

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0063

1 International Criminal Court

2 Trial Chamber III - Courtroom 2

3 Situation: Central African Republic

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

5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and

6 Judge Kuniko Ozaki

7 Trial Hearing

8 Wednesday, 18 May 2011

9 (The hearing starts in open session at 9.38 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 in

13 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 v. Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.

18 PRESIDING JUDGE STEINER: Thank you very much. Good morning. I welcome the

19 Prosecution team, the legal representatives of victims, Defence team, today headed by

20 Mr Haynes. Good morning, Mr Jean-Pierre Bemba Gombo. Good morning and

21 welcome to our interpreters and court reporters.

22 We will continue today with the questioning of Witness 63, and for that purpose I please

23 ask court officer to turn briefly into closed session in order for the court usher to bring the

24 witness in.

25 *(Closed session at 9.41 a.m.) Reclassified as Open session

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

2 (The witness enters the courtroom)

3 WITNESS: CAR-OTP-PPPP-0063 (On former oath)

4 (The witness speaks Sango)

5 PRESIDING JUDGE STEINER: Court officer, could we turn, please, into open session.

6 (Open session at 9.42 a.m.)

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

8 PRESIDING JUDGE STEINER: Thank you very much. Good morning, Mr Witness.

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

10 PRESIDING JUDGE STEINER: Are you feeling better?

11 THE WITNESS: (Interpretation) I do feel better. Thank you.

12 PRESIDING JUDGE STEINER: Did you have yesterday the assistance of VWU?

13 THE WITNESS: (Interpretation) Yes, I did.

14 PRESIDING JUDGE STEINER: So are you ready today to continue giving your
15 testimony?

16 THE WITNESS: (Interpretation) I am ready.

17 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that you are still under
18 oath; do you understand that?

19 THE WITNESS: (Interpretation) I do.

20 PRESIDING JUDGE STEINER: I also want to remind you that you are under protective
21 measures. As I said yesterday, your image, your voice broadcast outside the courtroom
22 are being distorted, so the public cannot identify you. However, it is important that you
23 don't mention in public session any information that could lead to your identification.
24 For instance, names of friends, family members, neighbours, your professional activities,
25 where you live, this kind of information, if you need to talk about it, we go into private

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1 session. In private session you are free to speak because then nobody outside the
2 courtroom can listen to you. Do you understand that?

3 THE WITNESS: (Interpretation) I understand perfectly well.

4 PRESIDING JUDGE STEINER: And finally, Mr Witness, if for any reason you need a
5 break, you just let us know and you will have as many breaks as you need. So, you just
6 ask the Chamber and we can suspend the hearing for the time necessary. Is that fine
7 with you, sir?

8 THE WITNESS: (Interpretation) Yes, thank you.

9 PRESIDING JUDGE STEINER: Thank you very much. I'll give back the floor to
10 Mr Iverson that will continue questioning Witness 63.

11 MR IVERSON: Thank you, Madam President. Good morning, your Honours.

12 QUESTIONED BY MR IVERSON: (Continuing)

13 Q. Good morning, sir. How are you?

14 A. Good morning, sir.

15 MR IVERSON: Madam President, the Prosecution requests that we go into private
16 session.

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

18 *(Private session at 9.47 a.m.) Reclassified as Open session

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

20 MR IVERSON: Could I ask the court officer to please show CAR-OTP-0035-0160.

21 Q. (Redacted)

22 (Redacted)

23 (Redacted)

24 A. (Redacted) this person's name is Mboui Sambo.

25 Q. (Redacted)

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1 A. (Redacted)

2 (Redacted)

3 A. (Redacted) He's wearing a gold bracelet and he's wearing a watch,

4 wristwatch, as well. And next to him there's someone standing up and the person is

5 indicated that Mamagunzi (phon) is taking a picture, and he also has a map laid out on

6 the table, the same map that was in Nguerengou. It's exactly the same map that he has in

7 front of him in -- at Nguerengou, I wasn't able to identify it, but in the vehicle there were

8 two of them. They were not driving, but he was the one who was sitting at the driver's

9 seat, (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 A. (Redacted)

25 Q. Where did Mboui Sambo, (Redacted) come from?

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1 A. Mbouï Sambo comes from the Democratic Republic of the Congo. He speaks
2 Sango fluently, (Redacted) he once
3 worked for Kolingba and then he returned with the Banyamulengue. And if I may
4 be allowed to complete what I have just said, he was always heading the mission that
5 went into the provinces. He was always the first one to arrive, before any other
6 member of the group.

7 Q. Was it common for soldiers within the Banyamulengue to have facial hair, such as
8 this person does?

9 A. Yes, many -- many of the soldiers were bearded, and particularly the commanders
10 would have a beard, and the smaller ones as well. Not as -- not those that were as highly
11 ranked would also have a beard, except that that beard would not be extremely well-kept.

12 MR IVERSON: Could I ask the court officer to please display CAR-OTP-0035-0176.

13 Q. (Redacted)

14 (Redacted)

15 (Redacted)

16 A. On this (Redacted) Mbouï Sambo. As I have just said, he was the one who
17 was leading the battle. He was always out front and the others were behind him. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 A. That's exactly the case.

2 MR IVERSON: Could I ask the court officer to please display CAR-OTP-0035-0168.

3 Q. (Redacted)

4 (Redacted)

5 (Redacted)

6 A. (Redacted) A bit further away,

7 on the right-hand side, Jean-Luc Mandaba's father's house was there. (Redacted)

8 (Redacted).

9 Q. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. Sir, do you know how the Banyamulengue conducted security around Damara to

19 ensure that the Bozizé rebels weren't coming into Damara?

20 A. In one of my statements, I said that they started to drive back Bozizé's rebels to the

21 town of Damara. There were two lines of action. The other one -- well, two roads.

22 One towards -- one that went towards Damara and then on to Sibut. So they took those

23 two roads, and this was to keep the Bozizé's rebels from taking back the road that goes to

24 Bangui.

25 Q. Sir, do you know what armed group or unit the soldiers depicted in this picture are

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1 from?

2 A. These are Banyamulengue; that is to say Bemba's soldiers.

3 MR IVERSON: Could I ask the court officer to please display CAR-OTP-0035-0175.

4 Q. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted) and the civilian clothings that they are wearing belong to the local people. You can
12 see that there's one T-shirt that advertises Castel beer. You see, those items of clothing
13 did not belong to them.

14 Q. (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted) I think I've told you that.

18 When they crossed over, they had no clothing or no items of any value. A soldier of the
19 regular army cannot wear civilian clothing with sports shoes, or flip-flops, as you can see
20 yourself on this particular photograph, and a civilian cannot wear - or carry, rather - a
21 weapon, as you can see as well.

