

Trial Hearing
Witness: CAR-OTP-PPPP-0063

(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
6 Judge Kuniko Ozaki
7 Trial Hearing
8 Friday, 20 May 2011
9 (The hearing starts in open session at 9.35 a.m.)
10 THE COURT USHER: All rise. The International Criminal Court is now in session.
11 Please be seated.
12 THE COURT OFFICER: Good morning, your Honours, Madam President. We are
13 in open session.
14 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the
15 case.
16 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
17 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you very much. Good morning. Welcome
19 to the Prosecution team, legal representatives of victims, the Defence team,
20 Mr Jean-Pierre Bemba Gombo. Good morning our interpreters, court reporters.
21 We will continue this morning, or today, with the testimony of Witness 63. I ask,
22 please, the court officer to turn into closed session for the witness to be brought into
23 the courtroom.
24 *(Closed session at 9.37 a.m.) Reclassified as Open session
25 THE COURT OFFICER: We are in closed session, Madam President.

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- 1 (The witness enters the courtroom)
- 2 PRESIDING JUDGE STEINER: We can turn into private session, please.
- 3 *(Private session at 9.38 a.m.) Reclassified as Open session
- 4 THE COURT OFFICER: We are in private session, Madam President.
- 5 WITNESS: CAR-OTP-PPPP-0063 (On former oath)
- 6 (The witness speaks Sango)
- 7 PRESIDING JUDGE STEINER: Thank you. Good morning, Mr Witness.
- 8 THE WITNESS: (Interpretation) Good morning, your Honour.
- 9 PRESIDING JUDGE STEINER: How are you feeling today?
- 10 THE WITNESS: (Interpretation) I feel better.
- 11 PRESIDING JUDGE STEINER: We will continue today with the Prosecution
- 12 questioning you and probably we will have the opportunity to have the legal
- 13 representatives of victims also questioning you. If at any time you feel tired, or
- 14 distressed, and you need a break, just let us know. Is that fine with you, sir?
- 15 THE WITNESS: (Interpretation) Yes, it does. Yes, thank you.
- 16 PRESIDING JUDGE STEINER: I just have to remind you that you are still under
- 17 oath. Do you understand that, sir?
- 18 THE WITNESS: (Interpretation) I fully understand that, your Honour.
- 19 PRESIDING JUDGE STEINER: Since we are in private session, I don't need to
- 20 remind you about protective measures. If we go into open session, then I will
- 21 remind you about such protective measures. Are you ready to start giving your
- 22 testimony?
- 23 THE WITNESS: (Interpretation) I am ready.
- 24 PRESIDING JUDGE STEINER: Thank you very much. Mr Iverson.
- 25 MR IVERSON: Thank you, Madam President. Good morning, your Honours.

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1 QUESTIONED BY MR IVERSON: (Continuing)

2 Q. Good morning, sir. It is good to hear that you are feeling well this morning. I
3 just ask for your concentration and your patience with me this morning as we get
4 through some of the last photographs. Is that all right with you, sir?

5 A. Yes, it is perfectly all right with me.

6 MR IVERSON: Could I ask the court officer to please display CAR-OTP-0035-0293.

7 Q. Sir, we finished up with this photograph yesterday. I just have a few
8 additional questions. Do you know what this soldier's role was within the
9 Banyamulengue?

10 A. What I think I can tell you concerning that soldier's role is that he is also a
11 Banyamulengue soldier, because he would move about in a group with other soldiers.
12 As to the uniform he is wearing and the weapon he is carrying, I am afraid I would
13 not be in a position to tell you from that what his actual role was.

14 Q. Sir, do you know if he was a commander or a chief?

15 A. Not at all, because they were in the habit of just grabbing everything within
16 their reach, and the person you are looking at there is certainly not a commander.

17 Q. Sir, is there anything else of significance in this photo that you would like to
18 mention?

19 A. (Redacted) The man
20 in the picture is standing next to a bush taxi. That bush taxi was parked next to an
21 abandoned house. They had occupied that house, (Redacted)
22 (Redacted)

23 MR IVERSON: Could I ask the court officer to please display CAR-OTP-0035-0294.

24 Q. Sir, who is this individual in the photo?

25 A. (Redacted) in Damara, somewhat on the outskirts, going down from

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1 the road. What you see, or the person you see, is a Banyamulengue soldier who's
2 carrying a weapon. He has two of his comrades behind him. (Redacted)
3 (Redacted) they were commandos, and then they were walking down that main
4 road very much like commandos.

5 Q. (Redacted)

6 (Redacted)

7 A. In my opinion, you see, I am in the habit of watching movies where you see
8 commandos. As to knowing exactly what a commando is and what role a
9 commando plays, I am afraid I could not tell you.

10 Q. Sir, is there anything else of significance within this photo that you would like
11 to mention?

12 A. What I can add concerning this photograph is that he has a weapon in his hands.
13 That was the very first time I saw that type of weapon. He also had a Kalashnikov.
14 As I said, some of them were carrying weapons when they crossed over, but once
15 they got to my country they were given other weapons and that is what you see in
16 this picture.

17 Q. I would like to ask you about the person in the foreground with the weapon,
18 wearing the beret. Do you know what type of beret he is wearing?

19 A. That is the beret usually worn by Central African soldiers. In one of my
20 previous statements I believe I said that, when the Banyamulengue would come up
21 against Central African soldiers, they would simply snatch their uniforms away from
22 them, anything that they could get their hands on. This would happen absolutely all
23 the time. They would just strip the Central African soldiers of everything they were
24 wearing. At PK12, for instance, this was extremely frequent.

25 Q. He's -- the way that he is wearing the beret, is that any different than how a

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1 Central African soldier would wear a beret, if you know?

2 A. It is actually -- the way he is carrying himself in this picture, his overall look, is
3 not that of a true military man. You see that he doesn't look like one. He is
4 wearing a T-shirt; a civilian T-shirt. Admittedly he is wearing military trousers, but
5 he has a civilian T-shirt. That immediately lets you know that the person in the
6 picture is a rebel; that is to say a Bemba soldier.

7 MR IVERSON: Could I ask the court officer to please display CAR-OTP-0035-0307.

8 Q. Sir, who are the individuals depicted in this photo?

9 A. You can see four individuals on this picture. (Redacted)

10 (Redacted)

11 (Redacted) The one who is wearing military trousers and tennis shoes,

12 or sports shoes, is the brother of the one who is wearing the T-shirt with the "5," the
13 figure "5," on it. (Redacted)

14 (Redacted)

15 Now, the one that is wearing full military uniform is from the Zugandi (phon) group,
16 because the one who wears the number 5 T-shirt lives on one side and the other one
17 on the other (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted) However, if you have any more questions,
22 please feel free to ask those questions.

23 Q. Sir, you mentioned that the person (Redacted)

24 (Redacted)

25 THE INTERPRETER: The interpreter would like to correct something. (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted) That is in

13 fact what I wanted to state.

14 MR IVERSON:

15 Q. Okay, I understand. That was a misunderstanding on my part. Sir, you
16 mentioned that the person in full military uniform was part of the Zugandi group.
17 What was the Zugandi group?

18 A. The Zugandi are also considered as Banyamulengue. They belong to that
19 group. One thing you have to bear in mind is that the Banyamulengue was made up
20 of several nationalities; Rwandans, Zaireans. They themselves, for instance, would
21 make a distinction between the Zaireans from Kin and the other ones that were
22 considered as Mano. This is how I got that bit of information. There were also
23 among the Banyamulengues the Ugandans, the Rwandans, the Zaireans.

24 Q. (Redacted)

25 (Redacted)

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1 THE INTERPRETER: The Sango interpreter is asking for the five-second rule to be
2 observed, please.

3 MR IVERSON: Sir, if you could just wait five seconds to answer the question and I
4 will do the same after I hear your answer to ask the next question. I will wait the
5 five seconds, according to the five-second golden rule that Madam President
6 mentioned last week. Could I ask the court officer to please display
7 CAR-OTP-0035-0309.

8 Q. (Redacted)

9 A. (Redacted) *This is right next to a standpipe, or a
10 water fountain.

11 Q. Who are the individuals depicted in this photo?

12 A. In this photograph, you can see a Banyamulengue who has put his foot on the
13 small very short concrete wall and, as I've already told you, there were some
14 Banyamulengue who were not clean and those ones, the ones who weren't clean, who
15 were used, they were used as scouts. So after the scouts came back from their
16 mission, most of the rank and file would go into the locality in question.
17 However, the people that you see in this photograph are merciless. If they didn't kill
18 you, they would take everything you had. If they were valuable objects, well, the
19 people behind would take the stolen items. If that was not the case, they would beat
20 you up or throw you into jail. In this group you can see that there are two women,
21 and I said that they -- those women came from Zongo or from Kilometre 5. They
22 were following these men so as to recover the various items that had been looted.
23 Their work was to take the looted goods across the river to Zongo. So these two
24 women in the photograph were playing that role.

25 (Redacted)

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1 (Redacted)

2 (Redacted) The one who has his foot on the foundation, he might be 14 years of age,
3 and the other one who is bearing a weapon it would -- he appears to be tall, but
4 actually he was quite young.

5 Q. You mentioned the two women in the photograph. Do you happen to know
6 their ages?

7 PRESIDING JUDGE STEINER: Yes, Mr Haynes?

8 MR HAYNES: To what charge is that question relevant? What is the relevance of
9 the age of these women?

10 PRESIDING JUDGE STEINER: I don't see any prejudice if the witness knows the
11 answer, although it is not directly related to any charge. You can proceed,
12 Mr Iverson.

13 MR IVERSON: Thank you, Madam President.

14 Q. Do you know how old they are?

15 A. You can see in this photograph - even Bemba's lawyer can see - that this girl
16 is between -- the first is between 12 and 13 years of age. The second one, the taller
17 girl, would be between 15 and 16 years of age. These are African girls. Perhaps
18 they don't take very good care of themselves in a way, so they might give the
19 impression of being very -- a bit older, but actually they are very young girls.

20 Q. What country did the young girls come from?

21 A. I think I said that this -- that these girls came from Zongo, mostly from Zaire.
22 That location is three kilometres from the capital, Bangui. They were in the habit of
23 crossing. Others lives at Kilometre 5, at Kwangum (phon), in the Bangui
24 neighbourhood up to -- there are people from Zaire living in various neighbourhoods
25 of Bangui. These women followed the Banyamulengue because they shared the

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1 same language, because -- well,* the Banyamulengue were their boyfriends and they
2 would follow them to take back the looted goods.

3 Q. Is there any other item of significance in this photograph that you would like to
4 mention?

5 A. I thought that you were going to ask me a question about the -- about the bags
6 on the ground, but you can see on this photograph that there is a bag that contains
7 various items, for example, radio sets, kitchen utensils, and those items belonged to
8 the local populous, and this bag contains all these various items. That's what I
9 wanted to add.

10 MR IVERSON: Could I ask the court officer to please display CAR-OTP-0035-0321.
11 (Redacted)

12 (Redacted) As I said earlier in one of my previous
13 statements, the person who is wearing a pair of shorts and the Ranger boots is Gisha.
14 He was living in a house located to the right in the house that belonged to Domété, as
15 I have already said, and this house was the one that they were occupying.

