

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 Monday, 23 May 2011

9 (The hearing starts in open session at 9.39 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. Good morning. Could, please, court
15 officer call the 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 Prosecution
19 team, the legal representatives of victims, the Defence team, Maître Liriss, Mr Jean-Pierre
20 Bemba Gombo. Good morning to our interpreters and court reporters. We will
21 continue today with questioning of Witness 63, and for that purpose I ask, please, court
22 usher to turn briefly into closed session - court officer - and for the court usher to bring the
23 witness in.

24 *(Closed session at 9.42 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 WITNESS: CAR-OTP-PPPP-0063 (On former oath)

3 (The witness speaks Sango)

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

5 (Open session at 9.43 a.m.)

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

7 PRESIDING JUDGE STEINER: Thank you. Good morning, Mr Witness.

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

9 PRESIDING JUDGE STEINER: Did you rest during the weekend?

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

11 PRESIDING JUDGE STEINER: Could you take some time for yourself?

12 THE WITNESS: (Interpretation) Quite so.

13 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony, sir?

14 THE WITNESS: (Interpretation) I am ready.

15 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that you are still under

16 oath. Do you understand that?

17 THE WITNESS: (Interpretation) Yes, I do understand.

18 PRESIDING JUDGE STEINER: I need also to remind you again that you are still under

19 oath. Do you understand that?

20 THE WITNESS: (Interpretation) Yes, I do understand.

21 PRESIDING JUDGE STEINER: I need also to remind you again that you are under

22 protective measures; that your image and your voice broadcast outside the courtroom are

23 being distorted so that the public cannot identify you, but it is important that during open

24 sessions you don't mention any information that can lead to your identification; names of

25 persons, of friends, family members, references to where you live, to your profession. Is

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1 that fine with you, sir?

2 THE WITNESS: (Interpretation) That is fine with me, your Honour.

3 PRESIDING JUDGE STEINER: If need be, to make references that could lead to your
4 identification, we go into private session. In private session you can feel free to speak.
5 My last reminder, sir, is that if at any time you need a break, just let us know and you will
6 have as many breaks as you want. Can we proceed, then?

7 THE WITNESS: (Interpretation) Yes, your Honour.

8 PRESIDING JUDGE STEINER: Mr Haynes, before you start, I was informed that Maître
9 Douzima would like to put three follow-up questions. Since legal representatives had
10 finished their questioning, I will allow Maître Douzima, unless you have objections to
11 that.

12 MR HAYNES: Your Honour, none at all.

13 PRESIDING JUDGE STEINER: Maître Douzima, on a very exceptional basis, I'm giving
14 back the floor to legal representatives.

15 MS DOUZIMA-LAWSON: (Interpretation) Thank you, your Honour. In the final
16 analysis I only have two questions to ask, some follow-up questions. These are in
17 relation to the transcript of 19 May.

18 QUESTIONED BY MS DOUZIMA-LAWSON: (Interpretation)

19 Q. Good morning, Witness.

20 A. Good morning.

21 Q. Witness, I'd like to ask you two questions quickly. The first one has to do with the
22 term "kadogo." I think you'll recall that on 19 May at this hearing, page 46, lines 46 to 48,
23 and page 46, lines 1, 2, 3, in response to a question from the Chamber regarding the
24 meaning of the word "kadogo" - the Chamber wanted to know the linguistic origin of that
25 word - you gave the following reply. You said, "'Kadogo' is a term that was used by the

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1 Banyamulengue soldiers, and I asked them, and they told me that 'kadogo' meant a small
2 person, a person of small stature." But you did not provide information about the origin
3 of the word. I would like to ask you: Is -- "kadogo" is a word that came from a
4 particular language? Did the Banyamulengue tell you which language it came from?

5 A. Thank you. When Bemba's rebel soldiers would call some of their fellow soldiers
6 "kadogo," I asked them what "kadogo" meant and they told me that "kadogo" meant a
7 person of small stature. However, this term is used by Bemba's soldiers. I don't know
8 the origin of that word.

9 Q. Thank you very much, Witness. My second and last question is as follows. At
10 page 23 of the transcript of the same date, lines 15 to 22, now, do you remember on a
11 photograph you said that there were Central African Republic soldiers who were in a
12 drinking establishment, having a beer, at PK12? (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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

18 *(Private session at 9.52 a.m.) Reclassified as Open session

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

20 PRESIDING JUDGE STEINER: You can continue.

21 MS DOUZIMA-LAWSON: (Interpretation) (Redacted)

22 Q. Witness, now, when did this event occur; (Redacted)

23 (Redacted)

24 A. Thank you. The events go back many years. I no longer remember the day, nor
25 the date.

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1 Q. Was it before, during, or after the departure of the Banyamulengue?

2 (Redacted) They had spent already

3 about one month in Damara. The Banyamulengue, well, if you look at the photograph

4 carefully, our soldiers did not have any weapons; they were not bearing any weapons. I

5 said that when the Banyamulengue were in the country, our soldiers had been disarmed.

6 They did not have any weapons with them.

7 MS DOUZIMA-LAWSON: (Interpretation) Thank you, Witness. Your Honour, I

8 thank you.

9 PRESIDING JUDGE STEINER: Court officer, please turn back into open session.

10 (Open session at 9.55 a.m.)

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

12 PRESIDING JUDGE STEINER: Thank you very much.

13 Mr Witness, now the Defence will start questioning you.

14 I give the floor to Mr Haynes. Just a reminder, Mr Haynes, to let us know when

15 you -- we have to go into private session, please.

16 MR HAYNES: Certainly, your Honour. And thank you very much.

17 QUESTIONED BY MR HAYNES:

18 Q. Mr Witness, I'd better start by introducing myself. My name is Peter Haynes and I

19 am one of the counsel who represents Jean-Pierre Bemba; do you understand that?

20 A. Yes, your Honour.

21 Q. And so that you're aware of it, I come from England, or the United Kingdom, more

22 correctly. Do you know where that is?