22 Q. And was this -- is this picture indicative of how the Banyamulengue would dress in
23 general?

24 A. Yes, it is entirely typical.

25 Q. Sir, do you know where Castel beer is brewed?

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1 A. Castel beer is made in the Central African Republic. The only factory in our
2 country is indeed that particular brewery.

3 Q. Could you tell the Court what these individuals are wearing around their necks?

4 A. As you can see, and I've told you, that before they crossed to PK12 several Muslim
5 people were to be found in that neighbourhood. You see, these are beads that are used
6 for praying - prayers - that the Muslims use, so they have these beads slung around their
7 necks.

8 Q. Sir, could you tell us what type of headgear the person just to the left of the "Stop"
9 sign is wearing?

10 A. I think I've already told you that it was a cap. It's not a military form of headgear.
11 They would take various pieces of headgear. They would take the various hats, or pieces
12 of headgear, that happened to fall into their hands.

13 Q. If you look at the shoes they're wearing, you can see they're wearing flip-flops.
14 Is -- would they wear flip-flops into combat, if you know?

15 A. There is no change. This is how they typically dressed throughout their entire
16 journey, all the way -- or their entire travels all the way to Damara. This is how they
17 were dressed.

18 Q. What is the red and white pole that you see with the "Stop" sign hanging from it?
19 What is that behind them in the picture?

20 A. This is a checkpoint, and it was thought of as a control point, a place where people
21 were checked, or you could also think of it as a place where you would have to pay a toll.

22 Q. Do you know if these soldiers were manning this checkpoint (Redacted)
23 (Redacted)

24 A. Well, at this checkpoint and, well, less so on the road, there was no one. The
25 people who did the checking, they were not there and the local people were not there

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1 either.

2 Q. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 PRESIDING JUDGE STEINER: Mr Iverson, if you would allow me a follow-up question

8 to the witness. Do you recognise by chance any of these persons (Redacted)

9 or you know the names of any of them?

10 THE WITNESS: (Interpretation) No, I don't know their names, but I do remember their

11 images in my -- I have them in my memory, and you see, they were a group of cannabis

12 smokers and you can see on their lips, the person who has the green chechia on. You can

13 see that they are a group of fellows who were smoking marijuana.

14 PRESIDING JUDGE STEINER: Do you know by chance if any of these men was a

15 commander, or a leader, or for you they appeared to be all of the same level?

16 THE WITNESS: (Interpretation) No, there was no leader within this group, no chief.

17 PRESIDING JUDGE STEINER: Thank you very much.

18 MR IVERSON: Could I ask the court officer to please display CAR-OTP-0035-0178.

19 Q. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 A. (Redacted)

2 (Redacted) You can see the man with the T-shirt, also wearing a chechia,
3 that man -- well, there was a motorcycle, a red motorcycle, belonging to a *project, who
4 was staying in Damara, and and he took this motorcycle forcibly. He had an accident and
5 he was injured. His knee was -- correction, his leg was injured. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 PRESIDING JUDGE STEINER: I think we have a problem with translation here.

10 THE INTERPRETER: Message from the interpreters. The Sango interpreters are
11 consulting amongst themselves. Perhaps it would be best to put the question again.

12 MR IVERSON: I'll move on.

13 Q. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted) the Pajero vehicle that you see in the background was the
21 one assigned to the Major and it is the one that he used to travel around.

22 Q. Now, you may not know this, or you may not remember but I'm going to ask it.

23 (Redacted)

24 (Redacted)

25 A. No, I couldn't tell you anything about that. I wouldn't want to say a lie.

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1 Q. Very well. I appreciate that, thank you. (Redacted)

2 (Redacted)?

3 A. (Redacted), Castel

4 beer, wine. This is what you see on the table that is in front of them.

5 Q. And do you know to which armed group or unit these soldiers belonged?

6 A. In this photograph, the person who is wearing the Castel beer T-shirt was the
7 commander of a group of soldiers. The person who is sitting in the white chair, and the
8 bodyguard is close to him, well, that person has his group as well. Similarly, well, the
9 same thing holds true for the person who is sitting in the chair. That person was the
10 commander of another group. In actual fact, these are the commanders of the various
11 groups. The last person, sitting at the end, also was the commander of a group. So
12 these people are the respective leaders of the various groups of soldiers.

13 Q. Sir, were these people also Banyamulengue?

14 A. Yes, they are all Banyamulengue.

15 MR IVERSON: Could I ask the court officer to please display CAR-OTP--

16 PRESIDING JUDGE STEINER: Mr Iverson, I'm sorry to interrupt you.

17 MR IVERSON: I'm sorry, Madam President.

18 PRESIDING JUDGE STEINER: Just a follow-up question on this picture. Do you know
19 by chance the names of these commanders that you mentioned that are depicted here?

20 THE WITNESS: (Interpretation) Their name, they were just referred to as "Chief."

21 PRESIDING JUDGE STEINER: The one where --

22 THE INTERPRETER: Correction from the English booth. The first part of that reply
23 was as follows: No, I don't remember the name. At that time I didn't have the presence
24 of mind to ask them, or I didn't have the courage to ask them their names. I just referred
25 to them as "Chief."

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1 PRESIDING JUDGE STEINER: I understand. This first person, the one that is wearing
2 the beer T-shirt, (Redacted). Do you
3 remember his name?

4 THE WITNESS: (Interpretation) No, I don't remember his name. I would call him
5 "Chief."

6 PRESIDING JUDGE STEINER: Thank you. (Redacted)
7 (Redacted). Do you know the name of this Major and is this Major in
8 this picture?

9 THE WITNESS: (Interpretation) No, on this photograph Major is not to be found,
10 because he had a beard and he had a shaved head.

11 PRESIDING JUDGE STEINER: Judge Aluoch.

12 JUDGE ALUOCH: Mr Witness, I just wanted to know whether this lady was also part of
13 the team; part of the soldiers? I think I can see a lady in this picture, am I right? Was
14 she part of these soldiers?

15 THE WITNESS: (Interpretation) There were women amongst the Banyamulengue,
16 but this lady was not with the men. I think that here she was just running an errand of
17 some kind.

18 JUDGE ALUOCH: Thank you.

19 MR IVERSON:

20 Q. (Redacted)

21 (Redacted).

22 (Redacted)

23 (Redacted)

24 A. They are not the same periods of time. (Redacted)

25 (Redacted)

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1 (Redacted)?

2 A. Honestly I cannot recollect the day, or the date to be more specific.

3 MR IVERSON: Could I ask the court officer to please display CAR-OTP-0035-0185.

4 Q. (Redacted)

5 (Redacted)

6 (Redacted)

7 THE INTERPRETER: The Sango booth is indicating that the microphone is not
8 functioning properly.

9 MR IVERSON:

10 Q. Sir, we're having a technical difficulty with the microphones. I'll just ask you that
11 question again and see if it works now. (Redacted)

12 PRESIDING JUDGE STEINER: Have you received interpretation? The witness is not
13 receiving interpretation.

14 THE WITNESS: (No interpretation)

15 THE COURT OFFICER: Madam President, if I may, the technician is aware of the
16 problem. He's going to go to the Sango booth to see what the problem is and I don't
17 know how long this will take.