16 Q. So the person in the shorts is Gisha. Do you know who the other two people
17 are?

18 A. They are all Banyamulengue. I don't know the name of the (Redacted), because
19 the one who is left of Gisha is wearing a uniform, a uniform of the national army.
20 The beret, he has the insignia, the rank. This is the uniform worn by the GP; that is
21 to say Patassé's Presidential Guard. He doesn't have any stripes. He must have
22 taken them from someone else. That's what he seems to be wearing, as you can see.

23 Q. How do you know that this person in the GP uniform was Banyamulengue and
24 not a Central African soldier?

25 A. (Redacted) I saw him with the

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1 Banyamulengue operating with them. Now, the uniform didn't belong to him, so
2 that leads me to say that the uniform is from the Presidential Guard. You can see the
3 insignia, the beret and the rank.

4 Q. So looking at the Banyamulengue with the GP uniform on, I can see two pieces
5 of insignia on his uniform. Do you know what those insignia represent?

6 A. There are two pieces of insignia. The first one, which is higher up, is the
7 insignia of the parachuters. The second one, which is lower down, is the insignia of
8 the Presidential Guard of President Patassé.

9 THE INTERPRETER: Minor correction from the English booth: The parachutists.

10 MR IVERSON:

11 Q. This person with the GP uniform also is wearing epaulettes. Do you know
12 what those epaulettes represent on his shoulders?

13 A. As I have already said, Bemba's soldiers, the Banyamulengue rebels, when they
14 would run into soldiers from another country they would do anything. They would
15 shoot the person, or intimidate the person. And when they would go into a house
16 that belonged to a soldier, they would take everything. They'd take his military
17 effects or items, (Redacted).

18 Q. Sir, is there anything else of significance about this photo?

19 A. The additional soldier, I can add something. When the Banyamulengue went
20 into the town of Bangui, Patassé trusted them. Our soldiers were disarmed and that
21 is what led to this situation. This is what I can add.

22 MR IVERSON: Could I ask the court officer to please display CAR-OTP-0035-0246.

23 Q. Who are the people in this photo?

24 A. (Redacted) These people are sitting down. They are
25 underneath a straw hut, close to the place where the ammunition was stored and also

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1 where things were distributed to the Banyamulengue. As I said earlier, there was a
2 group of Ugandan people, and this is what you can see. He is beside a woman who
3 followed him, (Redacted).

4 Q. Do you know which country these people come from? You mentioned
5 Uganda, but I'm a bit confused with the last answer.

6 A. Yes. I said a few moments ago that amongst the Banyamulengue there were
7 Ugandans, Rwandans, Kinwa people and people from Zaire, so that entire group was
8 referred to as 'the Banyamulengue.' That is what I said.

9 Q. Sir, I understand that your testimony is that there were different nationalities
10 within the Banyamulengue, but who is -- who are the -- what are the nationalities of
11 these two people in this photograph?

12 A. They came together with the Banyamulengue, but they're not together in the
13 field. There were different groups. There was a group of Rwandans, groups of
14 Ugandan people and groups of people from Zaire.

15 Q. Let's just talk about the male person in the photo. Where was he from?

16 A. I said that that person came together with the Banyamulengue. The first time
17 that I saw the Banyamulengue he was amongst them, but I couldn't tell you where he
18 came from. I don't know what his origin is.

19 Q. And you mentioned that the woman followed him. When did she start
20 following him?

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. Do you remember where the woman was from?

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1 A. I couldn't tell you.

2 Q. Do you know what his duties were within the Banyamulengue?

3 A. I often saw him. They were armed. They would fire shots.

4 Q. Is there anything else of significance in this photo?

5 A. I have nothing to add. The photograph is clear and says everything. I have
6 nothing to add.

7 PRESIDING JUDGE STEINER: Mr Iverson, please. Mr Witness, (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 PRESIDING JUDGE STEINER: Thank you very much.

13 MR IVERSON: Thank you, Madam President. Could I ask the court officer to
14 please display CAR-OTP-0035-0324.

15 Q. Who are the people in this photo?

16 A. They are some Banyamulengue in this photograph.

17 Q. (Redacted)

18 (Redacted)

19 (Redacted)

20 A. A few moments ago, I said that -- well, in one of my statements I said that, after
21 they came into the town of Damara, or at least once they came into Damara, they
22 were like termites or ants. They were ready to steal everything; steal everything in
23 houses, in companies, items that belonged to projects. The motorcycle that you see
24 belonged to a project, and the clothing that they are wearing, they took them from
25 some Muslims as well as the glasses. Everything that they are wearing and

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1 everything you see in this photograph belonged to some Muslim people from Damara

2 (Redacted)

3 (Redacted)

4 Q. Do you know if the motorcycle stayed in that location then, if they didn't know
5 how to ride the motorcycle?

6 A. The motorcycle didn't stay at that place. I said a few moments ago that there
7 were some people who followed them to take goods back, or to take the looted goods
8 across the river, and after selling them they would give them the money back.

9 Q. Is there anything else you would like to add about this photograph?

10 A. I have nothing further to say. That's all I can say.

11 MR IVERSON: Could I ask the court officer to display CAR-OTP-0035-0339.

12 Q. All right, the last photo that the Prosecution will show you. Who are these
13 people in this photo?

14 A. They are Banyamulengue soldiers, both men and women. There's also a child
15 on the side (Redacted).

16 Q. Was it common to see female Banyamulengue who were armed?

17 A. Yes, the female Banyamulengue, there were many of them. There could be
18 more than 150 of them, and most of the Banyamulengue women were the spouses of
19 the chiefs. The male Banyamulengue were very jealous of their women, because
20 these women were taken by force or recruited by force and they could not walk away
21 more than five kilometres on their own. Each time they were to walk along, they
22 had children with them, and if the women wanted to escape then the child soldiers
23 were supposed to kill them, and if the child soldiers didn't want to kill them then
24 what they could do was to escape. (Redacted)

25 (Redacted)

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1 (Redacted)

2 JUDGE ALUOCH: Mr Iverson, can I seek a clarification from the witness, please?

3 May I interrupt?

4 MR IVERSON: At all times, your Honour.

5 JUDGE ALUOCH: Thank you. Mr Witness, I see that in this picture, in this photo,

6 as well as another one previously shown to you, one of the soldiers in this one is a

7 woman soldier who is wearing flip-flops and in the other photograph it was a male

8 soldier. Was it a -- did many of them wear a uniform or part of uniform and then

9 wore flip-flops with no shoes?

10 THE WITNESS: (Interpretation) I do thank you, your Honour. When I started

11 my statement, I said that before the crossing, or at least during the crossing, they

12 smelt heavily, and if you look at the flip-flops, these were stolen from ordinary people.

13 Some started wearing rubber boots. You can see an example of this on the photo.

14 The sandals, those sandals had been stolen from women. A career military person

15 does not dress that way. I don't know what else I can tell you. If this were a

16 professional soldier, he would have to dress properly.

17 JUDGE ALUOCH: Thank you for your answer, Mr Witness. Thank you.

18 MR IVERSON:

19 Q. Sir, is there anything else that you would like to add about this photo?

20 A. I believe I have said it all. After this reply to Madam Judge, I have nothing

21 further.

22 Q. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted) Now, you've questioned

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1 me on the various places and I located them for you. I think I've done that up until
2 now.

3 Q. You are absolutely right. You have identified the locations of the photographs.
4 What I am asking, though, is a reference of time, when? And I understand that you
5 are not very good with remembering dates, so I'm not asking you necessarily to give a
6 reference in terms of dates. What was going on in your country during the time (Redacted)
7 (Redacted)

8 A. (Redacted) Patassé had declared that he had called in his son,
9 Bemba, to assist him to drive away the soldiers from his country - I'm talking about
10 Patassé - who refused to obey and who had entered into rebellion. It was during
11 that period (Redacted).

12 Q. And just to put a bookend on the time (Redacted)
13 I know that you are familiar with the date 15 March 2003. (Redacted)
14 (Redacted)

15 (Redacted) If I recall correctly,
16 the last travel was to Bossembélé, was Thursday and Friday. I was in Damara (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)

21 MR IVERSON: Thank you very much, sir. Madam President, the Prosecution does
22 intend to tender all of the photographs which we have viewed and we will do so at
23 the appropriate time under the appropriate ruling from the Chamber. (Redacted)
24 (Redacted)
25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 PRESIDING JUDGE STEINER: Thank you, Mr Iverson. All these concerns will be
4 for sure addressed in the rulings of the Chamber in relation to the implementation of
5 the Appeals Chamber judgment.

6 MR IVERSON: We understand, Madam President. Sir, those are all the questions I
7 have for you. Thank you for your time and thank you for your patience.

8 PRESIDING JUDGE STEINER: Before I give the floor to legal representatives of
9 victims, I would like to ask our court officer whether the last picture is still on the
10 screen or not? Is it? Picture 0339.

11 THE COURT OFFICER: Yes, Madam President, it is still available on the screens.

12 PRESIDING JUDGE STEINER: Mr Witness, you have mentioned in relation to
13 picture 0321 in today's hearing that a man was wearing the uniform of the
14 Presidential Guard, with a green beret. This boy here is wearing a red beret and we
15 saw these red berets (Redacted). Do you happen to know to which
16 army or guard this red beret belongs to?

17 THE WITNESS: (Interpretation) The red beret in our country belonged to the
18 RDOT. Their denomination is RDOT. On one of the photographs, where you see
19 soldiers from our country seated at a bar drinking, with drinks on the table, in the
20 uniform of one of these soldiers there is an insignia that gives this corps, the RDOT.
21 The soldier seated in an armchair in the photograph we looked at before had an
22 insignia from the RDOT.

23 PRESIDING JUDGE STEINER: Could you please be so kind to the Chamber and tell
24 us what RDOT means?

25 THE WITNESS: (Interpretation) I thank you, Madam President. I am familiar

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1 with the abbreviation RDOT, but I am not in a position to tell you what it signifies.

2 PRESIDING JUDGE STEINER: Don't worry. This is not a problem. Mr Witness,

3 now we are going to give the floor to the legal representatives of victims. They will

4 put to you some questions. They will introduce themselves to you and you feel free,

5 please, to ask for any clarification or explanation or to express any concern you have.

6 I am asking whether -- it is Maître Zarambaud will be the first one to put some

7 questions to you. Maître Zarambaud, you have the floor.

8 MR ZARAMBAUD: (Interpretation) Thank you, Madam President.

9 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

10 Q. Mr Witness, good morning. As I indicated during our familiarisation, I am

11 Assingambi Zarambaud. I am counsel in Bangui and the Court has entrusted in me

12 the interests of a number of victims. We are called legal representatives. I have a

13 few questions for you. Some of my questions that have been foreseen have already

14 been asked by the Prosecution, you have already answered, so for those questions I

15 will not require you to reply again.

16 On the first series of questions, they were related to your statement made at reference

17 CAR-OTP-0040-0298, paragraph 15, and you had stated there that when the

18 Banyamulengue arrived for the second time in Bangui, I quote you, you recognised

19 them because of their behaviour, end quote. I had a number of questions on that

20 point as to what you mean by behaviour, as to how they were dressed, what shoes

21 they wear, their hats, their insignia for rank or corps that they belonged to. I believe

22 you answered all those questions, so I will not ask them again.

