When the neighbourhood was bombed, the Central African rebels fled. After
18 the Central African rebels had fled, at around 3 p.m. the Banyamulengues arrived. At
19 that point, people were still inside their homes. There was still no one outside. I,
20 myself ...", and I will omit one reference here, "I, myself, was inside the house. It was
21 from there that I heard a woman screaming and moaning, moaning." This is what you
22 said.

23 But if we go a little bit further, which is CAR-OTP-0054-0283, in French 0044-0138, in that
24 part you said, "I was outside with the children and my ...", a relative of yours, "... who saw
25 the Banyamulengues on the hill behind the 4th arrondissement. When she saw the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0119

1 Banyamulengues, she came over and told me that some people in military uniforms were
2 on the hill. I told her that if they were Central African soldiers, they wouldn't have been
3 crawling along the ground. I told the children to go inside and I closed the door."
4 Taking into account these two statements, I would like you to try to be more precise and
5 tell the Chamber at what point you were outside when you went inside; at what point you
6 saw people on military uniform crawling on the hill. Could you please clarify the
7 Chamber, madam?

8 THE WITNESS: (Interpretation) The morning, after Bozizé's rebels withdrew, we
9 thought that we were free and that's why we went out with the children. We were
10 outside. The radio set was inside and -- and it was 3 in the afternoon. When this girl
11 looked towards the hill, she said to me that there were soldiers who were crawling and
12 they were crawling towards us. I got up and I saw these people who were crawling
13 towards us, and so I asked the children to go into the house.
14 If they had been Central African soldiers, they would not have been crawling. So we
15 went into the house. I closed the door and, inside, I was praying and I heard this lady
16 call out. After praying, I went back out. During that time, they had gone into all the
17 various locations.

18 PRESIDING JUDGE STEINER: Thank you, madam. In terms of chronology, I still need
19 some clarification, if you don't mind. On CAR-OTP-0054-0303 - I'm sorry, for this one I
20 don't have the reference to the French version. I apologise to the Defence.
21 You said to the investigators: "When I saw them arriving, I was inside. The hill isn't
22 very far from my place. I was in the middle of my prayers, and that's when I heard the
23 woman screaming and I went out." Could you please clarify to the Chamber at what
24 moment exactly you heard the woman screaming, and you went outside"?

25 THE WITNESS: (Interpretation) It was at 3 o'clock. The radio had mentioned the time.

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 When I went back in with the children, I was praying and I put everything into God's
2 hands. I was praying when that woman called out. After I finished praying, I went out
3 to go out and save her. I didn't have time to go look and see what time it was.

4 PRESIDING JUDGE STEINER: It's correct to say that this is after you saw people in
5 military uniforms crawling on the hill?

6 THE WITNESS: (Interpretation) Yes, that's right.

7 PRESIDING JUDGE STEINER: Thank you, madam. If you see the sketch on your
8 screen, when you talk about people crawling on the hill, are you referring to this colline
9 that is in your sketch, or to any other hill?

10 THE WITNESS: (Interpretation) I'm not referring to another hill. I'm indeed
11 referring to this hill that's on the sketch.

12 PRESIDING JUDGE STEINER: And you say in your statement, and this is the last
13 reference I made, that, "The hill isn't very far from my place." Is it possible for you,
14 without giving details, just to make an estimation on the distance between your place and
15 the hill?

16 THE WITNESS: (Interpretation) From (Redacted), you can see that hill. I would
17 estimate the distance as at -- as 100 metres.

18 PRESIDING JUDGE STEINER: Thank you very much. My last question: The first
19 time that you saw these people in military uniforms arriving in your neighbourhood was
20 when you saw them crawling on the hill, or had you seen them before that?

21 THE WITNESS: (Interpretation) I believe that it was 9 when they were crawling on
22 the hill and I saw them.

23 PRESIDING JUDGE STEINER: If I understood -- or maybe it's better if I rephrase my
24 question. Before you saw these people in military uniform crawling on the hill, had you
25 seen any other people in uniform arriving in your neighbourhood, or these were the first

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0119

1 ones?

2 THE WITNESS: (Interpretation) I am saying that at that time the soldiers of our
3 country, *who were, were all at the headquarters at Camp Béal. There were no
4 uniformed soldiers in our area. The only ones in our neighbourhood wearing uniforms
5 were the Banyamulengue, who were crawling down the hill.