23 A. I've heard about that country.

24 Q. And my knowledge of this case comes from reading all the documents in it and

25 taking instructions from Mr Bemba himself; do you understand that?

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1 A. Yes, I understand.

2 Q. And because I know it's a cause for concern of yours, is there anything else you'd
3 like to know about me before we continue?

4 A. No, I don't have any question to ask you. I am ready. If you ask me questions, I
5 will answer.

6 Q. Good. Well, this has been said to you a number of times but I'm going to say it
7 again. I will warn you every time that what you are saying can be heard by the public;
8 do you understand?

9 A. Yes.

10 Q. And when I give you that warning, that means you must try, as well as I, not to say
11 anything that might let people know who you are, and that means not giving your name,
12 or the names of any of your friends or relatives, or details of where you live, or details of
13 what you do for a living, or how you otherwise make money. Do you understand?

14 A. I understand.

15 Q. Good. And I will similarly tell you when we are going into private session, when
16 you can reveal such details because the public can't hear them. Do you understand that
17 as well?

18 A. Yes, I understand.

19 Q. Good. Just two more things, and these have also been said to you before. You've
20 been giving evidence for a very long time now, Mr Witness, and it's a tiring business, so
21 it's really in your court. If you are feeling tired, or unwell, or for some reason you want a
22 break, will you promise to tell me that?

23 A. I'm completely in agreement.

24 Q. Good. And one last thing: I'm going to try and keep my questions as short and
25 simple and as focused as possible. Will you promise to listen to them, the questions that

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1 is, and answer them as best as you are able?

2 A. Perfectly.

3 Q. That's very good. Now, we are in public session and we're going to stay there for a
4 little while. So that's the warning. Please don't say anything that might reveal your
5 identity. Are we clear about that? Did you hear my last question and, if so, would you
6 indicate that you understand we're in public session?

7 A. I understand that well.

8 Q. Good, then let's begin. I want to start by asking you some questions about some
9 things you said on Friday afternoon, to see whether you can help us, as it were, with the
10 history of your country. You mentioned on Friday afternoon a man called Bokassa, and I
11 think he was President of the Central African Republic between 1966 and 1976. Do you
12 agree?

13 A. I completely agree.

14 Q. And you were born in (Redacted), so you would have been (Redacted) years old at
15 the end of his presidency?

16 A. Yes.

17 Q. Did you know that Mr Bemba is a (Redacted) younger than you?

18 A. I didn't know that he was older than me.

19 Q. I actually said "younger." Was it not translated that way?

20 A. I know.

21 Q. Have you ever met him, Mr Bemba?

22 A. I never met him, but I know that he was in Bangui.

23 Q. Did you know anything about Mr Bemba's father, who he was and what he did and
24 where he lived?

25 A. They have a property in Ouakanga neighbourhood, which is near Sokotel,

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1 Ouakanga.

2 Q. Well, I was going to ask you about that area. In the transcript on Friday it appears
3 as "Kouanga," but are you now saying it's somewhere called Ouakanga?

4 A. That is in Ouakanga neighbourhood. It's generally in this neighbourhood that they
5 would go.

6 Q. Sir, I want to be clear about your evidence. You're suggesting that as a child
7 Mr Bemba regularly visited Bangui and frequented Ouakanga?

8 A. Yes, I confirm that's what I said.

9 Q. So if you never met him, from where did you get that information?

10 A. I grew up in Bangui.

11 Q. I understand that, but when and where did you get the information that Mr Bemba
12 as a boy visited Bangui?

13 A. I obtained this information from young people from Lakouanga (phon). (Redacted)
14 (Redacted) I was walking around Lakouanga when (Redacted)
15 and at that time Bemba and his father regularly went to the Central African Republic.

16 Q. I want to move on to something else, which arises from the concerns you expressed
17 the other day to the Trial Chamber. What difference does it make to the manner in
18 which you will answer questions that you are being questioned by a lawyer asking
19 questions on behalf of the Defence?

20 A. If you have something to tell me you have to say it and, if I have an answer to give
21 you, I will give it.

22 Q. Yes, but why did you think it important that you knew whether you were being
23 questioned by the Defence or the Prosecution the other day?

24 PRESIDING JUDGE STEINER: Mr Haynes.

25 MR HAYNES: Your Honour.

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- 1 PRESIDING JUDGE STEINER: Before the witness answers, may I put to you a question?
- 2 Are you referring to something that was said by the Chamber and the parties when the
- 3 witness was not here?
- 4 MR HAYNES: No, I can give you the transcript reference.
- 5 PRESIDING JUDGE STEINER: No, just to make it sure --
- 6 MR HAYNES: No, it was --
- 7 PRESIDING JUDGE STEINER: -- since we had some exchange related to.
- 8 MR HAYNES: Yes.
- 9 PRESIDING JUDGE STEINER: Okay, thank you.
- 10 MR HAYNES: I'll move on from that, anyway.
- 11 Q. When you mentioned the other day that you believed one of Mr Bemba's lawyers
- 12 had been with him since he was 19 years old, did you have anyone in mind?
- 13 A. Thank you. I think that my explanation will be somewhat lengthy. I would ask
- 14 the counsel of Bemba never to come back to the same question, and I would say if you do
- 15 that I won't answer.
- 16 I had asked that -- well, I had asked whether there was a lawyer of Mr Bemba who was
- 17 still next to him. Is there a lawyer who knows Bemba and has done for a long time, until
- 18 he was accused in the Central African Republic? The third question: Is there a lawyer
- 19 here who is there to plead in favour of Bemba?
- 20 At the time that Bemba has been implicated in this crisis in the Central African Republic, I
- 21 would like it if you could tell me, through or via the Presiding Judge, if there is a lawyer
- 22 who is here with Bemba and has been since the age of 19; if there is another who has been
- 23 working with him until he was 19 years old? Please listen. The fact that this lawyer isn't
- 24 asking questions about Bokassa's regime, that's something I find very surprising, speaking
- 25 about Bokassa, speaking about Lakouanga neighbourhood. He also said that he was of a

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1 British origin. I'm in agreement with him.