23 Equally, as regards the clothing, the insignia and the photos (Redacted)

24 displayed on our screens, they are self-evident more than the oral description, so I

25 will not ask those questions either.

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1 The second series of questions pertain to what you stated at reference
2 CAR-OTP-0040-0358, paragraph 15; CAR-OTP-0040-0359, first paragraph. You
3 talked about a Congolais who was a shoe-shine man in Bangui before the arrival of
4 the Banyamulengue, and that Congolais shoe-shiner had joined up with the
5 Banyamulengue when they arrived and served as an informant to point out those
6 dwellings that were the best to pillage. So my first question is: That shoe-shine
7 man from the Democratic Republic of Congo, that shoe-shiner or other ones, were
8 they integrated into the Banyamulengue troops with uniforms and war weaponry so
9 that they could fight also? That's my first question.

10 A. Thank you, indeed. In Damara, you saw a vehicle and I pointed out it was
11 Major. He had trousers, a military set of pants, but if there was a confrontation, or
12 combat, then I'm sure he would have fought. I came to the Court to testify, and if I
13 didn't say the truth my presence here would have no meaning. He fought.

14 THE INTERPRETER: The Sango booth is indicating he didn't hear the second
15 sentence of the witness.

16 PRESIDING JUDGE STEINER: I am sorry, Maître Zarambaud. The Sango
17 interpreter is saying that he could not hear the last part of your answer. Could you
18 please repeat it.

19 THE WITNESS: (Interpretation) Thank you. I will pick up again. If I am
20 familiar with someone, or if I point out the dwelling of someone who is wealthy, who
21 has money, in a situation of conflict, and if this person I am following along is related
22 to me and has a weapon, then maybe I would take a weapon and kill. Since I know
23 Mr Zarambaud, and I am a shoe-shiner and I point out a house and I can get money
24 for it, but he knows how to fire a gun, that's what I said.

25 MR ZARAMBAUD: (Interpretation)

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1 Q. Thank you very much, Mr Witness. The second question follows up on the
2 first one. I'd like to know whether Central African people were on the ground and
3 incorporated into the Banyamulengue?

4 A. That's difficult. I don't know if they are other Central Africans, or others that
5 I know. I can't -- it's a difficult question, because a Central African person, it's
6 difficult. No, there weren't any Central Africans because (Redacted)
7 (Redacted) but I don't know those
8 people so that I could talk about Central Africans.

9 PRESIDING JUDGE STEINER: Maître Zarambaud, I am sorry to interrupt you.
10 We are going to suspend to have our break now and we will suspend until 11.30 and
11 then you can continue.

12 Mr Witness, we are going to have a break right now. You can take some time for
13 yourself. Court officer, please could you turn into closed session for the witness to
14 be taken outside the courtroom.

15 *(Closed session at 10.56 a.m.) Reclassified as Open session

16 THE COURT OFFICER: We are in closed session, Madam President.
17 (The witness stands down)

18 PRESIDING JUDGE STEINER: The hearing is suspended.

19 THE COURT OFFICER: All rise.

20 (Recess taken at 10.57 a.m.)

21 *(Upon resuming in closed session at 11.36 a.m.) Reclassified as Open session

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

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

25 (The witness enters the courtroom)

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1 PRESIDING JUDGE STEINER: Could we please turn into private session.

2 *(Private session at 11.38 a.m.) Reclassified as Open session

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

4 PRESIDING JUDGE STEINER: Thank you. Mr Witness, welcome back.

5 THE WITNESS: (Interpretation) Good afternoon, madam.

6 PRESIDING JUDGE STEINER: Are you ready to continue?

7 THE WITNESS: (Interpretation) There's no problem at all, madam.

8 PRESIDING JUDGE STEINER: Thank you. So I will give the floor to Maître

9 Zarambaud.

10 MR ZARAMBAUD: (Interpretation) Thank you very much, your Honour. I have
11 the honour to introduce Maître Célestin N'Zala who is a lawyer and who is our
12 assistant on the ground in Bangui.

13 Q. Welcome back, Mr Witness. I shall therefore continue asking the questions
14 that I had all ready for you. You declared in CAR-OTP-0040-0373, paragraphs 3 and
15 5, the following, which I quote, "They were soldiers, the soldiers who had been
16 recruited at random in the villages. They were not professional soldiers, and when
17 they arrived in the Central African Republic all they knew how to do was simply
18 looting, sleeping with the women and stealing." End of quote. So my question to
19 you is: How do you know, sir, that the Banyamulengue were not professional
20 soldiers?

21 A. Thank you. I kept my eyes open and I saw everything clearly. It's true that I
22 am not an educated man, but when I see things, for instance this machine that is in
23 front of me when the screen is white I know the screen is white and if the backside of
24 the machine is black I know it is black, and when I left Bangui to come here it's true
25 that I am not an educated person, but it would be difficult for someone to actually say

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1 about me that I am an ignoramus. I came close to these people and I in fact even
2 lived amongst them at one point, and I even shared some fruit with them and I can
3 assure you they were not professional soldiers. That is all.

4 Q. Thank you. You also stated, sir, and the reference is CAR-OTP-0040-0362,
5 paragraph 9, and I quote, "The Banyamulengue went into the neighbourhood, stole
6 goods from people and killed animals such as goats. They stole so many things."
7 End of quote. Can you confirm this?

8 A. Yes, I stand by that. That was the truth. That is the truth. Since I know it is
9 not a lie, (Redacted) they were carrying on
10 them or in their hands the looted items.

11 Q. Thank you. You also stated, and the reference is CAR-OTP-0040-0364,
12 paragraph 3, paragraph 13, and CAR-OTP-0040-0365, paragraphs 1 through to 4, you
13 stated and I quote, "I have seen with my own eyes many corpses on the same day
14 under the rain -- in the rain, particularly a man who was wearing a blue shirt and
15 grey trousers and then two other men on the road to the airport. One of them had
16 been hit in the back and the other one on the side," and you also saw one of Patassé's
17 nephews at the junction of the Avenue des Martyrs, the avenue of the martyrs. Can
18 you confirm this? Can you confirm you saw these corpses with your own eyes?

19 A. I can indeed confirm that I saw them with my own eyes. (Redacted)
20 (Redacted)
21 (Redacted) but some of these events I actually saw with my open eyes.

22 Q. Thank you. You also stated, and the reference is CAR-OTP-0040-0369, first
23 paragraph, and I quote, "At night, the Banyamulengue would break down doors, take
24 the furniture and would use them as firewood and they smoked marijuana and they
25 would drink alcohol," and you also stated, reference is CAR-OTP-0040-0370, you

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1 stated and I quote, "I saw a house within which they had used the bed, a bench and a
2 chair as firewood." Can you confirm this?

3 A. Yes, I confirm all of this information and I add that the looting didn't take place
4 at night, in full daytime also and even in the presence of the house owners; they
5 would take these things and use them for firewood.

6 PRESIDING JUDGE STEINER: Maître Zarambaud, if you allow me, apparently
7 there are no questions suggested by yourself that imply on -- necessarily on the
8 witness referring to (Redacted). In your view could we maybe go
9 into open session, or should we continue in private session?

10 MR ZARAMBAUD: (Interpretation) Thank you very much, your Honour. I have
11 two questions that I will keep for the end of all of the questions for which we would
12 require closed session, but for the remainder, no, we do not need to be in a closed
13 session.

14 PRESIDING JUDGE STEINER: Mr Witness, we are planning to go into open session,
15 which means that only the information related to (Redacted), or to the fact that
16 (Redacted) should not be mentioned. It appears that the questions to
17 be put by legal representatives relates to things that you may have seen, or heard, not
18 about (Redacted). So we are going to turn into open session, but please be aware
19 of the information you should not mention. Is that fine with you?

20 THE WITNESS: (Interpretation) Yes, that is fine by me.

21 PRESIDING JUDGE STEINER: Court officer, please let's turn into open session.
22 (Open session at 11.49 a.m.)

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

24 MR ZARAMBAUD: (Interpretation) Thank you, your Honour.

25 Q. Mr Witness, you also made statements pertaining to the various commanders of

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1 the Banyamulengue, and I would like to refer here to CAR-OTP-0040-0311, paragraph
2 11. You stated that "The commanders were numerous and you could tell them from
3 the fact that they gave orders to the simple soldiers. For instance, they would send
4 the soldiers to catch chickens or goats and bring them back, or if someone who was
5 passing by would not obey to the order given by the Banyamulengue then the
6 commander would say 'Bring that person over here.' End of quote, because the
7 people who went by had to give some money to the Banyamulengue and those who
8 refused were beaten." And again along the same lines and speaking about these
9 same commanders, and I am referring now to page CAR-OTP-0040-0375, first
10 paragraph, you stated "After the looting, the commander would take from the men
11 whatever was valuable, particularly money, radio sets, boli (phon), because the
12 private soldiers knew nothing at all. They were just recruited at random." End of
13 quote. And my question to you is very simple. Can you confirm this?

14 A. I can confirm that. That is the truth.

15 Q. Mr Witness, you also stated, and my reference for this is CAR-OTP-0040-0332,
16 paragraph 3, and I quote, "The Banyamulengue would ask questions in order to know
17 whether there were any diamonds or gold somewhere in the vicinity." End of quote,
18 and it is said that since they didn't have the appropriate material they could actually
19 wash the gravel with banana leaves. Can you confirm this?

20 A. That is the truth. I can confirm that that is the statement I made.

21 Q. I thank you, Witness. You also stated, reference CAR-OTP-0040-0332, and I
22 quote, "The very same day when they, that is to say the Banyamulengue, arrived at
23 PK45, there was a small plane coming from Bangui that started shooting along the
24 road." End of quote, and that when you learned that the Banyamulenge had already
25 left Nguerengou, and you decided yourself to go back to Bangui, an aeroplane

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1 coming from Bangui was actually shooting at the Damara road and even from Bangui
2 one could hear the gunfire." End of quote. Sir, did you have an opportunity to
3 know what the plane was shooting at?

4 A. At Damara, four people were killed and I saw the corpses myself before they
5 were incinerated.

6 PRESIDING JUDGE STEINER: If I may. Mr Witness, you said that "At Damara
7 four people were killed and I saw the corpses myself before they were incinerated."
8 Do you mean that these people were killed by the fire coming from the planes?

9 THE WITNESS: (Interpretation) Yes, that is the information I received. I learned
10 that they died because of the shots fired from the aeroplane.

11 PRESIDING JUDGE STEINER: Thank you very much. Maître Zarambaud.

12 MR ZARAMBAUD: (Interpretation) Thank you very much, your Honour.

13 Q. Mr Witness, you stated, reference CAR-OTP-0040-0337, paragraph 11, that when
14 the Banyamulengue took you to a camp in Damara a helicopter landed and at that
15 place the Rwandan commander was baptised by the pastor from that locality. Could
16 you give us a brief description of that helicopter and tell us if you know who
17 were -- who was inside this helicopter?

18 A. As I had the opportunity of saying, that helicopter was white underneath; the
19 belly of the helicopter was white. I was somewhat at a distance from the place
20 where it landed and I was told that it was Mr Bemba, the chief of the Banyamulengue,
21 who had come over in order to see his own men. It was the Banyamulengue who
22 told me this. On the baptism, this is true, a Rwandan was baptised in Damara by a
23 pastor who works for the Red Cross and it was that pastor who baptised him.