18 PRESIDING JUDGE STEINER: Maybe, if it's just a matter of minutes, we can wait.

19 (Pause in proceedings)

20 PRESIDING JUDGE STEINER: Maybe it's a matter of five to ten minutes, so we can
21 maybe suspend for ten minutes. I would very much appreciate if everyone stays at least
22 around. Of course the witness will be taken if need to go to the men's room, or to take
23 some rest. So let's go into closed session for the court usher, please, to take the witness
24 outside the courtroom. We are going to suspend for ten minutes while the technical
25 problem is solved.

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1 *(Closed session at 10.39 a.m.) Reclassified as Open session

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

3 (The witness stands down)

4 THE COURT OFFICER: All rise.

5 (Recess taken at 10.39 a.m.)

6 *(Upon resuming in closed session at 10.51 a.m.) Reclassified as Open session

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

8 THE COURT OFFICER: We are in closed session, your Honours.

9 PRESIDING JUDGE STEINER: Thank you. Please bring the witness in.

10 (The witness enters the courtroom)

11 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

12 THE WITNESS: (Interpretation) Good morning again.

13 PRESIDING JUDGE STEINER: I'm sorry, I didn't give the five seconds. Mr Iverson.

14 MR IVERSON: Thank you, Madam President.

15 Q. (Redacted)

16 A. (Redacted) the person wearing a red T-shirt on the photo is

17 Kadogo. "Kadogo" in their language means a person of small size, and that's why I can

18 say (Redacted).

19 Q. (Redacted)

20 (Redacted). These people are a bit back in the bush. They placed

21 mats in dug-out spaces, (Redacted)

22 (Redacted)

23 PRESIDING JUDGE STEINER: Mr Iverson, I'm sorry. Could, please, court officer turn

24 into private session. We are still in closed session; my mistake.

25 *(Private session at 10.56 a.m.) Reclassified as Open session

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

2 MR IVERSON:

3 Q. (Redacted)

4 (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 Q. Who are the various people? I know you mentioned Kadogo. Do you know the
18 names of the other people in the picture?

19 A. I don't know the names of the other individuals. There's someone standing up next
20 to Kadogo, with a military uniform. He's not a real genuine Banyamulengue. He was
21 in Bangui and he was a shoe-shine man in Bangui, and when the Banyamulengue arrived
22 he worked as a snitch for them. Look at his uniform. He doesn't have a combatant's
23 uniform. And the two women squatting down, he brought those women there to take
24 the looted articles and to take them either to KM5, or to Zongo, to resell them. That's
25 what I know, and that individual changed clothes and sometimes went back and forth

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1 between places.

2 Q. Which one is the snitch that you mentioned? He is the person right next to Kadogo,
3 or one of the others depicted in the photograph?

4 A. It's the one standing up next to Kadogo. He doesn't have a cap -- a cap on.

5 Q. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. Why were these women with the Banyamulengue?

10 A. I think the women joined up with the Banyamulengue as their wives, and these
11 Zairean women took away the looted goods.

12 MR IVERSON: Madam President, may I just ask one last question?

13 Q. These two women, what was their nationality?

14 A. They come from the Democratic Republic of Congo, and they followed these men so
15 as to take the looted goods and take them back to their homes.

16 MR IVERSON: Thank you, sir. Madam President, I believe it is time for the break.

17 PRESIDING JUDGE STEINER: Thank you, Mr Iverson. Although we had that
18 interruption, that doesn't mean that we don't need to give the proper break to our
19 interpreters and court reporters and as well to our witness to give him some time to take a
20 rest. So we are going to suspend. It's 11.05. We are going to resume at 11.35. Could,
21 please, court usher -- court officer turn into closed session in order for the court usher to
22 take the witness outside the courtroom. In the meantime, we are going to suspend for
23 half-an-hour.

24 *(Closed session at 11.06 a.m.) Reclassified as Open session

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

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- 1 (The witness stands down)
- 2 THE COURT OFFICER: All rise.
- 3 (Recess taken at 11.06 a.m.)
- 4 *(Upon resuming in closed session at 11.41 a.m.) Reclassified as Open session
- 5 THE COURT USHER: All rise. Please be seated.
- 6 PRESIDING JUDGE STEINER: Welcome back. Could, please, the court usher
- 7 bring the witness in.
- 8 (The witness enters the courtroom)
- 9 PRESIDING JUDGE STEINER: Court officer, please turn into private session.
- 10 *(Private session at 11.44 a.m.) Reclassified as Open session
- 11 THE COURT OFFICER: We are in private session, Madam President.
- 12 PRESIDING JUDGE STEINER: Thank you. Mr Witness, welcome back. Can we
- 13 continue with your testimony?
- 14 THE WITNESS: (Interpretation) Yes, indeed. There's no problem at all, madam.
- 15 PRESIDING JUDGE STEINER: Mr Iverson.
- 16 MR IVERSON: Thank you, Madam President. Could I ask the court officer to
- 17 please display CAR-OTP-0035-0193.
- 18 Q. (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 Q. Who is this in the picture?

8 A. The person depicted in the picture is one of Mr Bemba's soldiers, commonly
9 known as the Banyamulengue. He is the one who is bearing that weapon in his
10 hand.

11 Q. The weapons that he is holding, are these weapons typical of the type of
12 weapons that the Banyamulengue used?

13 A. Yes, that is the type of weapon that they would bear, what you can see right
14 now.

15 Q. Do you know what the weapon that he is holding in his right hand, do you
16 know what that is?

17 A. As we saw in Bangui, they would call those lance rockets, and an A-52 gun.

18 Q. Sir, when you say "A-52 gun," are you referring to the weapon that is slung
19 around his left shoulder?

20 A. No. No. You see that he has weapons - two weapons - and he is carrying
21 them both with his right arm: One slung on the shoulder and the other one actually
22 in his hand. The one slung on his shoulder is what is known as a lance rocket, or in
23 English rocket launcher, and the one he is holding with his right hand is the A-52 gun.

24 Q. Did each individual Banyamulengue soldier have lance rockets and A-52 guns?

25 A. No, no, it wasn't really that habitual. It would only be people specialised in

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1 wielding this type of weapon that would carry a weapon like this one. Different
2 people carried different types of weapons.

3 Q. Sir, how are you familiar with these types of weapons? And how do you know
4 their names and nomenclatures?

5 A. Thank you very much for asking this question. I am a human being. I was
6 born of a woman, and I was fed with manioc leaves, and when I see somebody -- in
7 someone's hands and I ask the question, "What is it you're holding?" The reason I ask
8 that is so that I can get an answer. So once I asked a question about these weapons
9 and I was given the names of these weapons.