2 We are neighbours. In the Zairean Republic, we are like brothers, and if there is a crisis
3 in -- where we come from, we take refuge in Zaire, and vice-versa as well. So I don't like
4 being asked such questions.

5 Q. Did anybody tell you that there was, or might be, a lawyer working for Mr Bemba
6 who had known him a long time?

7 A. Thank you very much, Counsel. I congratulate you, and I have respect for your
8 profession. I'm not just a small child. Coming here, I couldn't speak English. I speak a
9 bit of French. And even when I go out a bit, I have to -- well, I act like somebody who is
10 deaf and dumb, so who can provide me with service?

11 PRESIDING JUDGE STEINER: Mr Haynes, if it is your intention to continue, I would -- I
12 would ask for us to go into closed session in order for the witness to be taken outside the
13 courtroom because there are some questions that I would like to put to the Defence.

14 MR HAYNES: I'm not proposing to continue with that very much longer, but if you
15 want to deal with the matter now, then the witness can leave.

16 PRESIDING JUDGE STEINER: We are going to suspend for five minutes. Could,
17 please, court officer turn into closed session in order for the witness to be taken outside
18 the courtroom.

19 *(Closed session at 10.17 a.m.) Reclassified as Open session

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

22 PRESIDING JUDGE STEINER: Mr Haynes, I would like to regret very much that an
23 information that the Chamber transmitted to the parties, in relation to the psychological
24 state of mind of the witness, it's now being used in open session and causing its visible
25 kind of distress on the witness. Usually, the Chamber not even shares the information

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1 that it receives from VWU with the parties and participants. The Chamber opened an
2 exception last week because of the specific concerns shown by the witness, and I must say,
3 Mr Haynes, that I regret very much that the fact that an information that the witness
4 transmitted to the psychologist is now being discussed in the open session. That
5 causes -- that causes a big problem, starting by the loss of confidence of the witness in the
6 VWU psychologist.

7 So I just would like to, in closed session, and for the record, to say how upset, if I may say,
8 I am, to the fact that Defence brought this issue to the witness in open session.

9 The Chamber will think twice next time before transmitting to the Defence any
10 information that it receives from VWU.

11 MR HAYNES: Well, your Honour, I don't believe any question I have asked does not
12 emanate directly from what the witness said in court himself. And I'm perfectly
13 prepared to justify that, if you want me to. I am not using information that was
14 conveyed to the Defence by the Chamber; I'm relying on his own statement to the Court
15 that he wanted to know whether one of Mr Bemba's lawyers had been with him since he
16 was 19 years of age, because knowing who he was talking to would affect the way in
17 which he answered questions and affect his ability to give appropriate answers, and none
18 of that came from the VWU or your Honour, it came directly from the witness himself and
19 it comes from the transcript.

20 I wouldn't use information that had been conveyed to me by your Honour from the VWU,
21 and I don't believe I have done. But if you think this line of cross-examination should
22 stop, I will accept your guidance. It seemed to me to be directly relevant to the witness's
23 credibility that he had said that knowing who he was speaking to would temper his
24 answers.

25 PRESIDING JUDGE STEINER: If the Defence strategy is to make the witness fear for the

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1 answers he gives, I don't know in which point that can -- the Defence can benefit from the
2 witness's fears. In any case, I'll bring the witness back and I will rely on the good sense
3 of the Defence, in order for the Defence to try as much as possible to avoid to reinforce the
4 Defence (sic) fears. And just for the Defence knowledge, the security concern regarding
5 the legal counsel, and this is the information from VWU that I hope Defence will not bring
6 into public session, the reason why he wanted to know for how long the counsel had been
7 working with Mr Bemba, because if it was from an early age, 18 to 19 years old, then the
8 bond between the legal counsel and Mr Bemba would be similar to that of a mother to her
9 child.

10 The witness informed that if it were the case that the legal counsel had been with
11 Mr Bemba for so long, they would do absolutely anything to support Mr Bemba, which
12 shows that the witness has no idea on what is the role of the Defence. So maybe it would
13 be better if the witness is explained, again, what is the role of the Defence, instead of
14 insisting in reinforcing his fears.

15 I will ask, please, court usher to bring the witness back.

16 PRESIDING JUDGE STEINER: Maître Zarambaud.

17 MR ZARAMBAUD: (Interpretation) Thank you, very much, your Honour. If you
18 would allow me, with a view to expressing the interests and concerns of victims, it would
19 also be desirable, taking into account the level of education of the witness, we don't make
20 statements and ask them to accept him. Where it concerns the Bokassa regime,
21 this -- that ended in 1969 and not in '76. So if we asked him to give precise dates, it
22 finished in '76, in fact, and so this doesn't correspond with the reality. Thank you very
23 much.

24 PRESIDING JUDGE STEINER: Thank you, Maître Zarambaud.

25 (The witness enters the courtroom)

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1 PRESIDING JUDGE STEINER: Could, please, court officer turn back into open session.

2 (Open session at 10.25 a.m.)

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

4 THE INTERPRETER: The interpreter corrects, the regime finished in 1979 and not in
5 1976.

6 PRESIDING JUDGE STEINER: Welcome back, Mr Witness. We will continue with
7 your questioning by the Defence. We just need again to make it clear what Victims and
8 Witnesses Unit has already told you, that Mr Bemba is allowed to choose his legal
9 representatives, the same way the victims are allowed to choose their legal representatives.
10 The legal representatives are playing an important role before this Court. So you need to
11 answer to Defence questions, and whenever you have any doubt, any concern, please let
12 us know but, in principle, you have to answer to Defence questions the same way you had
13 to answer to the Prosecution's questions. Do you understand that, Mr Witness?