24 Q. Thank you very much, Mr Witness. You stated, and I am referring now to
25 CAR-OTP-0040-0365, paragraph 17, and I quote, "When the Banyamulengue arrived

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1 at PK12, they started by committing acts of aggression and violence and this is why
2 Mr Bemba's convoy and the prime minister's convoy had to go to PK12." End of
3 quote. I have a few questions in connection with this particular quote. My first
4 question is: The two convoys, that is to say the prime minister's and Mr Bemba's,
5 did they arrive at the same time at PK12?

6 A. I am afraid I cannot hear you very well, so I would ask my interpreter to please
7 speak a bit more loudly. Yes, I said when I was in the quartier, in my own
8 neighbourhood where I resided, I heard on the Central African radio that Mr Bemba
9 had come to Bangui and he was going towards PK12. (Redacted)
10 and I myself went on the road to PK12. (Redacted)
11 (Redacted) and I know in which particular car Bemba was
12 found -- was to be found. He was in one of Patassé's vehicles, a Land-Cruiser, a
13 metal colour and smoked glass and smoked window shield, and I even saw the flag of
14 the embassy of the United States. I saw the whole convoy of the prime minister, (Redacted)
15 (Redacted)
16 (Redacted) because the vehicle that took Bemba to PK12 was a car with a smoked
17 windshield called a Yakuza. Yakuza, why? Because we would see this type of
18 vehicles in films and we, the people, would call that type of vehicle a Yakuza and he
19 was inside a vehicle like that. He went to PK12. Bemba did go to PK12. That's it.

20 Q. Thank you, Witness. Now, still in relation to this quote and these two convoys,
21 now, if you were able to see Mr Bemba as he was going towards PK12, could you tell
22 us briefly what he was wearing?

23 A. Yes, that's right. He was in a vehicle with smoked glass. I was at Fouh. I
24 couldn't distinguish someone in a vehicle with smoked glass. It was clearly said on
25 the radio that Bemba had gone to PK12. The next day I went to PK12. I ran into

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1 some inhabitants of PK12 at the market and everyone knew that Bemba had come the
2 day before. He had come to PK12. When he was there, you see the road was
3 barricaded off and cars couldn't go through, but I heard about Bemba and even
4 Miskine, who had gone to see -- who had gone to PK12 to the football pitch beside the
5 Begoua school. I would like to ask you a question. Doesn't Bemba know Bangui?
6 Doesn't Bemba know the Central African Republic? What can Bemba deny in front
7 of me? Can Bemba say that he doesn't know Bangui? That he's never been there?
8 I was born in -- when Bemba was in the habit of coming to Bangui. Bemba knows
9 there. He lived. He would go around in that area and it is not because of today's
10 trial that Bemba can come today and say that he doesn't know the town. That's a lie.
11 THE INTERPRETER: The witness mentioned that he had been born (Redacted). He
12 also made mention of Emperor Bokassa.

13 MR ZARAMBAUD: (Interpretation)

14 Q. Thank you. I do have a question in regard to this quotation. Now, after the
15 arrival of Mr Bemba that you spoke of, when he arrived at PK12, you regularly would
16 go to PK12. Did you see that after the arrival of Mr Bemba, did you see that the acts
17 of violence and abuse ended, or at least decreased in number?

18 A. During my time amongst the Banyamulengue, as I learned and as they told me,
19 he wasn't born in Bangui; he doesn't have relatives there. He doesn't have a single
20 family member in Bangui. (Redacted) but if you are being
21 threatened, if you have no one to protect, those Banyamulengue did not hesitate to
22 kill. They would say something to a passer-by, ask for money, and if the passers-by
23 did not have any money they would beat them up and they would say "You better
24 not complain or even cry." They were in the habit of saying, "Lakobeta (phon) 150
25 blows nonstop." And if they whipped you 50 times, "Well, if that's not good enough,

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1 we'll give you 150 blows, and if you cry we will start all over again. We'll start at
2 zero." And I saw that with my own eyes. No one reported that to me. I saw it
3 with my own eyes.

4 PRESIDING JUDGE STEINER: I am sorry, Maître Zarambaud. Mr Witness, maybe
5 it was my mistake, but I couldn't find the answer to the question put by Maître
6 Zarambaud, and the question was: After the visit of Mr Bemba, the violence
7 continued, increased, stopped? In your view, there has been any difference before
8 and after the visit of Mr Bemba?

9 THE WITNESS: (Interpretation) Thank you, your Honour. You see, a few
10 moments ago when I was speaking, I made some gestures. That was to show that
11 after Bemba's visit the situation worsened. That is what I can tell you.

12 PRESIDING JUDGE STEINER: Thank you very much for the clarification. Maître
13 Zarambaud, if you intend now to put your following question, question 22, we have
14 to go into private session.

15 MR ZARAMBAUD: (Interpretation) Indeed.

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

17 *(Private session at 12.07 p.m.) Reclassified as Open session

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

19 PRESIDING JUDGE STEINER: Maître Zarambaud.

20 MR ZARAMBAUD: (Interpretation) Thank you, your Honour.

21 Q. Mr Witness, you stated, and I make reference to CAR-OTP-0040-0367, "Now,
22 when in Bossembélé (Redacted) some Banyamulengue to some
23 other ones who were not at Bossembélé, and those Banyamulengue were in Damara,
24 you said that the Banyamulengue were in Bossembélé and that they called the ones in
25 Damara over a radio (Redacted)." End

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1 of quote. You also specified, and the reference is CAR-OTP-0040-0372, that (Redacted)
2 (Redacted)

3 some of the chiefs, the leaders, also had walkie-talkies and the Banyamulengue also
4 had a military radio with antennas and a generator to provide power to this piece of
5 equipment. My first question is as follows: Did you see any radio broadcasting
6 equipment anywhere else, any radio transmitters elsewhere?

7 A. Thank you. I saw radios, I saw generators, I saw a piece of radio equipment in
8 Bossembélé. Also in Damara I saw various kinds of walkie-talkies. Some of the
9 walkie-talkies were bigger than others and I would see them carrying them in their
10 hands. I saw all of these things in their hands. I don't know whether you have any
11 questions - any more questions - but I can answer.

12 Q. Thank you, Witness. Your reply to this first question is entirely satisfactory.
13 My second question - and if you have the information please reply - my second
14 question is as follows: Do you know whether the Banyamulengue would also
15 communicate with Bemba using a piece of military radio equipment?

16 A. I wasn't beside those pieces of radio equipment. I have no idea. To tell you
17 the truth, you know, if I send my son to do something for me somewhere, I expect
18 him to call me to give me an account of what's going on. If Bemba didn't know
19 where his soldiers were, how could they move about, go to Damara and land? So
20 the helicopter, before it landed, it was in communication with the radio that was in
21 the field, and they communicated and they burnt a tyre so that smoke would go up so
22 that the helicopter could head towards that particular place.

23 Q. Thank you very much, Witness. My last question in private session is as
24 follows: You stated, and the reference is CAR-OTP-0040-0377, paragraph 9, and I
25 quote, "I am worried not about my own safety, but rather about the safety of my

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1 family ... and now that we have concluded I am sure that I am going to have some
2 problems with Patassé, Bemba and the dignitaries of this country." End of quote.
3 Could you give us more information about the source of your fears? Why are you
4 fearful of these three people, Patassé, Bemba and the dignitaries or the distinguished
5 people of your country?

6 A. Thank you. I think that you are a great lawyer, and I have great respect for
7 you. I greatly respect the role that you are playing and I will answer. I will answer
8 and I will tell you the truth. I will begin by giving an example. I want to give the
9 example of a country that is not my own. I want to talk about Zaire. There is a
10 great man there and I've heard about this over the airwaves, and apparently he is the
11 one who was the head of the human rights organisations in Zaire. He was killed.
12 I don't know why and because -- it was because of these -- this kind of trial. I am just
13 a witness today.

14 In Bangui, when they were shooting, when things were going on, there was no one to
15 stand behind me and support me and help me and give me money, or so that I could
16 travel about (Redacted). I had no support and now we are before the
17 Court and I have given testimony and now I want to go back home.

18 Will Bemba be found guilty? I don't know. Will Bemba be acquitted? I don't
19 know. Patassé is now dead. Patassé has family. He has his friends. He has his
20 leaders. All the people that he worked with, they are still there. They are still in
21 the country. And there is also the Central African Republic lawyers who have seen
22 me here, they have seen me, they are here.

23 You see in our part of the world, in the Central African Republic, our houses are built
24 out of brick. Many people like that were killed in the Central African Republic.

25 I can give the example of Mr Gilombe who was killed. What happened after his

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- 1 death? If I go back to Bangui -- once I go back to Bangui, if I am kidnapped at the
2 airport and then killed, maybe people will ask, "Why did you go off and give
3 testimony?"
- 4 You see, you know, if I had had that question from another person I wouldn't have
5 answered, but since it is you, sir, Mr Zarambaud, I know that you are familiar with
6 the Central African Republic, very familiar, and I know that you are fighting a great
7 deal in the country. I have nothing to add. I just don't have the words to reply.
8 The only thing is that I am the one who did all of this. (Redacted)
9 I have -- my conscience is at ease. That's all.
- 10 Q. Thank you, Mr Witness. Now, I asked you that question because I wanted you
11 to have an opportunity to express your concerns to the Court, which is in a position to
12 take various measures to ensure that your testimony does not represent a danger for
13 you. So I thank you for providing us with those explanations.
- 14 Your Honour, I had one last question, number 23 in my application, and this question
15 does not have to be asked in private session. So if you wish, we could go into open
16 session and I can ask it then.
- 17 PRESIDING JUDGE STEINER: Court officer, please turn into public session and I
18 remind the witness not to mention anything about (Redacted).
19 (Open session at 12.19 p.m.)
- 20 THE COURT OFFICER: We are in open session, Madam President.
- 21 MR ZARAMBAUD: (Interpretation) Thank you, your Honour. This is my last
22 question.
- 23 Q. Witness, you stated, and the reference is CAR-OTP-0040-0373, paragraph 11,
24 and I quote, "I noticed that when the Banyamulengue would see a Central African
25 Republic soldier with a nice uniform, they would have him take it off because Patassé

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1 did not trust the national army. He trusted only the Banyamulengue." End of
2 quote. And you also stated, reference CAR-OTP-0040-0374, paragraph 4, that "The
3 Central African Republic soldiers said that Patassé had brought the Banyamulengue
4 in and that when they came they were wearing the uniforms of our people, our
5 generals, which had discredited our army, so the Central African Republic soldiers
6 did not want to follow the orders of Patassé." End of quote. My question is -- well,
7 I have reformulated it in accordance with the instructions of the Court. My question
8 is as follows: Did the FACA take part in the fighting, yes or no?

9 A. Thank you. All these photographs and other images that you looked at, you
10 can't see a soldier from our country in them, not from the RDOT or from the
11 Presidential Guard. You won't see any of them; you only see the Banyamulengue.
12 I must admit that it is difficult. It is true he didn't trust those soldiers and that's what
13 justified their being withdrawn. They weren't armed. How could they operate
14 together with them? When you call upon a foreign army, if you call upon a
15 formal -- a foreign army in a regular way, the national army can work with the
16 foreign army, as we have seen with the CEMAC troops or the French army troops,
17 but if you call upon soldiers who come from -- well, your own soldiers, what can that
18 do?