10 MR IVERSON: Could I ask the court officer to please display CAR-OTP-0035-0199.

11 Q. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted). I remember that place very well, (Redacted)

16 (Redacted). I also recognise the young Banyamulengue who is right next to
17 the vehicle.

18 Q. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 A. (Redacted). The young man

23 next to the vehicle, if you take a close look, he's very young, 12 to 13 years of age.

24 He's a young boy.

25 Q. (Redacted)?

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1 A. (Redacted). I state this clearly because I remember that

2 vehicle. It used to belong to a lieutenant of the Central African Army (Redacted)

3 (Redacted).

4 Q. And who is this young man on the driver's side of the vehicle?

5 A. If you look closely, you will see that he's wearing military trousers but a civilian

6 shirt. He is a Banyamulengue. And I told you, he is probably 13 years old.

7 Q. Sir, I'd like to direct your attention to the hood of the vehicle. There's a red

8 field with green letters overlaid on the red field. Do you know the significance, if

9 any, of those letters?

10 A. I think I have already said that I do not know how to read, so how could I read

11 those letters?

12 Q. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 MR IVERSON: Could I ask the court officer to please display CAR-OTP-0035-0207.

17 Q. (Redacted)

18 (Redacted)

19 (Redacted)

20 A. (Redacted). Once you get to Damara

21 and you leave behind you the gas station you get to that particular place, and when I

22 got there for the first time I saw that vehicle right next to the paved road and clearly

23 this vehicle seemed to belong to Bozizé's forces. It was during the withdrawal of

24 Bozizé's men that his soldiers abandoned that vehicle, and (Redacted)

25 (Redacted).

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1 Q. Who is that young man, if you know?

2 A. I said that this young man was a young soldier - a young Banyamulengue

3 soldier - as well as the woman. She too was a Banyamulengue soldier. (Redacted)

4 (Redacted). If you take the

5 Bogambolo (phon) road after the Damara hill, the group of soldiers that these two

6 people belonged to was based at that place.

7 Q. (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 (Redacted)

22 (Redacted)

23 (Redacted). I talked about a person called Cercueil. You see

24 the person - the short person - on this photograph? That is the brother of Cercueil.

25 His name was Mapao Mukizi (phon). It was only after the death of this brother of

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1 Cercueil, after his death, that is when he lost control and began -- he became furious
2 and started to order executions; order that executions be carried out in any old way.

3 Q. Sir, how do you know that the person named Cercueil ordered these
4 executions?

5 A. I'd like to tell you that I was in the field. I was with them. I lived with them
6 for a long time and I know how they behaved. No one had to explain to me what
7 was going on. I saw things myself. You see, when you spend some time with a
8 person, you know how that person behaves without having to ask questions when
9 this person has a weapon in his hand.

10 Q. You said that Cercueil ordered executions. Do you know if his orders were
11 actually carried out and that people were executed?

12 A. Cercueil was a soldier within the army. When you give instructions to kill
13 someone, the person receiving the instructions will go and kill a person.

14 Q. I'm just trying to find out how you know this information. So did you actually
15 witness any executions, did you hear about any executions, or did you just happen to
16 get the idea that there were executions from implied things that were either said or
17 done?

18 A. I heard with my own ears. It was reported back to me. I also was an
19 eyewitness. They were around a table and I heard Cercueil say "Au ko bom ma ya
20 mo," "Go execute him." It meant, "Go kill him." He was giving the order. He was
21 giving the order to kill the person. So if he gave such an order and I come back later
22 and I see that the person is no longer of this world, I mean the person has been killed.
23 Would I go ask for confirmation, "Did you kill that person, or not?"? No, I couldn't
24 do that.

25 Q. Okay. In your last answer, I just want to separate out two things. You first

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1 say, "I heard with my own ears," and then you say, "I was an eyewitness." Now, it
2 seems to me that your answer about being an eyewitness relates to what you just told
3 us that Cercueil said, "Go execute him," but I want to ask you was there any other
4 instance where you heard about such executions with your own ears?

5 A. I said that I lived amongst the Banyamulengue for a long period of time,
6 between two and three months. You see, I can tell you. I can tell you that I heard
7 things, I saw things and I learned of things that were going on. I may have heard
8 something. If I hear something, if I hear someone give an order to kill another
9 person, am I in a position to go back and ask that person who gave the instructions
10 whether the person actually was killed? If I had behaved in that way, I may -- I
11 wouldn't be here before your Court to give testimony.

12 Q. (Redacted)

13 (Redacted)

14 (Redacted) I told you that, before going into

15 the town of Damara, they attacked the stores, the houses, the dwellings. You know,
16 in our part of the world we have *worker ants; a kind of ant that devour everything
17 before them: A person, any kind of insects. That's how these ants behaved and
18 that's how the Banyamulengue behaved, exactly like a bunch of these ants. They
19 didn't have a leader who had them under control to tell them, "Do this," or a leader
20 who would have seen this, or that. The Banyamulengue behaved explained --

21 THE INTERPRETER: Correction, exactly like these ants.

22 THE WITNESS: (Interpretation) There was no one keeping an eye on them, or
23 controlling them. They did whatever they wanted to do. If they went into a house,
24 they might have attacked the wife, the husband, raped, even forced the son to rape
25 the mother in front of the father; in front of the husband.

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1 THE INTERPRETER: The Sango interpreter would like to ask if the witness could be
2 encouraged to slow down. Many thanks indeed.

3 MR IVERSON:

4 Q. Sir, you can continue, it's just that the interpreters were asking you to slow
5 down, please.

6 A. Thank you. I'll stop at this point. If you have photographs to show me, I can
7 continue with the explanations.

8 Q. Sir, I apologise for breaking up your train of thought, but it's just a matter of
9 needing to take a slow pace so that the interpreters can catch everything that we say.

10 (Redacted)?

11 A. (Redacted). You see,

12 it is like someone acquiring a new possession, or good. It doesn't belong to him.

13 That person behaves in a different way. If someone bought something, he behaves

14 in a certain way. So you can see, no one can't -- a normal person doesn't go into a

15 store and buy a radio set and go out and take a photograph in front of the store, with

16 the radio set. You see? You can see it's a stolen radio set and that's why he decided

17 to take photographs as a souvenir, so for that posterity, he could show that he had

18 bought a radio set, but it was a lie. I've finished.

19 Q. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. Looking at the person in the Castel beer T-shirt, what is he looking at that he's

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1 holding in his right hand?

2 A. It's a portable telephone. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted). That's what

8 I can tell you.

9 THE INTERPRETER: Note from the English interpreter. The Sango interpreter is
10 referring to a pyjama, but perhaps a top of some kind is meant.

11 MR IVERSON:

12 Q. Sir, do you know whether the cell phone networks, the mobile phone networks,
13 were in operation, were working, at that time?