14 THE WITNESS: (Interpretation) I have understood that well, your Honour.

15 PRESIDING JUDGE STEINER: But I repeat: If you don't feel comfortable, if you don't
16 remember something, or if you have any concerns, we can suspend the hearing and I will
17 ask again someone from Victims and Witnesses Unit to sit with you, to listen to your
18 concerns, and to explain how this procedure works; is that fine with you, sir?

19 THE WITNESS: (Interpretation) Yes, that's fine with me. There's no problem, your
20 Honour.

21 PRESIDING JUDGE STEINER: Mr Haynes.

22 MR HAYNES:

23 Q. Just a couple more things that I want to explore with you that you mentioned to us
24 last week. Firstly, do you remember you told us (Redacted)

25 (Redacted)

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1 (Redacted)

2 A. I remember very well.

3 PRESIDING JUDGE STEINER: Just one moment, Mr Haynes. Let's turn into private
4 session, court officer, please.

5 *(Private session at 10.29 a.m.) Reclassified as Open session

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

7 MR HAYNES:

8 Q. And do I understand you correctly; (Redacted)

9 (Redacted)

10 A. (Redacted)

11 MR HAYNES: Very well. I think we can move back into open session.

12 PRESIDING JUDGE STEINER: We will. Just reminding Defence that this information
13 was given in private session. Court officer, please let's turn into public session.

14 (Open session at 10.31 a.m.)

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

16 MR HAYNES: Thank you very much.

17 Q. Mr Zarambaud asked you a question on Friday about your knowledge of the army
18 of your own country, which I would like to clarify with you. Were you aware that the
19 army of the Central African Republic comprised about 3 to 4, 000 men in 2002?

20 A. I'm not aware of the number of soldiers in the Central African Republic army.

21 Q. Were the soldiers of the Central African Republic army professional soldiers
22 organised into different army units?

23 A. I am not a military chief myself, and I am not aware of that.

24 Q. This is effectively the question that Mr Zarambaud put to you, which I don't believe
25 you answered, but so that we are clear, is it your evidence that not one of the men who

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1 comprised the Central African Army defended their President and commander-in-chief
2 during the attempted coup by Mr Bozizé?

3 A. After Patassé called on Bemba's men, the Central African soldiers no longer had any
4 value in the opinion of President Patassé.

5 Q. And is it your evidence that all of those men laid down their arms when the MLC
6 force arrived in the Central African Republic?

7 A. After Bemba's men crossed over to the CAR from Zaire, instructions were given to
8 the military chiefs of Patassé's ethnic group to disarm all Central African soldiers. So the
9 Central African soldiers no longer had any weapons in their possession. All of that in
10 the interests of President Patassé, and Bemba.

11 Q. And is it your evidence that the MLC troops took, bought or were given all of their
12 uniforms from the soldiers of the army of the Central African Republic?

13 A. The soldiers who crossed the river to come in were poorly dressed. I saw them
14 myself. They received military uniforms here in Central Africa. The soldiers who came
15 by plane were dressed in military uniform upon their arrival, and they were bearing
16 weapons. They went through the 8th arrondissement and the 4th arrondissement and
17 then on to PK12, and later to Bossembélé.

18 MR HAYNES: Thank you. Well, I think we're now going to have to go into private
19 session for some period.

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

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

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

23 MR HAYNES:

24 Q. Mr Witness, I would like to ask you about (Redacted)

25 (Redacted)

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1 (Redacted) is that correct?

2 A. Yes, that is correct.

3 Q. Can we start by focusing on (Redacted)

4 (Redacted)

5 (Redacted)

6 A. Thank you, your Honour. Thank you, counsel for Bemba. In one of my sworn
7 statements made before this Trial Chamber I testified that I am not literate; I am not an
8 educated person. So I have appeared before this Trial Chamber because (Redacted)

9 (Redacted) of the truth as I know it. Now, with the leave of the

10 Presiding Judge, (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 MR HAYNES:

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

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Trial Hearing
Witness: CAR-OTP-PPPP-0063

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

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13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 MR HAYNES: Thank you.

24 PRESIDING JUDGE STEINER: Court officer, let's turn briefly into open session, please.

25 (Open session at 11.01 a.m.)

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

2 PRESIDING JUDGE STEINER: Thank you. Mr Witness, we'll have now half-an-hour
3 break. You can take some rest, have a coffee. It's 11 o'clock. We will continue at 11.30.

4 I ask, please, court officer to turn into closed session in order for the witness to be taken
5 outside the courtroom. In the meantime, we are going to suspend and resume at 11.30.

6 *(Closed session at 11.02 a.m.) Reclassified as Open session

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

8 (The witness stands down)

9 THE COURT OFFICER: All rise.

10 (Recess taken at 11.03 a.m.)

11 *(Upon resuming in closed session at 11.37 a.m.) Reclassified as Open session

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

13 PRESIDING JUDGE STEINER: Welcome back. Before the witness is brought back into
14 the courtroom, I would like to remind parties and participants that most of the testimony
15 of this, the current witness, has been taken in private session, so whenever there is a need
16 to go back to the transcripts and to quote part of the transcripts, I would like the parties to
17 pay attention to whether that specific part belongs to a private session in order not to
18 make public what has been said in private. Otherwise, the whole purpose of witnesses'
19 protection is lost.

20 Please, court usher, bring the witness in.

21 (The witness enters the courtroom)

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

23 (Open session at 11.40 a.m.)

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

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

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1 THE WITNESS: (Interpretation) Thank you, your Honour.

2 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue giving your
3 testimony?

4 THE WITNESS: (Interpretation) I feel fine, your Honour, and I am ready to continue.

5 PRESIDING JUDGE STEINER: Mr Haynes, we are still in open session, so let me know
6 whenever you want to turn into private.

7 MR HAYNES: Your Honour, I regret to say that we are probably going to spend most of
8 the day in private session and can we go there straightaway?