19 Once -- well, at that time it was Patassé who was the supreme commander of the
20 army, and he was the one who had provided the outside forces with weapons, and
21 the national army didn't have any weapons, so what could that national army do?
22 I think I will leave it at that. I do remember that I did have something to say that I
23 wasn't able to say. I would like -- I would like us to go into closed session so that I
24 could say this thing.

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

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- 1 *(Private session at 12.23 p.m.) Reclassified as Open session
- 2 THE COURT OFFICER: We are in private session, Madam President.
- 3 THE WITNESS: (Interpretation) Your Honour, (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 A few days later (Redacted). I went to (Redacted) where
- 15 the office was, (Redacted). At the time I didn't have a telephone and I
- 16 wrote my name on a piece of paper. (Redacted)
- 17 (Redacted). We put it in an envelope and we left it at the office. And then
- 18 after that there was a call and we went there to meet with some people there who
- 19 were there; (Redacted). I think those were the people that I met there,
- 20 and then there was (Redacted) --
- 21 THE INTERPRETER: Inaudible.
- 22 THE WITNESS: (Interpretation) -- (Redacted). So those were the people that I
- 23 was able to meet with there. I thought about it and I said to myself, "Well, there are
- 24 lawyers who are presenting legal arguments, like, such as Mr Zarambaud,
- 25 Ms Douzima-Lawson. They are Central African Republic lawyers. I can approach

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1 them." But I had some concerns. My concern -- well, I have spoken of my concerns.

2 I mentioned them a few moments ago. I said to myself, "If these high level people

3 have been killed and there was no trial, someone like me, an ordinary person like me,

4 what's going to become of me?" And it was in relation to all those concerns that I

5 took my position and so that is why I posed and that is today. Today people will

6 know that there was a Central African person (Redacted)

7 (Redacted)

8 As I explained to you a few moments ago, I was living in (Redacted), and the transportation

9 costs had been covered. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted) The investigator said to me,

15 "In that case we will receive you, but in a different way." (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 THE INTERPRETER: The Sango interpreter requests that the witness slow down.

20 THE WITNESS: (Interpretation) (Redacted)

21 (Redacted) I was given a telephone and they said to me,

22 "Now, to meet with you it is difficult for us because you don't have a telephone.

23 Now here's a telephone and once we need you we will call you so that you can come

24 and work with us so that we can provide the results to the Court". That's what

25 happened.

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- 1 So what are my concerns? I am telling you, immediately I called my family (Redacted)
- 2 (Redacted) and the telephone didn't answer properly. I called the mother of my
- 3 children and I said to her that I had called my sister and I hadn't been able to reach
- 4 her. I called another person in the centre of town to ask what the situation was like
- 5 and the person replied that everything was all right. Then I said, "Well, she knows I
- 6 am not (Redacted). I am here. She knows that I go to town every day." And so if
- 7 that happened, it was -- if there was a death or misfortune that I didn't go into town.
- 8 It's when I go to town that I get money to be able to eat.
- 9 You know, (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 I told you we were together at the office of the ICC. We didn't receive anything.
- 16 We were cooperating with the Court voluntarily. That is what I had said to you.
- 17 You know, we are all human beings, and we can't know what other people are
- 18 thinking, or what is in their heart. There are learned people and unschooled people
- 19 and they are very different, and people who haven't been to school have a different
- 20 way of thinking, so that's why I am concerned.
- 21 PRESIDING JUDGE STEINER: Mr Witness, we are really happy that you could
- 22 express in such a clear way your fears, your concerns. The Chamber will get in
- 23 touch with VWU to see what can be done in order to calm you down in order to make
- 24 it sure that you are not under risk, and that VWU will continue giving you assistance
- 25 to you and to your family in terms of your safety. But it is good that you enjoyed

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1 this opportunity to put your concerns to the Chamber.

2 I ask, please, Maître Zarambaud whether there is any further questions?

3 MR ZARAMBAUD: (Interpretation) No, Madam President. I thank you for
4 having granted me the floor and I thank the witness for kindly having answered my
5 questions, and particularly in sharing so candidly, so open-heartedly, his concerns to
6 the Court. As your Honour has said, the Court will do its utmost to make him more
7 serene. Thank you and thank you, Witness.

8 PRESIDING JUDGE STEINER: Maître Douzima.

9 MS DOUZIMA-LAWSON: (Interpretation) I thank you, your Honour. I would
10 like to start with questions that don't require a private session. I think for the time
11 being we could remain in open session.

12 PRESIDING JUDGE STEINER: Mr Witness, we are going to turn into open session
13 and once again reminding you not to mention any information that could lead to your
14 identification. Court officer, please turn into open session.

15 (Open session at 12.36 p.m.)

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

17 QUESTIONED BY MS DOUZIMA-LAWSON: (Interpretation)

18 Q. Mr Witness, good morning.

19 A. Good morning, Counsel.

20 Q. Witness, I will introduce myself. My name is Marie-Edith Douzima-Lawson
21 and I am the legal representative of victims, like Mr Zarambaud Assingambi who has
22 just questioned you, and as he has so wisely said a while ago, we are lawyers and in
23 this proceeding we are called legal representatives of victims. In other words, all of
24 the victims who are allowed to participate in the proceedings are represented by
25 ourselves, and we are the people who bring across their point of view and concerns to

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1 the Court.

2 Mr Witness, I believe you are familiar with both of us, Mr Zarambaud and myself.

3 We are Central Africans, like yourself. Nonetheless, we are going to ask you some

4 questions in the framework of the work we do here. It is not for us that you are

5 going to reply to the questions. There are questions that will seem self-evident to

6 you, because they are queries by Central African lawyers. However, it is for the

7 Chamber that you are replying. There are queries that will seem repetitive, I mean

8 questions which will resemble already given questions posed by the Prosecutor's

9 office, but as I have said before we represent the victims here, so I am going to ask

10 you questions on your statement throughout the Prosecutor's investigation and

11 questions relating to the responses you have given here in court, answers given to the

12 Prosecutor's questions. Have you grasped what I have just said to you, sir?

13 A. Yes, I have grasped that.

14 Q. Thank you, Witness. Mr Witness, you stated to the investigators, reference

15 CAR-OTP-0040-0298, you said that it was by their behaviour that you had recognised

16 the Banyamulengue when they arrived for the second time in Bangui. Could you

17 tell the Court what type of behaviour this was that allowed you to recognise the

18 Banyamulengue?

19 A. The behaviour of the Banyamulengue is this way: You know, when you are

20 walking around and you see a free-for-all, all of a sudden, and you want to see

21 yourself what's happening and you venture amongst them, you are going to see what

22 their behaviour is and what they're like, whether they are going to strip you, assault

23 you, beat you, or take away everything you have. They stole things. They

24 mistreated people. They could do anything they wanted to. They could rape a

25 woman in public along the roadside. Would a normal person behave this way?

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1 Looking at that, you could see that this person was a murderer, a thief, or a rapist.

2 Q. You talked about, CAR-OTP-0040-0301, you learned that the Banyamulengue
3 were based in Camp Obrou, they were divided into groups. One group was in front
4 of the Parliament, another was in the annex of the school and another group at Civile.
5 Which school are you talking about? The annex of which school?

6 A. Thank you. Camp Béal is not far from the school annex. It is next to a soccer
7 field in front of the municipal school, opposite the community hospital, rather, the
8 hospital. You have Camp Béal towards the National Assembly on the right. This
9 sector is called Camp Béal. In being deployed in the quartier, they went from 200
10 Villas and went behind the national assembly to Boy-Rabé quartier and they went by
11 the annex by the 200 and 36 Villas and then went to the 4th arrondissement until
12 PAM, behind the Catholic church, to arrive at the centre for handicapped persons. It
13 is all of that sector, it is 200 Villas, 36 villas, centre for disabled persons, PAM and the
14 crossroads of the martyr.

15 Q. Thank you very much for a clear explanation. CAR-OTP-0040-0332, you said
16 that some Banyamulengue spoke Mandja and others Sango. I would like to know if
17 you speak Mandja yourself?

18 A. Yes, I speak Mandja (Redacted)
19 (Redacted), so I speak both languages, Gbaya and Mandja.

20 Q. And the Banyamulengue who spoke Mandja, do they speak the way you do?

21 A. There are two variations of Mandja. There is the Douagene (phon) Mandja and
22 there is the Dekoua Mandja. I know both variations. I conversed in Mandja
23 language with them. When they asked me where was the diamond-bearing area,
24 they asked the question in Mandja and I replied in Mandja. And if you would like,
25 I can tell you what they asked me in Mandja, what they said in Mandja.

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1 Q. No, it is not necessary to repeat what they said in Mandja. My concern is to
2 know whether you observed that they spoke Mandja like you, since you are a Central
3 African, or that they speak one of the variations of Mandja that you have just
4 mentioned?

5 A. The variation of Mandja that they spoke resembled pretty much like ours, but
6 there is a slight difference that you can detect, but we could understand each other.

7 Q. And what about Sango?

8 A. Amongst the Banyamulengue, some of them spoke Sango. You know, even the
9 residents of Zongo are accustomed to crossing over to our market and in the market
10 they spoke Sango, so we have the occasion to speak -- they have the occasion to speak
11 to us in Sango.

12 Q. And like Mandja, is there a difference between the Sango that they speak and
13 the Sango that you speak in the Central African Republic?

14 A. The accent of a Zairean is detectable. When a Zairean speaks you know it is a
15 Zairean who is speaking. There is a difference in accent.

16 Q. Mr Witness, I would like to take this opportunity to ask a follow-up question
17 regarding some of the answers you gave to the Prosecutor. It was in a hearing of
18 17 May 2011, of course, transcript in real-time, page 10, line 18 to 28, page 11, lines 1
19 to 6. You had said that the Commander Cercueil, when people were brought to him,
20 apprehended -- he subjected them to an interrogation and sometimes he asked the
21 person to give his name and if this name sounded like Mandja or Guayaba (phon) in
22 origin, he called someone else to identify the origin of the person, and in questioning
23 the person, if the person is able to speak Mandja, for example, then he knows he is
24 someone who is neutral and the person could be released, and if the person did not
25 speak Mandja and spoke Arabic or another language, for example, then the

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1 conclusion in his mind was that he was a spy and he was killed. My first question
2 regarding that passage would be to know why Cercueil considered that only people
3 of Mandja or Guayaba origin were to be Central Africans, whereas there are other
4 ethnic groups in the Central African Republic?

5 A. Thank you. When they reached Damara and even before that, as I said before,
6 I said they spoke Mandja and they knew that most of the people passing by spoke
7 Mandja, and in their group commanded by Cercueil, when they communicate
8 amongst themselves they spoke Mandja to communicate and not in Lingala. In this
9 way, some of the elder persons in the village who couldn't escape could understand
10 them and they presented themselves like Mandja, or Kaja (phon), Kada or Mandja,
11 and in that way they knew that the village was inhabited by Mandja and they
12 considered these residents of the village like their kin.