14 A. Around Damara, there was no telephone network at the time, and at that time,
15 even in Bangui, there wasn't enough of a telephone network. The place they were,
16 were the phones charged? I'm not so sure because, you see, those telephones were
17 taken forcibly from private individuals. They would take them and just hold them.

18 MR IVERSON: Could I ask the court officer to -- I'm sorry, Madam President.

19 PRESIDING JUDGE STEINER: No, I am sorry. Just before you go to the next
20 picture, I would like to put some follow-up questions to the witness.

21 Mr Witness, just to -- maybe I missed something, (Redacted).

22 THE WITNESS: (Interpretation) (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 PRESIDING JUDGE STEINER: Thank you. Do you know, by chance, who is
2 this -- the taller man in this picture? You know his name?
- 3 THE WITNESS: (Interpretation) I don't know his name, but I do know that he was
4 part of the Banyamulengue.
- 5 PRESIDING JUDGE STEINER: Thank you. You told us that the shorter man, the
6 man on the right, is Mapao; is that correct?
- 7 THE WITNESS: (Interpretation) Yes, that is indeed Mapao.
- 8 PRESIDING JUDGE STEINER: (Redacted)
9 (Redacted)?
- 10 THE WITNESS: (Interpretation) I had an opportunity to meet him even at PK12,
11 before arriving in Damara.
- 12 PRESIDING JUDGE STEINER: Do you know whether Mapao had any function
13 within the armed group?
- 14 THE WITNESS: (Interpretation) Mapao was -- well, he was the brother of Cercueil.
15 They were always together.
- 16 PRESIDING JUDGE STEINER: But is that of your knowledge that he had any
17 function, he was a leader, or a chief, or something like that, or he was just a soldier?
- 18 THE INTERPRETER: Correction from the English booth. In the previous reply he
19 says, the witness says that Mapao was like an aide-de-camp to his brother Cercueil.
- 20 PRESIDING JUDGE STEINER: Thank you. Now the interpreter completed your
21 answer. Do you know what Mapao used to do in PK12?
- 22 THE WITNESS: (Interpretation) As I said, Mapao was like an assistant to his elder
23 brother Cercueil. That is what I know. Each time it was he whom Cercueil would
24 send to do errands.
- 25 PRESIDING JUDGE STEINER: Thank you. My last question: Do you know how

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- 1 and when Mapao was killed?
- 2 THE WITNESS: (Interpretation) I couldn't tell you exactly. When I arrived, (Redacted)
- 3 (Redacted). I went into the
- 4 bush (Redacted), and some of the
- 5 Banyamulengue gave me that item of information. (Redacted)
- 6 (Redacted) I was looking for the people in question (Redacted)
- 7 (Redacted) and they told me that he had been
- 8 killed. And they also told me that since he was already killed that, well, (Redacted)
- 9 (Redacted).
- 10 And I don't know whether he was executed, no.
- 11 PRESIDING JUDGE STEINER: Thank you very much, sir. Mr Iverson.
- 12 MR IVERSON: Thank you, Madam President. Could I ask the court officer to
- 13 please display CAR-OTP-0035-0214.
- 14 Q. (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted). If I
- 19 remember correctly, the person who is wearing a cap was named (Redacted)
- 20 often would tell me that he was not from Zaire, but he was from -- he was Kinwa
- 21 because he didn't have the same colour skin. (Redacted)
- 22 (Redacted) the Kinwa people are from Kin and that the Zairean
- 23 people were further off, (Redacted)
- 24 (Redacted).
- 25 Now, I don't know whether I should slow down to give my explanations? I can say

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1 that they did have different currencies: Dollars, French francs. At the time, there
2 was no euro. I saw the Zairean currency in their hands. They would ask questions
3 of people. Sometimes they would buy military uniforms from Central African
4 Republic soldiers. You can see on this photograph that they were wearing military
5 uniforms that had been bought from Central African Republic soldiers. That's why
6 they're somewhat clean. The photograph is a bit dark. I don't remember very well,
7 but their equipment, their weapons that they have in their hands, that does remind
8 me of something.

9 Q. What does that remind you of; the weapons?

10 A. The weapons they're carrying are Kalashnikov-type.

11 Q. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Do you know the name of that teacher?

20 A. I thank you and, with your leave, I can give you the name.

21 Q. Yes, please give us the name, sir.

22 A. The teacher was Domété by name. His compound was entirely occupied by
23 the Banyamulengue. I reiterate his name was Domété.

24 JUDGE ALUOCH: Mr Witness, and what happened to the teacher? Did he
25 continue to live there as his compound was occupied by the Banyamulengue?

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1 THE WITNESS: (Interpretation) At that juncture, he was no longer alive. His
2 children occupied the dwelling, and his children had been chased away from it and
3 the Banyamulengue soldiers took over and occupied it.

4 MR IVERSON: Could I ask the court officer to please display CAR-OTP-0035-0223.

5 Q. (Redacted)

6 (Redacted)

7 (Redacted)

8 A. (Redacted, a helicopter had landed in Damara and the

9 Banyamulengue that day told me that their commander had arrived and no one could
10 move through there. (Redacted)

11 (Redacted). I asked, "Ah,

12 you've gotten new weapons," and he replied their commander had brought (Redacted)

13 (Redacted). And if you look closely at it, on the left you see there are projectiles next

14 to it and those projectiles can be up to 1 metre 60 in length and the width - the

15 thickness - can be like that. The guns were pointed towards Sibut, and when they

16 started shooting that weapon you thought it would be a myriad of pigeons flying

17 overhead. This heavy weapon has pedals on it. The person sits on it in order to fire

18 it. The person in charge of protecting that heavy weapon sleeps on the bed that you

19 see next to it. That's what I can tell you now (Redacted).

20 Q. How was this weapon transported to Damara?

21 A. I don't know exactly how it was transported. It's when the helicopter landed

22 that I saw (Redacted) heavy weapon one day afterwards.

23 Q. (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 MR IVERSON: Could I ask the court officer to please display CAR-OTP-0035-0230.

8 Q. (Redacted)

9 (Redacted)

10 (Redacted)

11 A. (Redacted). You had asked whether the Banyamulengue had

12 facial hairs, beards, and I replied that the Rwandans notably had beards. If you look

13 closely at the photograph this person has a large beard and also a mobile telephone,

14 (Redacted) and he was

15 punished for that reason; a bodily punishment by his comrades.

16 Q. Who punished him?

17 A. The person in front (Redacted) started to punish the person who

18 was behind.

19 Q. And who are these people?

20 A. They are Banyamulengue soldiers.

21 Q. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 manner.

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1 Q. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 MR IVERSON: Could I ask the court officer to please display -- sorry.