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

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

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

12 MR HAYNES:

13 Q. I just want to retrace our steps a little bit, Mr Witness, and have you clarify for us a
14 few details about the (Redacted) I know it's difficult, it was a
15 long time ago, but do you remember precisely when you were (Redacted)

16 A. Thank you. (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. Thank you. Does that mean that you were (Redacted) some time in
20 2002?

21 A. I don't know exactly when. Was it in 2002? I couldn't tell you.

22 Q. That's all right, but did the (Redacted)

23 A. (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. Thank you. And going back to the answers you gave me just before we had our
8 coffee break, do you recall (Redacted)

9 (Redacted)

10 A. I don't know exactly, because (Redacted)

11 (Redacted)

12 Q. Okay. (Redacted)

13 (Redacted) which is

14 CAR-OTP-0039-0058, and it's probably going to take us about 30 minutes or so, and it
15 would be helpful if everybody had in front of them at the same time the transcript which
16 in English is CAR-OTP-0058-0167. Now, before we do that, Mr Witness, can I just check
17 something with you. Can you read in French? Well, the indication is that you can't,
18 which means that you'll have to listen to the words on the tape. The rest of us will be
19 able to follow it on a transcript. Does your Honour mind if I sit down whilst this
20 happens?

21 PRESIDING JUDGE STEINER: (Microphone not activated).

22 MR HAYNES: Thank you very much.

23 THE COURT OFFICER: Madam President, if I may? The video will be played shortly
24 and, in order for everybody to know where the video is going to be played and for
25 everybody to see it, just please press the button "PC1" on your black remote controls next

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1 to your screens and in the screen you will have to go to the position number 2, analogue
2 input, by pressing the first button on your screens, it is kind of a narrow button on the
3 screen. If you need assistance, please let me know.

4 PRESIDING JUDGE STEINER: As always, I need assistance. May I ask Mr Haynes, or
5 maybe even Ms Kneuer can help.(Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 PRESIDING JUDGE STEINER: So we continue in private session.

10 MR HAYNES: I will just point out that you can see the time in the bottom right-hand
11 corner, which matches the transcript.

12 (Video extract played)

13 PRESIDING JUDGE STEINER: Should it have sound?

14 MR HAYNES: There should be sound, as is evident from the transcript.

15 THE COURT OFFICER: Madam President, I have tried to play the video again. There
16 is a technician coming to the courtroom to check why it is there is no sound. I would just
17 ask to please be patient a few minutes. Thank you.

18 (Pause in the proceedings)

19 THE COURT OFFICER: The problem has been solved, Madam President.

20 (Video extract played)

21 MR HAYNES: We can go forward (Redacted) here. This dancing section I don't
22 think anybody considers to be relevant.

23 (Video extract played)

24 MR HAYNES: Can we just go forward (Redacted), please.

25 (Video extract played)

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1 MR HAYNES: The tape can be stopped now, for my purposes.

2 Q. Mr Witness, I want to start with those scenes we saw at the very end of the tape,

3 which appear to be of a funeral and the digging of a grave. (Redacted)

4 (Redacted)

5 A. Thank you. (Redacted)

6 (Redacted) The footage is clear. There

7 were some segments that weren't shown the first time. Now, to answer about the

8 footage, myself, I would like -- I would like to answer as the footage is being shown, but if

9 you ask me to answer once the footage has stopped that's going to be difficult. I'd rather

10 give comments as we go along. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted) If you have any questions I am willing - any other questions - I am willing to

14 reply.

15 Q. Thank you, that's very helpful, and I hope this isn't upsetting for you, but do you

16 recall (Redacted)

17 A. After thinking about it, I do have the impression that you're asking me the same

18 question. I'll tell you something. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted) That's all.

23 Q. Okay, but do you remember when that man died?

24 A. I don't know.

25 Q. Okay. Well, we'll leave it alone.(Redacted)

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1 (Redacted)

2 (Redacted)

3 A. (Redacted)

4 (Redacted)

5 Q. I understand that, but so that we can understand (Redacted), I am

6 going to ask that you look at and in particular listen to a section of the tape beginning at

7 (Redacted), and it is (Redacted) in the English transcript, halfway down the page.

8 (Video extract played)

9 MR HAYNES: Thank you, that's enough.

10 Q. (Redacted)

11 A. (Redacted) the 31st of October, no, no.

12 Q. No, that wasn't my question. My question was: (Redacted)

13 A. I know that 31 October wasn't -- isn't before 15 March and, if I am talking about

14 31 October, I do think that is well before 15 March. (Redacted)

15 was the day that the Banyamulengue were present, the rebels were also present and the

16 inhabitants were taking refuge. (Redacted)

17 (Redacted)

18 Q. (Redacted)

19 (Redacted) Can you help me about that?

20 A. Yes, (Redacted)

21 Q. And you were, as you told us, (Redacted) what was

22 happening in your country. (Redacted)

23 (Redacted)

24 A. Thank you. I don't exactly remember the date. I don't remember the date.

25 Q. (Redacted)

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1 (Redacted)

2 A. (Redacted)

3 (Redacted) Okay. Now, did you notice that just prior to that section of film the date
4 appeared on the screen, 30 October, and we can go back and see it if you want? (Redacted)

5 (Redacted)

6 (Video extract played)

7 Thank you. Did you see the date there (Redacted), 30 October?

8 A. Yes, I can see that. (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. But what was it (Redacted)

12 A. It was a waterway that goes through the neighbourhood and flows into the 8th
13 arrondissement. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. And what events were going on that day?

19 A. A few moments ago you asked for the various items of footage to be shown, and
20 these videos do summarise the various events that took place.

21 Q. Well, I am not going to keep on about this, but on 30 October, or as the video camera
22 would have us believe it was, (Redacted) people leaving the Fough neighbourhood
23 because of the fighting there, (Redacted)

24 A. That's not exactly right. Since you insist, 30 October was not the date (Redacted)

25 (Redacted) I'm not

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1 literate, I'm not educated, and I will not go back to this question.