13 Q. And who did Cercueil call over to identify these people as Mandja, or as
14 something else?

15 A. What I have said is that he is always ahead, in front of the others. If you have a
16 table and these people seated down, the soldiers seated at the table, and you have got
17 soldiers at the checkpoint and when they stop someone at the checkpoint they bring
18 this person to Cercueil and Cercueil asks who he is. "Who are you? Are you a
19 soldier? Are you Bozize's soldier? Are you Chadian? What is your ethnic origin?"
20 That is what Cercueil asked these people who were brought over to him. Then after
21 giving the ethnic origin, then Cercueil would turn to one of his soldiers who spoke
22 Mandja and he asked for the person to speak Mandja, to see if he were Mandja or not.
23 And then afterwards the soldier could confirm whether this person was Mandja or
24 not and decide to hold you for a few days, or get further information. "Do you know
25 such-and-such a person? Does he live in the village? Does he -- is he a resident of

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1 the village?" But if the person -- if no one knew you or if no one could vouch for you,
2 they could kill you.

3 MS DOUZIMA-LAWSON: (Interpretation) Thank you, Witness, that is clear.
4 May I continue?

5 PRESIDING JUDGE STEINER: Yes, you have five minutes.

6 MS DOUZIMA-LAWSON: (Interpretation) Thank you, Madam President.

7 Q. I would like to go to the next question, reference CAR-OTP-0040-0337. You
8 stated, Mr Witness, that the commander of the camp on the route leading to Sibut was
9 a Rwandan. How do you know that it is a Rwandan?

10 A. I thank you. What allowed me to identify this person as a Rwandan is that,
11 when the Rwandan genocide took place there were many Rwandans in my country.
12 I am not sure whether you realise that or not. (Redacted) they were
13 identifiable because of the shape of their heads. That was one of the factors that
14 allowed me to identify a Rwandan. And, furthermore, they didn't speak Lingala.
15 They always needed interpretation in order to speak with others.

16 Q. You mentioned a camp on the road to Sibut. Did the Banyamulengue have a
17 camp in Sibut proper?

18 A. They have no camp in Sibut. Mr Sorongope's house, which they took
19 possession of, and the other houses around that, specifically starting at the junction
20 that separates the lycée Damara and the neighbourhood towards the bottom half up
21 until Mr Mandaba's house, up until the mango trees on the Bangolo road, all of that
22 sector was occupied by them and that is what I call their camp. They were also in
23 the bush. Some 400 or 500 metres away from the road on either side of the road.
24 They were scattered all over bush. They were there and, when it came to
25 distributing food, you would have to go into the bush in order also to give food

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1 supplies to those who were in the bush. And when they started shooting, it was
2 really that that enabled me to understand that it was a camp.

3 PRESIDING JUDGE STEINER: Maître Douzima, if it is fine with you, we are going
4 to have our lunch break now. You can continue when we resume.

5 Mr Witness, we are having now a lunch break. You can have lunch and take some
6 rest. If you need any kind of assistance from Victims and Witnesses Unit, you please
7 just let us know and someone will be there to talk to you. It is now 1 o'clock. We
8 will be back at 2.30, when Ms Douzima will continue with your questioning.

9 I ask, please, court officer, to turn into closed session in order for the witness to be
10 taken outside the courtroom. In the meantime, we are going to suspend and resume
11 at 2.30.

12 Mr Haynes?

13 MR HAYNES: No, I was just standing out of courtesy.

14 THE WITNESS: (No interpretation)

15 *(Closed session at 1.02 p.m.) Reclassified as Open session

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

17 (The witness stands down)

18 THE COURT OFFICER: All rise.

19 (Luncheon recess taken at 1.03 p.m.)

20 *(Upon resuming in closed session at 2.35 p.m.) Reclassified as Open session

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

22 PRESIDING JUDGE STEINER: Good afternoon and welcome back. We will
23 continue with the questioning of Witness 63 by Maître Douzima. I ask, please, court
24 usher, to bring the witness in.

25 (The witness enters the courtroom)

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- 1 PRESIDING JUDGE STEINER: Court officer, please turn into private session.
- 2 *(Private session at 2.38 p.m.) Reclassified as Open session
- 3 THE COURT OFFICER: We are in private session, Madam President.
- 4 PRESIDING JUDGE STEINER: Thank you very much. Good afternoon,
- 5 Mr Witness.
- 6 THE WITNESS: (Interpretation) Good afternoon.
- 7 PRESIDING JUDGE STEINER: Did you manage to rest a little bit?
- 8 THE WITNESS: (Interpretation) Yes. Yes, I did.
- 9 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony?
- 10 THE WITNESS: (Interpretation) Yes, I am, your Honour.
- 11 PRESIDING JUDGE STEINER: So I will give the floor to Maître Douzima.
- 12 Just -- I don't remember whether we were in private or open session when you
- 13 finished?
- 14 MS DOUZIMA-LAWSON: (Interpretation) I am sorry, but I don't have the
- 15 translation of what you are saying, your Honour. I think that we could continue in
- 16 open session. When the time comes, if you allow me, your Honour, I may have
- 17 some questions and we might move to another set-up, but right now in open if that is
- 18 all right with you?
- 19 PRESIDING JUDGE STEINER: Yes, this is all right with me. Just then I will
- 20 remind the witness that we are going into open session and we ask you, sir, then to
- 21 avoid that kind of information that could lead to your identification.
- 22 Court officer, please turn into open session.
- 23 MS DOUZIMA-LAWSON: (Interpretation)
- 24 Q. Mr Witness, good afternoon, sir.
- 25 A. Good afternoon.

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1 (Open session at 2.40 p.m.)

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

3 MS DOUZIMA-LAWSON: (Interpretation) I am sorry.

4 Q. May I now refer to CAR-OTP-0040-0339. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. I fully understand your answer. This leads me to another question, if I may?

22 I should like to know whether the parents told you how they came to realise that their
23 daughter had disappeared?

24 A. When I got to their place, to the parents' house, the parents had never seen me
25 before and I asked them a few questions and the eldest sister was really astonished.

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1 She called her mother over, who saw me. The eldest sister said, "Oh, he's come
2 asking for so-and-so" and the mother was really worried and she told me, "My son, if
3 you have something to tell me, please tell me." And I said, "Oh, no, ma'am, I just
4 came to ask you whether the girl is there." And she insisted and she said, "My son,
5 come and tell me. If there is something you have to tell me, tell me. Maybe she's
6 dead. If she is, do tell me." That is what she told me.

7 Q. I will not stress this, I will not insist on that. I fully appreciate the fact that the
8 parents did not tell you how they came to realise that their daughter had disappeared,
9 so perhaps I can proceed to another question; reference CAR-OTP-0040-0394. Here,
10 you speak of a soldier whom you believe is a former Mobutu soldier. How did you
11 know that?

12 A. As I have already stated, I had a conversation with them and he himself told me
13 that they were former military men belonging to Mobutu's army. Concerning (Redacted)
14 (Redacted), he said that he had worked in Bangui as an aid-de-camp to the former
15 President Kolingba before going back, and it was after he returned that he was
16 enrolled into the Banyamulengue. I know this because I had a conversation with
17 him.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 PRESIDING JUDGE STEINER: Sorry, Maître Douzima. Let's go, please, into
2 private session.

3 *(Private session at 2.48 p.m.) Reclassified as Open session

4 PRESIDING JUDGE STEINER: Maître Douzima, I would like you please to (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted) Sorry, court officer, I

10 didn't wait for you to inform.

11 THE COURT OFFICER: Thank you, Madam President. We are in private session
12 since 14.48.07 and the redaction order will be coming for your signature.

13 PRESIDING JUDGE STEINER: You can proceed, Mr Witness. You can respond to
14 the answer -- to the question, sorry.

15 THE WITNESS: (Interpretation) Thank you very much. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 PRESIDING JUDGE STEINER: Maître Douzima, sorry to interrupt you. Please,
11 when the witness finishes the answer, remember the five-seconds golden rule.
12 Thank you.

13 MS DOUZIMA-LAWSON: (Interpretation) Thank you very much indeed, your
14 Honour. I shall abide by that ruling next time.

15 Q. Let me remind you of the reference, CAR-OTP-0040-0342, wherein you state
16 that you met Mustapha in Damara on the day the Banyamulengue were delivered a
17 heavy weapon with four cannons mounted on a wheel. Would you please tell the
18 Court who delivered that heavy weapon to the Banyamulengue? Your Honour, I
19 believe that as I said earlier, I am paying attention so as to make sure that the
20 questions I am asking can be asked in an open session and the other questions I will
21 ask later.

22 A. Thank you very much. As I have already stated, when the helicopter landed in
23 Damara, two days later, two days after that helicopter landed, I saw that heavy
24 weapon, and when I asked some questions about the landing of that helicopter, I was
25 told that it was their leader, Mr Bemba, who had arrived in Damara, and two days

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1 later I saw a heavy gun - a heavy weapon. It was after the arrival of the helicopter
2 and when I asked some questions in connection with the helicopter I was told that it
3 was a person of prominence who had arrived.

4 MS DOUZIMA-LAWSON: (Interpretation) Your Honour, perhaps I did not make
5 myself clear. I was saying that the question I was going to ask did not need us to be
6 in a private session, but now that we are in a closed session I could ask -- I could
7 proceed now to questions that do necessitate a closed session.

8 PRESIDING JUDGE STEINER: Maître Douzima, we are in private session.

9 MS DOUZIMA-LAWSON: (Interpretation) I was saying that in connection with
10 the questions that I have just asked. However, we can keep the closed session for the
11 time being.

12 PRESIDING JUDGE STEINER: Maître Douzima, I think you could rely on the
13 Presiding Judge, on the sensitivity of the Presiding Judge to decide whether we have
14 to go into private session or into open session. (Redacted)

15 (Redacted)

16 (Redacted) You can continue,

17 please.

18 MS DOUZIMA-LAWSON: (Interpretation) Thank you very much, your Honour.

19 Q. The next reference is CAR-OTP-0040-0396. I should also like to refer to the

20 picture CAR-OTP-0035-0366. On that particular picture, Mr Witness, (Redacted)

21 (Redacted) Cercueil with a machine gun. Do you know where he found that machine
22 bond -- gun?

23 A. I cannot know that, but I did say in the course of my statement that the person
24 who called them over to Bangui delivered them the weapons.

25 Q. I thank you, sir. Next reference CAR-OTP-0040-0351. When describing the

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1 commander called Mustapha, you said he was tall, black and he looked like a
2 Rwandan. Was it he who said he was Rwandan?

3 A. No, he did not tell me. However, just by looking at him and listening to him
4 speak and looking at his face, I could tell he did not look like somebody from Zaire,
5 but like a Rwandan. He didn't tell me. It was I who am saying this and I am
6 confirming this, my own statement.

7 Q. Mr Witness, on page CAR-OTP-0040-0356, you speak of the Red Cross and you
8 say, more specifically, that you asked a certain number of questions of the staff of the
9 Red Cross, Red Cross staff in Damara. What particular Red Cross are you referring
10 to?

11 PRESIDING JUDGE STEINER: One moment, Mr Witness. Court officer, we can go
12 into open session, please.

13 If you want, you can repeat the question, Maître Douzima

14 MS DOUZIMA-LAWSON: (Interpretation) Yes, your Honour.

15 (Open session at 3.00 p.m.)