6 PRESIDING JUDGE STEINER: Mr Iverson, I'm sorry again to interrupt, but since

7 we are going photo by photo, I would like more information. (Redacted)

8 (Redacted)

9 THE WITNESS: (Interpretation) (Redacted)

10 (Redacted)

11 PRESIDING JUDGE STEINER: Do you know by chance who is this person (Redacted)

12 (Redacted)

13 THE WITNESS: (Interpretation) I only saw him amongst the Banyamulengue in

14 Damara.

15 PRESIDING JUDGE STEINER: (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)?

19 THE WITNESS: (Interpretation) He spoke a bit of Sango, a bit of Mandja, a bit of

20 Lingala and a bit of French.

21 PRESIDING JUDGE STEINER: Thank you very much. Judge Aluoch.

22 JUDGE ALUOCH: Sorry, but a few minutes ago you talked about (Redacted)

23 (Redacted)

24 THE WITNESS: (Interpretation) I stated there were Rwandans and Ugandans

25 amongst them. Those who had darker complexion and a thick beard, they were

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1 Ugandans. There were Rwandans and Zairean, and some of them resembled the

2 Fula. The Rwandans resembled the Fula.

3 MR IVERSON: Could I ask the court officer to please display CAR-OTP-0035-0235.

4 Q. (Redacted)

5 (Redacted)

6 (Redacted)

7 A. I've just stated that there was a Banyamulengue named (Redacted).

8 He said he was not a Zairean, he was an Kinwa. Look at the mobile telephone; that

9 is an Alcatel cell phone. He has patauga military shoes and beads around his neck,

10 Muslim beads around his neck.

11 Q. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. You mentioned that this is an Alcatel cell phone, or mobile phone that the

21 individual is holding. Is there something significant about Alcatel?

22 A. I have no particular information about this, but that trademark is amongst the

23 first of cell phones that came to Bangui, and that's why everyone knows what an

24 Alcatel phone looks like.

25 Q. Do you know where he obtained the Alcatel phone?

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1 A. I don't know, but when he came over the river, he crossed the river, he didn't
2 have a phone. He got the phone here; it was acquired here.

3 Q. And do you know if he was able to use that mobile phone?

4 A. How could he use it? He grabbed it from someone. He had no charger, he
5 didn't know the pin code, so how could he use it?

6 Q. I'll take that as a "no."

7 A. Yes, that's it. That's correct.

8 MR IVERSON: Okay, thank you, sir. Could I ask the court officer to please display
9 CAR-OTP-0035-0242.

10 Q. (Redacted)

11 (Redacted)

12 (Redacted)

13 A. (Redacted) the beret and the attaché in his hand were looted from a
14 Central African soldier that lived at PK12. A soldier who was not present at the
15 looting called my attention to this and he said, "Look at the uniform worn by the
16 Banyamulengue." (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 MR IVERSON: Madam President, I believe it's time for the lunch break. Thank
24 you.

25 PRESIDING JUDGE STEINER: Thank you, Mr Iverson. Court officer, please turn

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1 into open session.

2 (Open session at 13.00 p.m.)

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

4 PRESIDING JUDGE STEINER: Thank you. Mr Witness, we'll have now our lunch
5 break. You can have lunch and take some rest. It's 1 o'clock. We'll be back at 2.30.

6 I will ask, please, court officer to turn into closed session in order for the witness to be
7 taken outside the courtroom, and in the meantime we are going to suspend, and
8 resume at 2.30.

9 *(Closed session at 1.01 p.m.) Reclassified as Open session

10 (The witness stands down)

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

12 (Luncheon recess taken at 1.02 p.m.)

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

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

15 PRESIDING JUDGE STEINER: Good afternoon. Welcome back. Welcome,

16 Maître Kilolo. I see new faces for the Prosecution bench.

17 MR IVERSON: That is correct, Madam President. We have added Diego Ripoll, he
18 is the infographic analyst within the Office of the Prosecutor.

19 PRESIDING JUDGE STEINER: Welcome to the courtroom. I ask, please, the court
20 usher to bring the witness in.

21 (The witness enters the courtroom)

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

23 *(Private session at 2.36 p.m.) Reclassified as Open session

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

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

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1 THE WITNESS: (Interpretation) Thank you. Good afternoon, madam.

2 PRESIDING JUDGE STEINER: Did you manage to rest a little bit?

3 THE WITNESS: (Interpretation) Yes, I have had the opportunity of getting a good
4 rest.

5 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony?

6 THE WITNESS: (Interpretation) Yes, I am.

7 PRESIDING JUDGE STEINER: Thank you very much. Mr Iverson.

8 MR IVERSON: Thank you, Madam President.

9 Q. Good afternoon, sir. I would like to step away from the photographs that we
10 were talking about earlier and ask you during the time that the Banyamulengue were
11 in your country, (Redacted)

12 A. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted).

16 I regret that the trial has taken some time in taking place. I had to leave the place
17 where I was, (Redacted), because I was not able to pay the rent. I had to
18 leave my home. I have had so many problems. Even my personal belongings were
19 confiscated so as to be able to pay for part of the rent, so this is when I got my
20 personal belongings back, at least part of them, (Redacted)
21 (Redacted)
22 (Redacted).

23 Q. Sir, we intend to show you video footage and as it -- pertaining to the video
24 footage, I intend on asking you similar questions as with the photographs, and for the
25 record this video footage is from CAR-OTP-0039-0058, and the Prosecution intends to

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1 play seven individual segments taken from this video.

2 Could I ask the court officer to please display the image on the laptop that is currently
3 on the Prosecution desk table.

4 Sir, I would like now to play the first sequence and then I'll ask you some questions
5 about that. So please watch carefully. Thank you.

6 (Video extract played)

7 A. I cannot see that footage on my screen.

8 (Video extract played)

9 Q. (Redacted)

10 (Redacted)

11 (Redacted)

12 A. I've already had the occasion to tell this Chamber that, (Redacted), I was

13 invited to a ceremony held downtown by the man (Redacted) who at

14 the time was celebrating his first anniversary. This was on a Saturday. The

15 Banyamulengue were still in the country. So I went to that ceremony with my eldest

16 son and my colleagues; (Redacted). We were all there at around 11 or 12,

17 and I told my colleagues, since the meal was not yet ready, that I was going to go

18 back home. So I asked one of my colleagues who had a motorcycle to take me back

19 home.

20 So, he took me back to the 8th arrondissement and, when we got there, I heard the

21 crackle of gunfire and I told my colleague, "Well, I would have wanted to go all the

22 way home, but since there's some gunfire there, just drop me here where I am." And

23 so then I returned home on my own, (Redacted) and went

24 to the neighbourhood where the gunfire was taking place, Galabadja, very close to the

25 lycée in Gobongo. (Redacted). I crossed the Bagara

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1 river behind the hospital de l'Amitié (Redacted)

2 (Redacted) I saw the very first vehicle passing in front of me, a Somavag vehicle,

3 where I saw soldiers with scarves. They were wearing these scarves on their heads.