2 Q. Well, perhaps you better tell us why (Redacted)

3 on 31 October the rebels arrived (Redacted)

4 A. Thank you very much. You were able to see that at the beginning of this footage
5 that there were rebels, as well as the Banyamulengue of Jean-Pierre Bemba. That's the
6 answer I can give you to this question.

7 Q. Well, let's go on just another couple -- another minute-and-a-half on the tape (Redacted)

8 (Redacted)

9 (Video extract played)

10 Thank you, that's enough. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 A. Thank you very much, Counsel, Mr Bemba's counsel. I congratulate you and I am
15 quite willing to answer your questions. I am answering them in good faith.(Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted) Well, the Bemba's counsel, that is why I was

19 asking the question about Mr Bemba's counsel with who he had been with for so long.

20 You see, my mother, if you want to accuse me of theft and killing and you want to kill me,

21 my mother would not accept that. The mother would say, "Kill me and let -- and spare

22 my son." The reference that I was making to -- that I was making to this whole matter of

23 Mr Bemba's counsel, certainly you didn't understand, and that's why maybe you're upset

24 with me or angry with me. You can keep on asking me questions.

25 Q. Did the rebels leave on the day that the Banyamulengue set up in the 4th

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1 arrondissement?

2 A. Thank you very much. I respect your profession and I will try to reply. When the
3 Banyamulengue came in, they stayed at the base by the river, and the rebels were still
4 occupying the 4th arrondissement. When they arrived at 200 Villas, one or two days
5 later, they started shooting. They shot so that they could move forward towards the 4th
6 arrondissement. That day, in the night until the morning, that was the day that the
7 rebels withdrew.

8 Q. Well, I'll take that answer. Just before we finish, I want to go right to the beginning
9 of the tape, please, starting at about (Redacted)

10 (Video extract played)

11 Thank you very much. Now, during that section of tape, we saw four shots of troops
12 going down the road (Redacted)

13 (Redacted) Can you confirm that they were all Mr Bozizé's
14 forces we saw in that section of tape?

15 A. Thank you very much. As I stated, the soldiers whose vehicles -- those are the
16 soldiers of Bozizé. Counsel, I'd like to say this: Did you see the dates - any dates - on
17 those shots that we just saw? That's my question.

18 Q. Well, we can rewind it to (Redacted) and you can have a look for yourself, if you
19 want. Can we please do that?

20 PRESIDING JUDGE STEINER: Mr Iverson.

21 MR IVERSON: Madam President, if I could just kindly ask Mr Haynes to point out the
22 stop or the start and stop times of the video, just so we have on the record the times, and
23 just for some of the -- I have the references in the transcript for the times here, if Madam
24 President wishes me to read them off.

25 PRESIDING JUDGE STEINER: Mr Haynes, do you have it, or should I allow Mr Iverson

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1 to do it?

2 MR HAYNES: I think it was (Redacted), wasn't it?

3 MR IVERSON: Yes, absolutely. The last one was to (Redacted), but

4 just to make everybody's life easier if Mr Haynes could just say the times. That way it is

5 on the record.

6 MR HAYNES: Absolutely.

7 MR IVERSON: Thank you.

8 MR HAYNES: I am very sorry.

9 Q. Can we come back to the date, please, because irrespective of the date, I want to ask
10 you some questions about what we hear on that videotape. (Redacted)

11 (Redacted) we heard two people talking in front of the camera about somebody stealing a
12 television. Who was stealing a television at that moment in time?

13 A. Thank you. Thank you, Counsel. In this extract, in this video extract, there is not
14 anything about stealing. He says, "Hey, they've come in," and then you see that on this
15 video extract the people are not afraid and that was the Bozizé's entry. There wasn't any
16 shooting. The people were carrying out their occupations and they were seeing these
17 videos -- they were seeing these vehicles come through and they were saying that "We
18 who do not have -- we who haven't followed Bozizé, we are lost, because all these people
19 who were in the vehicles they are the soldiers who are close to Bozizé," and that's what
20 they said. And they said "There are children. There are no small Muslims." That's
21 what is said in that video extract.

22 MR HAYNES: Thank you. I've overshoot a little bit, I am sorry.

23 PRESIDING JUDGE STEINER: Thank you, Mr Haynes. Mr Witness, we are having
24 now our lunch break. You can have lunch, take some rest. We will resume at 2.35.

25 Could, please, the court officer turn into closed session in order for the witness to be taken

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1 outside the courtroom. In the meantime, we are going to suspend and resume at 2.35.
2 *(Closed session at 1.03 p.m.) Reclassified as Open session
3 THE COURT OFFICER: We are in closed session, Madam President.
4 (The witness stands down)
5 THE COURT OFFICER: All rise.
6 (Luncheon recess taken at 1.03 p.m.)
7 *(Upon resuming in closed session at 2.40 p.m.) Reclassified as Open session
8 THE COURT USHER: All rise. Please be seated.
9 PRESIDING JUDGE STEINER: Good afternoon. Welcome back. Just for the
10 parties' and participants' information, the Chamber asked VWU to see the witness
11 during the lunch break. The -- one of the points on the short - very short - VWU
12 report is that the witness is having difficulties to remember exact times and dates and
13 he is illiterate and does not have notes to rely on.
14 He admitted that he got nervous when, in his view, they continue to ask him the same
15 question about date and time of events. At the same time, it is informed that again
16 VWU explained to the witness the role of the Defence, and stressed that he has an
17 obligation -- that Defence has the obligation to ask questions and was encouraged to
18 raise any concerns he might have about not remembering dates in court.
19 The witness informed that he would answer any questions put to him to the best of
20 his ability and that he is ready to continue giving his testimony. So, this is the very
21 short report we have and, therefore, we ask the Defence, the indulgence of the
22 Defence, in order to understand the limitations expressed by the witness and let's see
23 if we can avoid that the witness continues to feel distressed and give him -- bringing
24 prejudice to his testimony before this Court.
25 I ask, please, the court usher to bring the witness in.