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

17 MS DOUZIMA-LAWSON: (Interpretation).

18 Q. Witness, I shall repeat my question. You said that you asked some questions
19 of the Red Cross staff who were there. Which particular Red Cross are you speaking
20 of?

21 A. When I am speaking about the Red Cross, I am talking about the (Redacted) who
22 was in Damara and who was wearing the Red Cross uniform, and I also asked
23 questions of the members of the Red Cross staff, and we were at his home and I am
24 saying that they were the ones who were going around in the bush to pick up the
25 corpses so that they could be burnt. (Redacted)

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1 when I was walking around in the bush, (Redacted). It was

2 the Red Cross, like any other Red Cross service, and they were based in Damara.

3 Q. Was it the Central African Republic Chapter of the Red Cross?

4 A. Yes.

5 Q. And how did you know that it was the Central African Republic Red Cross?

6 A. I was sitting (Redacted) and he was from the Central African Republic

7 and the members of the staff - the Red Cross staff - were from the Central African

8 Republic. I wasn't going to ask them if they were Congolese or Rwandans. I knew

9 that they were from the Central African Republic.

10 Q. I thank you, Witness. You also stated, and I will repeat what you said,

11 CAR-OTP-0040-0361, you said the following: "At the beginning it was difficult, but

12 then after that they, that is to say the Banyamulengue, were able to cooperate with

13 people whom they found on-site." What sort of form of cooperation were you

14 talking about exactly?

15 A. Well, when I talked about cooperation, it was in relationship -- well, it doesn't

16 mean that the Banyamulengue were sitting down together with the inhabitants and

17 vice-versa. No. In the centre of town, in Damara, all the shops and the dwellings

18 had already been looted, and from time to time they would come back. When they

19 had no longer -- when they no longer had any foodstuffs, they would come back to

20 look for fresh supplies. But, no, they weren't acting like brothers, no. When they

21 arrived, it was two or three weeks later. That was when things changed. That is

22 how I would describe this cooperation.

23 Q. Now, Witness, you also stated at page CAR-OTP-0040-0366 the following: You

24 said that there had been announcement that Jean-Pierre Bemba had gone to PK12

25 because of the acts of violence and the abuse that the Banyamulengue had committed,

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1 and you had heard that on the radio. Could you tell us which radio station you
2 heard the information on?

3 A. I heard that on the radio station called Radio Centrafrique.

4 Q. Thank you, Witness. I would like to move on to another point;

5 CAR-OTP-0040-0377. You stated that some people from Kasai talked about goods or
6 items that the Banyamulengue had unloaded close to the river, close to the Ubangi
7 Hotel. Now, could you tell the Chamber where Kasai is in relation to the Ubangi
8 Hotel?

9 A. The Kasai, Ouango, Ngaraba neighbourhoods are in the 7th arrondissement.
10 As for the Ubangi Hotel, that is a hotel located in the 1st arrondissement along the
11 shores of the Ubangi River in Bangui.

12 Q. And the Ubangi Hotel in relationship to the port? Is it alongside the river?

13 A. Well, the distance -- Ubangi Hotel has several floors. It is built on rocks that
14 are found beside the Ubangi River in Bangui.

15 MS DOUZIMA-LAWSON: (Interpretation) Thank you. Your Honour, I would
16 like to move on to a series of questions that will require us to go into private session.

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

18 *(Private session at 3.08 p.m.) Reclassified as Open session

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

20 MS DOUZIMA-LAWSON: (Interpretation)

21 Q. Witness, I am making reference to (Redacted) the photographs
22 (Redacted), CAR-OTP-0035-0242. (Redacted) a kadogo with a grenade.
23 Now, do you know where this kadogo obtained this grenade?

24 A. You see, when the Banyamulengue arrived in Damara, they were using the
25 equipment of the Central African Republic army. I said that the grenade that was on

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1 the Banyamulengue (Redacted) was a Chinese grenade and it
2 was the first time I had seen this kind of grenade.

3 Q. Then on the photograph --

4 PRESIDING JUDGE STEINER: Is there a problem here with the number of the
5 picture?

6 MR HAYNES: Yes, I think if these questions are going to be asked about the
7 photographs they should be put on the screen so that the witness can see them and so
8 that the accused can see them, because I don't agree that that is a kadogo in that
9 photograph and I am sure my client wouldn't if he saw it. So if there are going to
10 be questions put about pictures, can they please be put into eCourt?

11 PRESIDING JUDGE STEINER: You are right, Mr Haynes. I am sure that the
12 question refers to one picture that is not 0242. So could you please, Maître Douzima,
13 specify exactly which photo you are talking about because photo 0242 is not a kadogo.
14 It is not a kadogo with the Chinese grenade to which the witness referred to. Do you
15 want picture 242 to be displayed?

16 MS DOUZIMA-LAWSON: (Interpretation) If you will allow me a moment to find
17 the exact image, but I can move on to another question if you want us to gain some
18 time?

19 PRESIDING JUDGE STEINER: It is up to you, Maître Douzima.

20 MS DOUZIMA-LAWSON: (Interpretation) That is what I was intending to do. I
21 could also put the question differently, but I will move on to another question.

22 Q. Now, on a photograph -- well, the problem really isn't with the photograph. I
23 will ask you the question. There is a Banyamulengue who was communicating with
24 a walkie-talkie and you said that you weren't sure whether the walkie-talkie was
25 working or not. What led you to say that; that the walkie-talkie that he had in his

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1 hand was not necessarily working?

2 A. Yes, I did say that, because when you try to zoom in on the walkie-talkie that is
3 on the screen, you will realise that it was equipment that wasn't working, that the
4 equipment wasn't working, and that they were just going around with equipment. If
5 it was really working equipment, they wouldn't have behaved in that manner.

6 Q. Thank you. Now, also on one of the photographs you have a picture of two
7 Banyamulengue on a motorcycle, and you say that apparently they stole the
8 motorcycle from a humanitarian organisation. Was it the inhabitants of that place?
9 Since we are in private session I will specify that the location in question is Damara.
10 Was it the inhabitants of Damara who gave you that item of information? Did they
11 tell you which humanitarian organisation they were referring to?

12 A. Thank you. I would like to specify that the Banyamulengue wanted -- had two
13 motorcycles. One was red and the other one was blue. They would go around
14 with the motorcycle in the town of Damara. The red motorcycle in the photograph
15 that we are talking about, I have shown you a person who was wearing a red T-shirt
16 and a Muslim head cap. He was the one who had stolen the motorcycle, and he
17 even had a traffic accident on that motorcycle. (Redacted)

18 (Redacted)

19 There were two motorcycles that had been stolen. Those motorcycles belonged to a
20 project. You see, if I can't get back to Bangui after working, well, I was living (Redacted)
21 (Redacted) and I was living with the villagers, and those
22 people were the ones who gave me that information. I did that without the
23 Banyamulengue knowing that I was spending some nights with the inhabitants of
24 Damara, so that is how it came to be that I learned that this motorcycle belonged to a
25 project that was working in Damara, but I no longer recall the name of the project.

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1 Q. At page CAR-OTP-0040-319, you talked about "ordinary Banyamulengue."

2 What did you mean by "ordinary Banyamulengue"?

3 THE INTERPRETER: Reference number 399.

4 THE WITNESS: (Interpretation) Ordinary Banyamulengue? I said that because
5 some were thought of as leaders, or commanders. They would be referred to as chief,
6 but they wouldn't specify the rank. Was it a commander? Was it a corporal? Was
7 the person a sergeant? I couldn't tell you. Or was the person just an ordinary rank
8 and file soldier? I don't know. That's why I said an ordinary Banyamulengue in
9 opposition to a leader.

10 MS DOUZIMA-LAWSON: (Interpretation)

11 Q. At page CAR-OTP-0040-0400, (Redacted)

12 (Redacted) Do you remember that?

13 Do you know that person's name?

14 A. No, I don't know that Banyamulengue's name. (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted) so I don't know how I could give you any more
24 information than that.

25 Q. That's just fine. Witness, at page CAR-OTP-0040-0401, you stated the

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1 following: (Redacted)

2 (Redacted) I will ask you the question: Do you know who that person

3 was?

4 A. I didn't see that person, (Redacted)

5 (Redacted)

6 (Redacted) That was the answer that I gave

7 him and after that I no longer had occasion to speak to him about that particular

8 matter.

9 MS DOUZIMA-LAWSON: (Interpretation) Thank you, Witness. Your Honour, I
10 have three questions to ask in open session.

11 PRESIDING JUDGE STEINER: We will turn into open session, Maître Douzima, but
12 I ask your special attention to the questions and whether the questions can generate
13 answers that should be given in public session. Mr Witness, we are going to turn
14 into open session, so be careful with the information you give in public session, please.
15 Court officer.

16 (Open session at 3.21 p.m.)

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

18 MS DOUZIMA-LAWSON: (Interpretation).

19 Q. Now, Witness, I am now going to ask you some questions that have to do with
20 the answers that you gave in reply to some questions from the Prosecution. I will
21 begin with transcript -- the real-time transcript of 12 May 2011, page 5, lines 27 and 28,
22 as well as page 6, lines 1 to 3.

23 PRESIDING JUDGE STEINER: Maître Douzima. Court officer, very briefly let's go
24 into private session, please.

25 *(Private session at 3.23 p.m.) Reclassified as Open session

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

2 PRESIDING JUDGE STEINER: Maître Douzima, I am sorry to interrupt you again.

3 (Redacted)

4 MS DOUZIMA-LAWSON: (Interpretation) No, your Honour.

5 PRESIDING JUDGE STEINER: Thank you very much. We can turn back into open
6 session, please.

7 (Open session at 3.24 p.m.)

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

9 MS DOUZIMA-LAWSON: (Interpretation)

10 Q. Witness, during the hearing of May the 12th, 2011, you said, when speaking
11 about Mustapha, who was the commander of all the Banyamulengue in Bangui, you
12 said that his leader sent him to Bangui to take over -- to take the control of the
13 operations in Bangui and the decisions went from Patassé to Mustapha, and that the
14 orders would be conducted or implemented rather in the field and that was the chain
15 of command. Now, who was the leader or the chief of Mustapha who sent him to
16 Bangui? Who was that person?

17 A. As I have already said, Mustapha's chief or leader was Bemba. The
18 Banyamulengue, who were in Bangui, were Bemba's soldiers. Mustapha was the
19 commander in Damara on behalf of Bemba. We know -- we knew the
20 Banyamulengue well before they came to Bangui and their leader was Bemba.

21 PRESIDING JUDGE STEINER: Mr Haynes?

22 MR HAYNES: I think we sat all day on May 12th. Could we have a transcript
23 reference, please, for this quotation?

24 PRESIDING JUDGE STEINER: Ms Douzima, please.

25 MS DOUZIMA-LAWSON: (Interpretation) In actual fact, I gave the reference.

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1 I can repeat it. This is page 5, lines 27 to 28, as well as page 6, lines 1 to 3. That is
2 the reference that I provided a few moments ago.