6 THE INTERPRETER: Correction from the English booth: At line 13, it was not "9." It
7 was "their arrival."

8 PRESIDING JUDGE STEINER: Thank you, madam. So just to make it sure, these were
9 the first Banyamulengue - so-called Banyamulengue - that you saw in your
10 neighbourhood?

11 THE WITNESS: (Interpretation) Yes, it was indeed them.

12 PRESIDING JUDGE STEINER: Thank you very much, madam. I think Judge Aluoch
13 also has a follow-up question.

14 JUDGE ALUOCH: Thank you. Thank you. Madam Witness. Just still on annex 2
15 and going back to this hill. I apologise, I'm not much of an artist, but now I am looking
16 at the hill; the way it is drawn. So when you say you saw soldiers crawling, I am seeing
17 a space on the hill and so I'm assuming that this hill is structured -- well, it's such a hill
18 that there is some space in between and that's the space you are referring to when you say
19 "I saw soldiers crawling," because some hills can be very steep and there's really nowhere
20 to crawl. Can you just clarify that, please. Thank you.

21 THE WITNESS: (Interpretation) I believe that the hill in question is rocky. People go
22 there to take photographs and all around that hill there are buildings, residences. If I
23 saw them in the hill, it's because it was high up enough to be able to see them. When
24 they went down into the neighbourhood, it was from the market to all the way by the side
25 of the road. Others were crawling towards the neighbourhood, some were on the hill,

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0119

1 but the ones we saw are the ones who were on the hill because, you see, they were higher
2 up.

3 JUDGE ALUOCH: Thank you. I think I've made my own picture of what I think you
4 saw. Thank you.

5 PRESIDING JUDGE STEINER: First, I would like to ask the court officer to assign an
6 EVD number to the two sketches that were shown during this morning session.

7 THE COURT OFFICER: Yes, your Honour. The first sketch shall be given EVD number
8 EVD-T-D04-00013, while the second sketch shall be given the reference number
9 EVD-T-D04-00014. Thank you, your Honours.

10 PRESIDING JUDGE STEINER: Thank you, court officer. I would like to ask whether
11 the Prosecution intends to re-direct?

12 MR BADIBANGA: (Interpretation) No, your Honour, we do not have additional
13 questions for the witness.

14 PRESIDING JUDGE STEINER: Thank you. Since the Chamber put some questions to
15 the witness and since the Defence is entitled to always have the last word, I ask Maître
16 Kilolo or Maître Liriss whether they want to put any further questions to the witness?

17 MR KILOLO: (Interpretation) Your Honour, we have no further questions. We
18 would just like to ask that an EVD number be assigned to a number that -- to a document
19 that was used during our examination. That's document number 10 on our list and this
20 is a passage from a special report from the UNDP.

21 PRESIDING JUDGE STEINER: As far as I know, this document has already an EVD
22 number which is in your list; is that correct?

23 MR KILOLO: (Interpretation) That's quite right, but perhaps an EVD-T number is
24 needed, unless I'm mistaken?

25 PRESIDING JUDGE STEINER: I think a "T" here is missing, but since this is not an

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0119

1 EVD-P number, but in any case let's check with the court officer.

2 THE COURT OFFICER: Yes, your Honour, I can clarify that. The document has not
3 been assigned an EVD-T number at the moment.

4 PRESIDING JUDGE STEINER: So let's proceed to the assignment, please.

5 THE COURT OFFICER: Okay. Your Honour, before I do that, I would like to get some
6 clarification on the second sketch that was just assigned an EVD number. What I have in
7 my record is just one sketch that was used with the witness during the second session,
8 which is Document ID CAR-OTP-0044-0155_R01, and if I can get some clarification on the
9 second sketch that your Honour referred to?

10 PRESIDING JUDGE STEINER: I think the second document, but I would like to check
11 with the Defence, was the one 0044-0178 that was used in the session of the 22nd, the one
12 that reflects the place in which the two girls were allegedly raped; is that correct?

13 MR KILOLO: (Interpretation) Entirely so, your Honour. It would be suitable to have
14 an EVD-T number and perhaps, well, I'll take advantage of the opportunity to make sure
15 that the EVD-T number for the document from the UNDP is indeed for the entire
16 document and not just for the passage that was read out?

17 PRESIDING JUDGE STEINER: There is no doubt about that, Maître Kilolo. For this
18 Chamber, a document is a document in its entirety. So the document, court officer, we
19 are talking about is CAR-OTP-0044-0178. I don't know whether there is any other
20 reference to this? It's R01.