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1 (The witness enters the courtroom)

2 PRESIDING JUDGE STEINER: Court officer, turn into open session, please.

3 (Open session at 2.45 p.m.)

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

5 PRESIDING JUDGE STEINER: Thank you very much. Good afternoon,

6 Mr Witness.

7 THE WITNESS: (Interpretation) Thank you, Madam President. Good afternoon.

8 PRESIDING JUDGE STEINER: Did you have some rest during the lunch break?

9 THE WITNESS: (Interpretation) Yes, your Honour.

10 PRESIDING JUDGE STEINER: Are you ready to continue testifying before this

11 Court?

12 THE WITNESS: (Interpretation) Yes.

13 PRESIDING JUDGE STEINER: If at any time you need a break for any reason, just

14 let us know. Mr Haynes, you have the floor and I remind you that we are still in

15 open session.

16 MR HAYNES: Thank you, Madam President, and good afternoon. Can we go

17 immediately into private session, please?

18 PRESIDING JUDGE STEINER: Court officer, please.

19 *(Private session at 2.47 p.m.) Reclassified as Open session

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

21 MR HAYNES:

22 Q. Good afternoon, sir. How are you?

23 A. Good afternoon, Counsel. I am fine.

24 Q. I am very pleased to hear it. We are probably going to spend most of the

25 afternoon continuing to look at the videotape (Redacted) of the events in October

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1 of 2002. Is that okay?

2 A. I have no difficulty with that.

3 Q. But you must let me know if you think any question I am asking of you is unfair,
4 or you don't understand it. Will you please do that?

5 A. That is fine with me.

6 Q. And in relation to a lot of these questions, I am going to be asking you questions
7 about things that (Redacted) people say on the videotape, so can you
8 concentrate on listening to the dialogue, please, as well as watching the pictures;
9 okay?

10 A. Fine.

11 Q. Then I want to just look again at the last piece of videotape we looked at before
12 lunch, because there were one or two questions I didn't have time to ask you and
13 I think the passage we looked at was between (Redacted)
14 (Redacted) please.

15 (Video extract played)

16 Thank you. Now, just looking at the image on the screen, I don't want to be unfair to
17 you, but can you identify the numbers in the bottom right-hand corner?

18 A. I can see "26 10 2002".

19 Q. Thank you. And do you know what that represents?

20 A. Thank you. I don't know how to answer you, because I think I have already
21 answered that question, but if I were not to answer you may feel that I am offended,
22 but all I want to say now is that I don't have anything to say about those figures or
23 numbers.

24 Q. And who are the people we can see on the screen in that frozen image there?

25 A. Thank you. The people we can see on the image, as I already told you in a

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1 previous answer, are Bozizé's soldiers. Repeat: They are Bozizé's soldiers.

2 Q. And just a couple of seconds before we froze the image, did you hear somebody
3 on the videotape say "The Lebanese have already arrived"?

4 A. Thank you. No reference was made to Lebanese. I think they talked about
5 Arabs, or Chadians, and the person who spoke said "The small one among them," but
6 as a matter of fact there is no small Chadian. It is not because he was thin, or slender,
7 that he could be referred to as being small.

8 Q. Thank you. And did you understand the reference to "Arabs" to be a reference
9 to Mr Bozizé's forces?

10 A. When he entered, there were some Chadians among his men.

11 Q. Thanks very much. Now, just going back in time through that clip - and I hope
12 you can remember it - (Redacted) we heard two people talking in
13 front of the camera and one of them said to the other "There really is a woman inside
14 as they're moving." Did you see a woman and, if so, what was she inside?

15 A. There were many women moving about, some returning from church.

16 Q. So did you understand what the man who spoke on the video was talking
17 about?

18 A. The person was saying that "If we had gone along with Mr Bozizé, we would
19 have been fine, or doing well. Today we may have been working as his
20 aide-de-camp, or bodyguards," and then the other said that "This is not such a light
21 matter, come to think of it, because one could lose one's life there".

22 Q. Well, you have brought me on to my next question, which is: As part of that
23 conversation one of the men is recorded as saying "Those of us who didn't leave last
24 time will regret it now." Did you hear that?

25 A. I have already answered that question.

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1 Q. Did people leave your area when Mr Bozizé's forces arrived?

2 A. Many people.

3 Q. And where did they go?

4 A. I do not know.

5 MR HAYNES: I would like now if we could watch a slightly longer clip (Redacted)

6 (Redacted)

7 (Video extract played)

8 Thank you very much indeed.

9 Q. At the very beginning of that clip, somebody speaking in front of the camera
10 said, "Isn't that another one there? It's a young boy," and the person to whom he was
11 speaking said, "There's another one. Isn't it a weapon he's got there in his hand?"
12 Could you see what they were talking about?

13 A. Thank you very much. Can you take this person who had a weapon, can that
14 person be put on the screen?

15 Q. Of course it can, Mr Witness. I think we'll have to go back briefly (Redacted)
16 (Redacted)

17 (Video extract played)

18 Were you able to hear the conversation? Oh, I am sorry.

19 A. It has to be well-adjusted in the middle of the screen.

20 Q. Sorry, that is my fault. I talked across the videotape. We can play that again
21 for you.

22 (Video extract played)

23 Perhaps I can put the question more simply: Did you see, (Redacted)

24 (Redacted) that Mr Bozizé's forces included young boys?

25 A. Thank you very much. The picture that we can see on the screen does not

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1 represent Bozizé's forces; those are the Banyamulengue. I said that these are the
2 Banyamulengue and I don't say that for nothing. It's because, if you go back to the
3 start of the sequence where there was a vehicle, from that place to here there are no
4 more of Bozizé's forces, and I can inform you that (Redacted) at the cross-roads of the
5 4th arrondissement. They are not Bozizé's forces. (Redacted)
6 (Redacted)
7 (Redacted) they weren't
8 well-dressed when they arrived, they were dressed in total disorder -- in a disorderly
9 fashion, and the people that you can see, these small people on the screen, like
10 the -- the Banyamulengue call them kadogo and durusu (phon) also means small
11 people in the Central African Republic.