4 There were all kinds of people on those vehicles - Chadians, for instance - (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 MR IVERSON: Just for the record, (Redacted)

9 (Redacted), and that is from CAR-OTP-0039-0058.

10 Q. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 JUDGE ALUOCH: Mr Iverson, can I just find out from the witness whether

18 this -- was this a special day, or was -- would most of the days be like this, you know,

19 as far as the Banyamulengues were concerned? What we have just seen on the video,

20 would it be like any other day, or was this particular day very special, as far as he can

21 remember? Yes.

22 THE WITNESS: (Interpretation) 15 March (Redacted)

23 (Redacted). That was the day Bozizé's men came into Bangui from Damara (Redacted)

24 (Redacted)

25 MR IVERSON: Thank you, your Honour.

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- 1 Q. (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 on March, the 15th.
- 13 Q. And I believe you mentioned it earlier, but I know I was a bit confused, (Redacted)
- 14 (Redacted)
- 15 A. When you come into Bangui and you take the road leading to PK12 and you go
- 16 as far as the Hôpital de l'Amitié - Friendship Hospital - (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 Q. (Redacted)
- 20 A. (Redacted), there were Chadians. There were Central Africans as well.
- 21 Q. You said earlier that they were wearing scarves. Were you able to see what
- 22 colour scarves they were wearing?
- 23 A. Yellow scarves. Some of them were wearing yellow scarves. Others were
- 24 wearing red scarves.
- 25 Q. Sir, I'd like to show you another sequence and this will be sequence 2, (Redacted)

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1 (Redacted)

2 (Redacted) of CAR-OTP-0039-0058. So we can go ahead and play the second
3 sequence, please.

4 PRESIDING JUDGE STEINER: Mr Haynes?

5 MR HAYNES: There is, of course, a transcript of the soundtrack to this videotape,
6 and I noted in the first clip that what was on the screen was not being translated by
7 the in-court interpreters, but I thought it might be useful if everybody was looking at
8 CAR-OTP-0058-0167 as we go along so that we can understand what is being said on
9 the tape, because some of it is highly relevant.

10 PRESIDING JUDGE STEINER: Mr Iverson, is this transcript in the Prosecution list
11 of documents?

12 MR IVERSON: Yes, Madam President. Both the French and the English
13 translations are on the list of documents and, of course, the Prosecution has no
14 objection to the Defence proposal. And for everyone's reference, the English ERN
15 number is CAR-OTP-0058-0167 and the French translation is CAR-OTP-0056-0226.

16 (Pause in the proceedings)

17 PRESIDING JUDGE STEINER: I really apologise to the parties, but this electronic
18 stuff is not my -- you can proceed. I'm sorry, Mr Iverson.

19 MR IVERSON: Not a problem, Madam President. I have problems with
20 technology all the time myself, so I appreciate everyone's patience in doing this. So
21 what I would like to do now is play sequence number 2 and I already mentioned the
22 time hacks from the video. So if we could play sequence 2, please.

23 (Video extract played)

24 Q. (Redacted)

25 (Redacted).

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Witness: CAR-OTP-PPPP-0063

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- 1 Q. (Redacted)
- 2 (Redacted)
- 3 (Redacted). As to what the Defence counsel said, I think that
- 4 you did not actually understand what he said. He spoke of voices of people that you
- 5 could hear in that video footage and he wanted those voices to be interpreted, so I
- 6 must go back to the pictures that we were speaking about earlier, or rather the video
- 7 footage. (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 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 Q. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 A. They were in their vehicle. They were going about. They got out of the
13 vehicle, and after that they came back. They went and got back into their vehicle to
14 go off, (Redacted)

15 (Redacted)

16 Q. Sir, when you say, "They were in their vehicle," who are you talking about?

17 A. A few moments ago, in that clip, they were soldiers; Bozizé's soldiers in that
18 clip.

19 Q. Sir, I would like to play for you now the third sequence, and again for the
20 record the (Redacted) of ERN

21 CAR-OTP-0039-0058. If we could play the clip, please.

22 (Video extract played)

23 Q. (Redacted)

24 (Redacted)

25 (Redacted)

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1 A. (Redacted) at the

2 crossroads at the 4th arrondissement, very close to the Miskine pharmacy, and there

3 was gunfire, gunshots, in all directions, and the various shots were done by Bozizé's

4 men and the Banyamulengue as well. The Banyamulengue were there already.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 THE INTERPRETER: Message from the Sango interpreters: Could someone please
10 ask the witness to speak more slowly. Thank you very much.

11 PRESIDING JUDGE STEINER: Mr Witness, the Sango interpreter is asking you
12 please to speak slower. You were going too fast and they are having difficulties in
13 following your words. Thank you very much, sir.

14 THE WITNESS: (Interpretation) I've understood.

15 MR IVERSON:

16 Q. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. You mentioned that shots were being fired by the Bozizé rebels and by the
6 Banyamulengue. Do you know if this was early on in the conflict, or later in the
7 conflict, or at the end of the conflict?

8 A. The gunfire that was heard, that was at the very beginning and it coincided with
9 the withdrawal of Bozizé's soldiers before they came back on 15 March. They were
10 shooting before they fell back, and the Banyamulengue drove them out all the way to
11 PK12 before getting to Damara.

12 Q. (Redacted)
13 (Redacted). Do you know what caused that big
14 explosion?

15 A. It was heavy weaponry in the 36 Villas neighbourhood, as far as 200 Villas.
16 Those are neighbouring neighbourhoods that are one beside one another, so you must
17 realise that the Banyamulengue were on one side, Camp Béal, as far as the 4th
18 arrondissement. In those neighbourhoods, as far as the main road in front of the
19 National Assembly -- or, rather, behind the National Assembly, there were explosions
20 in those neighbourhoods as far as the annex school and also around the 4th
21 arrondissement.

22 Q. Do you know who was firing the heavy weaponry?

23 A. Well, according to my understanding and what I saw on the screen, well, you
24 can see that the camera was not able to show who was shooting. The video extract
25 just shows that explanations were occurring in various directions. (Redacted)

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- 1 (Redacted)
- 2 (Redacted). At one point the Banyamulengue were firing, and then Bozizé's troops
- 3 were firing as well.
- 4 Q. I'd like to show you the fourth sequence, and again for the record this is at the
- 5 (Redacted), and that's on
- 6 CAR-OTP-0039-0058. If we could play the fourth sequence, please.
- 7 (Video extract played)
- 8 (Redacted)
- 9 (Redacted)
- 10 PRESIDING JUDGE STEINER: (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 PRESIDING JUDGE STEINER: Yes, Mr Haynes?
- 17 MR HAYNES: I think it might be a typographical error. (Redacted)
- 18 (Redacted), which I think is by the
- 19 witness at lines (Redacted). I think where Mr Iverson's (Redacted)
- 20 (Redacted).
- 21 PRESIDING JUDGE STEINER: I'm kind of intrigued, because I'm sure that I listened
- 22 to someone mentioning Boy-Rabé, and there is nothing about Boy-Rabé here. But
- 23 you can continue, Mr Iverson. I will -- if need be, I'll check again with the video.
- 24 MR IVERSON: I believe the clip that was just played (Redacted)
- 25 (Redacted)

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1 (Redacted). I'm not sure if that clarifies the position, but --

2 MR HAYNES: Certainly Boy-Rabé does appear at line 159.

3 PRESIDING JUDGE STEINER: Thank you very, very much, Mr Haynes. I was a
4 little bit confused now. Now I saw Boy-Rabé. Mr Iverson, you can continue,
5 please.