21 THE COURT OFFICER: Thank you very much, your Honour. I shall proceed to assign
22 an EVD-T number to document number 10 on the Defence list, which is
23 CAR-DEF-0002-0713. It shall be assigned with the reference EVD-T-D04-00015. Thank
24 you, your Honours.

25 PRESIDING JUDGE STEINER: Thank you very much. Before we close this session, I

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 want to remind the parties and participants that mobile phones are not allowed under any
2 circumstances inside the courtroom.

3 Madam Witness, we came to the conclusion of your testimony. Thank you very much
4 for coming to this Court, for your availability, your willingness to give your testimony
5 before this Chamber.

6 Before you leave the Court, madam, we, the Judges, we would like to express the thanks
7 for the time and trouble that you have taken to come to this country and to give evidence
8 at trial.

9 In order for us to find the truth, it is crucial that witnesses such as yourself are prepared to
10 give evidence to assist us on the relevant issues in the case. We are aware that this will
11 certainly have been inconvenient for you and, possibly, it may even have involved some
12 personal risk.

13 You, therefore, leave us in order to go back home with our thanks for your cooperation
14 with the Court. Before we leave the session, madam, I would like to ask whether you
15 have anything you would like to say to the Chamber?

16 THE WITNESS: (Interpretation) I would like to thank the Bench. I would also like to
17 thank the Prosecutor and his entire team. In addition, I would like to thank the Defence
18 counsel team representing Jean-Pierre Bemba. I would like to thank the legal
19 representatives of the victims.

20 My gratitude to the International Criminal Court is such that I can say that it is a body
21 that listens to the complaints lodged by the victims. This is an institution which is
22 working to guarantee justice and gives an opportunity to people, who have no
23 opportunity to cry out their pain, to cry out their pain. So I would like to thank the ICC.
24 I would also like to say to the judges, judges in Bangui, that there were troops that
25 worked -- these were organised that worked for the CEMAC. Now, these troops are

Trial Hearing
Witness: CAR-OTP-PPPP-0119

(Open Session)

ICC-01/05-01/08

1 known under the name FOMAC. This military body is made up of people from Gabon,
2 from Chad. It's a multinational force and, since this force has been acting in the Central
3 African Republic, the population has never had cause to complain. The local inhabitants
4 have never had cause to complain of rape or looting, never.

5 So why do the Central Africans today complain of the Banyamulengue abuses? There's
6 no smoke without fire. These events occurred and we are here today. We came here to
7 talk about those events.

8 I would like to thank you. I am mindful of the fact that you will take on board what we
9 say. The sufferings of the Central African people, their voice and their pains will be
10 alleviated and soothed because you will be then proclaiming justice. Thank you for your
11 attention.

12 PRESIDING JUDGE STEINER: We thank you, again, Madam Witness, and we wish you
13 a calm and peaceful trip back to your home and to your family. Thank you very much.
14 Court officer, please, let's turn into closed session in order for the witness to be taken
15 outside the courtroom.

16 *(Closed session at 1.05 p.m.) Reclassified as Open session

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

18 (The witness is excused)

19 PRESIDING JUDGE STEINER: Let's turn into open session very briefly, and I apologise
20 to our interpreters and court reporters, just one more minute.

21 (Open session at 1.06 p.m.)

22 THE COURT OFFICER: All rise.

23 PRESIDING JUDGE STEINER: Sorry.

24 THE COURT OFFICER: I am sorry, your Honour. Just for the record, we are back in
25 open session. Thank you.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0119

1 PRESIDING JUDGE STEINER: Thank you very much. Before we rise, just to inform
2 the parties and participants that we'll start this afternoon with Witness 222. That it will
3 be in Courtroom 1.

4 So we are suspending now and will resume at 2 -- at quarter to 3 in order to allow the
5 interpreters and court reporters to have the time they need to have lunch and to rest a
6 little bit. So we are going to suspend and resume at quarter to 3 in Courtroom 1 for the
7 beginning of the testimony of Witness 222.

8 THE COURT USHER: All rise.

9 (The hearing ends at 1.09 p.m.)

10 CORRECTION REPORT:

11 The Court Interpretation and Translation Section has made the following correction in the
12 transcript:

13 *Page 36 line 3

14 "who were wearing uniforms, were all at the barracks." Is corrected by "who were,
15 were all at the headquarters at Camp Béal.

16 RECLASSIFICATION REPORT

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

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