3 PRESIDING JUDGE STEINER: Yes.

4 MR HAYNES: Thank you.

5 MS DOUZIMA-LAWSON: (Interpretation) I'd like to move on to the real-time
6 transcript of the hearing of 17 May 2011.

7 Q. Now, Mr Witness, at page 14, lines 25 to 27, you said that "Even an ordinary
8 Banyamulengue soldier could humiliate a Central African Republic general by asking
9 him to get down on his knees." Were you an eyewitness of any -- eyewitness of any
10 such incident?

11 A. Thank you very much. I said - and I reiterate - behind the 4th arrondissement
12 there was an officer, a general, and I think that on his coat you could see his rank, that
13 he was a general. He was found at PK12. (Redacted)
14 (Redacted) but the coat was
15 found in PK12 with the insignia indicating that he was a general. That is true.

16 Q. My question was whether you saw any such scene?

17 A. They were undressed in my presence, and even the soldiers of our country,
18 when they knew that the Banyamulengue were occupying a road, they would make
19 arrangements so as not to take that particular road.

20 Q. Now, this time I would like to make reference to page 16, lines 2 to 4, the same
21 date. You said that the Banyamulengue scouts would go out first, they would arrive
22 first, they would loot whatever items came to their -- came to hand. Now, did they
23 do this in a systematic way?

24 A. Yes, that is the truth, and I would like to tell you that the scouts, when they
25 were operating, they were not wearing military uniforms. They were children

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1 between the ages of 12 and 13 years, who would wear civilian clothing. They would
2 go down the road. They would walk along the road, have fun, but in actual fact
3 these children were used to this kind of mission and they behaved in a different way.
4 So those scouts would give the information to the main component of the main troops
5 and they would destroy everything, because I was along with them and each time the
6 local people would call out and say, "Oh, they're taking away my suit," or that sort of
7 thing. I heard such complaints.

8 Q. Were the Banyamulengue chiefs aware of this?

9 A. I persist in saying that it's difficult. If the scouts are up ahead and committing
10 acts of violence it's difficult maybe to know whether that information gets fed back to
11 the chiefs, but even if the chiefs knew it, he couldn't kill because he came to do that.

12 Q. Line 39, lines 2 and 7, you stated, Mr Witness, that when the Banyamulengue
13 crossed over, some had civilian clothing in rags, but when they were transported to
14 the base, to Camp Béal in other words, they were able to strip some of the soldiers in
15 the Central African Army in the presence of officers and they took their uniforms.

16 Mr Witness, how did they succeed in stripping some Central African soldiers?

17 A. When the Banyamulengue arrived at Camp Béal, the number of
18 Banyamulengue was higher than the number of Central African soldiers, and those
19 soldiers were frightened. In groups of four or five, it is difficult. I don't know how
20 I can give you all the details, but that's the truth.

21 Q. When you said that took place in the presence of officers, what officers are you
22 talking about?

23 A. The Central African officers, not Zairean officers, because Patassé had placed his
24 trust in the Banyamulengue. I know you are asking the question because this is a
25 court, but I tell you that they were Central African officers, and it transpired in their

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1 presence.

2 Q. Where did you get this information? From whom?

3 PRESIDING JUDGE STEINER: Mr Witness, if you are going to mention any names,
4 we go into private session. This is the kind of question that should be very carefully
5 put, Maître Douzima. If you know names, we are going into private session.

6 THE WITNESS: (Interpretation) Thank you, your Honour. I am not going to give
7 any names.

8 MS DOUZIMA-LAWSON: (Interpretation)

9 Q. Did you get this information from Central African soldiers, or from
10 Banyamulengue soldiers?

11 A. Thank you. The Central African Army soldiers told me some of this and other
12 incidents were given to me by local inhabitants, passers-by, but I also know it because
13 I was at the theatre of operations (Redacted). Some events took place in
14 my presence. I can give names. I know some names, but since I wasn't going to
15 give these names I won't say them now. Some of these people who had their clothes
16 stolen lived in my quarters and some in Boy-Rabé, but I am not going to give their
17 names.

18 Q. There is a Central African witness who stated -- who gave what he heard in a
19 statement, according to which the Banyamulengue might have received their
20 uniforms from the national army. I mean, declaration of Witness 6,
21 CAR-OTP-005-0111. What do you think about that, Mr Witness?

22 A. Thank you. I was not present, I don't know that witness, but I confirm that
23 statement. And how can I do this? I confirm it (Redacted)
24 (Redacted). I confirm it because it's the truth.

25 MS DOUZIMA-LAWSON: (Interpretation) Madam President, I have concluded

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1 the questions I had for public session. I have other questions to put in private
2 session.

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

4 *(Private session at 3.38 p.m.) Reclassified as Open session

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

6 MS DOUZIMA-LAWSON: (Interpretation)

7 Q. Mr Witness, on page 34, line 13 to 15, transcription real-time 17 May 2011, on
8 the photograph CAR-OTP-0135-0143, I hope this reference is the good -- is the right
9 one, you said that the individual wearing a chechia, the garment he is wearing is a
10 garment sold in the stores in Bangui, and it is by looting that he took that garment,
11 according to your statement. Where did you get that information and, to the extent
12 that we are in a closed session, you may give the names if you wish?

13 PRESIDING JUDGE STEINER: Court officer, please display the picture for the
14 witness.

15 THE COURT OFFICER: Madam President, the picture CAR-OTP-0035-0143 is
16 available on your screens by pushing the button "PC1".

17 PRESIDING JUDGE STEINER: You may answer the question, Mr Witness.

18 THE WITNESS: (Interpretation) Thank you. When those garments started to be
19 sold,* you know, I too am a pedlar these were called Amazon garments and this
20 type of garment was sold in stores and they were a military colour and they were
21 being sold in stores. I don't know how *he got those garments. Did he have money
22 to buy them? What proves that he bought that garment himself? It's a looted garment.

23 MS DOUZIMA-LAWSON: (Interpretation)

24 Q. I thank you, Witness. I will move now to page 35, line 22, referring to the
25 picture we see on the T-shirt of the person next to the one wearing the chechia. You

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1 said it was Ange-Félix Patassé and this was for propaganda purposes for the MLPC.

2 Could you please explain to Chambers what the MLPC is?

3 A. The MLPC was the party for Ange-Félix Patassé, Mr Patassé, who was the
4 President of the Central African Republic, and the T-shirt you are looking at belonged
5 to the MLPC. The MLPC was part of the Central African political parties.

6 Q. And at what time was this propaganda for MLPC going out?

7 A. I can't recollect exactly. However, the elections had taken place already before
8 the beginning of the events.

9 Q. I would like now to move on to photograph CAR-OTP-0035-0175. Mr Witness,
10 on 18 May 2011 in court, transcript real-time page 9, line 26 to 28, and page 10, line 1,
11 Mr Witness, I am going to rephrase more or less the same question, but to be clean on
12 this. You said that the civilian clothing worn belonged to the population. How can
13 you say that, or what makes you say it?

14 A. I have just said that here, before the Banyamulengue crossed the river, they
15 walked through the bush and they didn't have nice clothes. And when they arrived
16 at PK12, and even before that at the 4th arrondissement, they started getting nice
17 clothing, and the clothing that you see here are garments that were grabbed away
18 from private people in their homes, and they shot at random into the crowd. The
19 people fled and then they broke into the houses in order to take the clothing of that
20 type and that's why you see them with that clothing.

21 Q. Mr Witness, on the same page -- no, sorry, on the same date, page 12, lines 8 to 9,
22 it is still regarding this photograph, you say that it is a group of marijuana smokers
23 and, since you were often with them, how often do they smoke marijuana or hemp?

24 A. They smoked in public. They were armed and they took over the locality.
25 Who could they be frightened of?

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1 Q. I would now like to move on to CAR-OTP-0039-0058.

2 THE COURT OFFICER: Madam President, the document as referred to by counsel
3 is the video footage that was presented by the Office of the Prosecutor, and I would
4 like to know further instructions whether I should play the whole video or just some
5 excerpts of it. Thank you.

6 PRESIDING JUDGE STEINER: Maître Douzima, before you answer to the question
7 put by the court officer, I -- or when you answer I also would like to be given the
8 relevance of the question that you are going to put. If it follows the same line as the
9 previous one, to know how often these people used to smoke marijuana, I think I
10 need to ask you about the relevance before we show the video again.

11 MS DOUZIMA-LAWSON: (Interpretation) Thank you, Madam President. That
12 question has nothing to do with the previous question on marijuana. I don't think
13 we need to show the video.

14 Q. This is the question, if you would allow me? I can just give you the reference
15 of the witness statement which I am focusing on; the purpose is to see when the
16 Bozizé soldiers retreated before coming back on 15 March.

17 A. Thank you. I can't give you an exact date. I merely recall the date they came
18 back. I can no longer remember the date they withdrew.

19 MS DOUZIMA-LAWSON: (Interpretation) Thank you, Witness. Mr Witness, I
20 thank you for your patience with me and for having replied to all of my questions.
21 Madam President, I have thus concluded my questioning of the witness.

22 PRESIDING JUDGE STEINER: Thank you, Maître Douzima. Court officer, let's
23 turn into open session, please.

24 (Open session at 3.52 p.m.)

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

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1 PRESIDING JUDGE STEINER: Mr Haynes.

2 MR HAYNES: Your Honour, I have encountered some graveyard shifts in my time,
3 but with eight minutes to go on a Friday afternoon, I imagine you would prefer me to
4 start on Monday morning.

5 PRESIDING JUDGE STEINER: Fair enough.

6 Mr Witness, Mr Witness, we thank you very much. Today's hearing, it's coming to
7 its end, it is almost 4 o'clock. You are entitled to take some rest, try to enjoy the
8 weekend. Remember that whatever you need, the Victims and Witnesses Unit is on
9 duty to assist you in whatever circumstances. So please don't hesitate in asking for
10 someone from VWU to assist you in case you need. We thank you very much. We
11 will adjourn the session and resume on Monday morning at 9.30 in this courtroom,
12 Courtroom 2.

13 I enjoy the opportunity to thank very much the Prosecution team, Maître Zarambaud,
14 Maître Douzima, legal representatives of victims, the Defence team, Mr Jean-Pierre
15 Bemba Gombo, our interpreters, court reporters. Wishing everyone as far as
16 possible a calm and nice weekend. I will ask the court officer please to turn into
17 closed session in order for the witness to be taken outside the courtroom and, in the
18 meantime, we are going to adjourn.

19 *(Closed session at 4.55 p.m.) Reclassified as Open session

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

21 (The witness stands down)

22 THE COURT OFFICER: All rise.

23 (The hearing ends at 3.56 p.m.)

24 CORRECTIONS REPORT

25 The Court Interpretation and Translation Section has made the following corrections

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1 in the transcript:

2 *Page 59 line 19

3 "these were called Amazon garments" is corrected by

4 "--- you know, I too am a pedlar --- these were called Amazon garments"

5 *Page 59 lines 21 to 22

6 "they got those garments. Did he have money to buy it?" is corrected by

7 "he got those garments. Did he have money to buy them?"

8 *Page 7 lines 9

9 "This is right next to a water spout" is corrected by

10 "This is right next to a water standpipe"

11 *Page 9 lines 1

12 "they were their boyfriends" is corrected by

13 "the Banyamulengue were their boyfriends"

14 RECLASSIFICATION REPORT

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

16 ICC-01/05-01/08-3038 and the instructions in the email dated 24 October 2014, the

17 version of the transcript with its redactions becomes Public