6 MR IVERSON: Thank you very much, Madam President.

7 Q. (Redacted)

8 A. (Redacted) there were some very strong explosions, gunfire, and it
9 was chaos among the people of Boy-Rabé. Some people were taking the Miskine
10 road. There were the combatants. Everything was going on underneath -- (Redacted)
11 (Redacted).

12 (Redacted)

13 Q. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted). They were leaving from Boy-Rabé

24 and Fouh. They were crossing the main road so that they could continue along their
25 way.

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1 Q. Why were the people leaving Boy-Rabé and Fouh?

2 A. It was because of the shooting of weaponry. I told you that they were shooting
3 along the main road, 36 Villas, even in front of the National Assembly, at that place,
4 they moved along to the house of a minister of our government by the name of
5 Ngouandjika. They arrived at the police station of the 4th arrondissement; the
6 Banyamulengue arrived there. You see, to go down to the centre, to the centre for
7 disabled people behind the Catholic church in the 4th arrondissement, as far as the
8 former residence of Patassé, towards the Avenue des Martyrs and then to 200 Villas.
9 So that entire area, that's where the Banyamulengue were moving along.

10 Q. In the second part of the video footage, it shows a long avenue and it zoomed in
11 on a few individuals at the -- towards the end of the avenue. What was happening
12 in this scene?

13 A. I didn't really notice the point you are referring to.

14 Q. Would it help if we played the video clip another time?

15 (Video extract played)

16 A. Do you mean the person who is dressed in white?

17 Q. No, sir, I'm sorry. I was referring to a different part of the video clip. Would
18 it help you if the video clip was played a second time?

19 A. If you believe my answers are not sufficient, then you could play the video
20 again, please.

21 Q. Okay. Sir, it is not that I don't believe your answers are sufficient. It's just
22 that you noted that you didn't notice something in the video that I asked you about
23 and so I would like to play the fourth sequence one more time just so that I can ask
24 you that question. Okay, if we could please play the fourth sequence again. Thank
25 you.

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1 (Video extract played)

2 Q. (Redacted)

3 (Redacted)

4 A. Thank you. The individuals you see on the video are the Banyamulengue.

5 They appear darker and this footage they are in military uniforms. (Redacted)

6 (Redacted)

7 they were certainly Banyamulengue.

8 Q. Where were the Banyamulengue? What location within your country?

9 A. The Banyamulengue came from the Democratic Republic of Congo. They were
10 made to cross over and were based in the 200 Villas, and before coming over to
11 commit abuses, acts of violence, they assaulted the wife of one of the authorities of
12 one of our ministers in the government, a white woman who was raped in the
13 presence of her husband. The armed Banyamulengue arrested that man, stripped
14 him, held on to his sex and they had never been -- said to him that they had never
15 weighed the testicles of a minister before, and then they crossed over to the quartier
16 where they had the UN food programme building and at 200 metres there were
17 violent acts committed, (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. And how long had the Banyamulengue been in your country (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 There were three people with me, three friends, and along our pathway I said, "Let's
10 go by here" and they said "No." And I said "If you refuse, I am going to take that
11 path," and my friends unfortunately were wearing slippers, pantoufle, and they had
12 the colour of military uniforms, so people said "Yaka," (continues in Sango). This is
13 shoes. These shoes worn matched the type that the soldiers wore and those shoes
14 were taken by File. They took those shoes and gave him flip-flops in exchange that
15 were much bigger than his feet, and he said, "Oh, they took away my shoes," and I
16 told him "Well, I warned you." That's what he endured.

17 And then a bit later we went up to Boy-Rabé quartier and (Redacted)

18 and then we went back to Fouh, (Redacted)

19 (Redacted)

20 Q. (Redacted)

21 (Redacted)

22 Q. Sir, I would like to play for you now the fifth sequence from the same video
23 CAR-OTP-0039-0058, and the (Redacted)

24 (Redacted), but before we do that -- I think this clip may have been

25 played already. I think that this clip may have been included in the last one, but

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1 we'll play it just to make sure. So we're going to play the fifth clip now, please.

2 (Video extract played)

3 MR IVERSON: I'd like to correct the record here. The fourth sequence was played

4 (Redacted). I'm sorry, I had that wrong in my notes.

5 (Redacted)

6 (Redacted), so I apologise because since I didn't mention that,

7 obviously nobody followed it in the translation and since --

8 PRESIDING JUDGE STEINER: I was confused again and I was almost giving up.

9 Thank you for the clarification.

10 MR IVERSON: I apologise, Madam President. I think it would be prudent to play

11 the clip again so that everyone can follow along.

12 PRESIDING JUDGE STEINER: Yes.

13 MR IVERSON: So we're going to play sequence number 5.

14 (Video extract played)

15 Q. Sir, we have just ten minutes to go, just for your information. I'd just like to

16 ask you some questions about the clip that we just saw. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 PRESIDING JUDGE STEINER: Is that correct, that you mentioned that you were not

23 feeling well?

24 THE WITNESS: (Interpretation) Yes. I need to use the men's room.

25 PRESIDING JUDGE STEINER: Mr Iverson, I would suggest, if the Prosecution

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1 agrees, that we adjourn and we'll continue tomorrow. Mr Witness, we are going to
2 adjourn our hearing. You can not only use the men's room, but you can rest and we
3 will continue tomorrow morning. It has been a very, very tough day and everyone
4 deserves to take some rest. Is that fine with you?

5 THE WITNESS: (No interpretation)

6 PRESIDING JUDGE STEINER: So I thank very much the Prosecution team, the legal
7 representatives of victims, the Defence team, Mr Jean-Pierre Bemba Gombo. I thank
8 very much, of course, our witness, the interpreters, court reporters.
9 We are going to turn into closed session in order for the witness to be taken outside
10 the courtroom, and in the meantime we will adjourn and resume tomorrow morning
11 at 9.30 in the morning. Court officer, please.

12 *(Closed session at 3.54 p.m.) Reclassified as Open session

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

14 (The witness stands down)

15 THE COURT OFFICER: All rise.

16 (The hearing ends at 3.54 p.m.)

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 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 RECLASSIFICATION REPORT

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

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

21 version of the transcript with its redactions becomes Public