12 Q. Thank you. Do you recall we saw an image of a white flat-bed truck and a
13 blue shirt hanging from a tree nearby?

14 A. Thank you very much. Where the vehicle stopped at the start of the events, it
15 was only at the start that there was the vehicle. If we go on a bit, if you have a
16 precise question, please put it to me.

17 Q. I apologise. Who killed President Patassé's nephew?

18 A. I don't know anything about that. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. Do you know how he was killed?

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1 A. There were rumours. I heard rumours.

2 Q. And do you know why his shirt was hanging on a tree?

3 A. I don't know. I don't know. (Redacted)

4 (Redacted)

5 Q. And was a church near to that place blown up?

6 A. The church is slightly further up and behind the person there and it is in that
7 place that you find the church.

8 Q. Was it blown up, by whom and why?

9 (Redacted)

10 (Redacted) I wasn't there when the church was destroyed, so I know
11 nothing about that.

12 Q. How long before (Redacted) had it been destroyed?

13 A. They arrived, they destroyed individuals' houses, and they pillaged the
14 property of individuals, (Redacted)

15 (Redacted)

16 Q. Well, tell us if you know, who destroyed the church near to where President
17 Patassé's nephew's body was found?

18 A. There isn't a church there. The church is slightly higher up. I don't know the
19 persons who destroyed the church.

20 Q. Very well. Okay. Can we now, please, have a look at a section of the video
21 (Redacted)

22 (Video extract played)

23 Thank you very much. There is more than one voice on that section of the tape, (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. (Redacted)

2 (Redacted)

3 A. In the film there are two types of rebels, Bozizé's rebels and Bemba's rebels, but

4 (Redacted) those were Bozizé's rebels.

5 Q. (Redacted) "When the rebels entered the

6 neighbourhoods, the neighbourhood chief hoisted the flag," (Redacted)

7 Bozizé's rebels? That's correct, isn't it?

8 A. That happened in Boy-Rabé and it was Banyamulengue rebels.

9 Q. Well, we'll come back to that in a minute. (Redacted) "Our soldiers

10 moving around and inspecting the area,(Redacted)

11 (Redacted) Central African Republic forces soldiers.

12 Q. And did we briefly see them travelling in a truck in the videotape there?

13 A. Can I answer?

14 Q. Yes, please.

15 A. Your question is very simple. (Redacted) two or three soldiers going

16 around in a vehicle, that means nothing. The soldiers who followed the minister,

17 well, their forces couldn't represent the forces of all the national army. There's no

18 point in basing yourself on these sort of simple questions before asking me questions.

19 Q. (Redacted) "Our country's soldiers, those who've remained loyal to

20 the country, went with them to help them repair the electricity cables that were

21 damaged in the Fouh neighbourhood," (Redacted)

22 A. In the Central African Republic, the company - the electricity company - Enerco

23 has soldiers available to it, 15 in number, with a view to ensuring the protection of the

24 building, and when they go from one place to another to carry out repairs these

25 soldiers are deployed to accompany the team. (Redacted) soldiers who

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1 were loyal to Patassé.

2 Q. Well, unless (Redacted) has been mistranscribed or mistranslated, (Redacted)
3 (Redacted) soldiers who remained loyal to the country, and I just wanted to know
4 what soldiers (Redacted)

5 A. Thank you. Well, I've just given you an explicit answer. I have nothing to
6 add to that.

7 Q. Thank you. Now, in order that you can give us a proper explanation for this,
8 I'm going to ask that you listen again (Redacted) and I
9 would like you to listen very carefully, please.

10 (Video extract played)

11 Did you hear that clearly?

12 A. Clearly. (Redacted)

13 (Redacted)

14 (Redacted) When

15 the Banyamulengue arrived in PK12, it was only afterwards, after their arrival, that
16 the prime minister and members of the government and the accredited ambassadors
17 went to PK12 to look at the situation in the field to see what was happening in PK12,
18 and I said that after the Banyamulengue came and they pushed back the rebels, that
19 was when the ministers went to see what was happening. That's what I said.

20 That's not a lie.

21 Q. (Redacted)

22 Banyamulengue (Redacted) brothers from the
23 Democratic Republic of Congo?

24 A. (Redacted) if you're a journalist

25 reporter, if you carry out your work such that is satisfactory for everybody, well, you

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1 have to say things which are convenient to be heard, if you understand what I mean?

2 Q. I don't. Can you try and explain it better?

3 A. I think that I have nothing to say in that regard. I have nothing to add. Even
4 if today a journalist comes to speak about Mr Bemba, he won't say anything bad
5 about him. I have nothing to say more than that.

6 Q. (Redacted) "The Banyamulengue saw to it that
7 things calmed down"? What needed to be calmed down?

8 A. Thank you very much. I have respect for your profession, you lawyers.
9 When there are shots in the country, the president and the ministers aren't there.
10 The inhabitants, the civil population, are the main victims of this firing. If you see
11 there were people who were being carried on carts, but these people weren't
12 presidents or ministers. What do you want to say exactly? That's all I have got to
13 say to you.

14 Q. Well, what was going on before the Banyamulengue arrived that they needed to
15 calm down?

16 A. I don't know exactly, but one thing I do know is that there was sustained fire,
17 and afterwards the Banyamulengue came and finally the ministers had the
18 opportunity to go to PK12. It was at that time that things calmed down. That's
19 what I can tell you now.

20 Q. There was quite a lot of looting going on before the Banyamulengue got there,
21 wasn't there?

22 A. (Redacted) at the Martyrs crossroads at the 4th arrondissement, as you saw
23 yourself on the screen, those people started to loot. It was the Banyamulengue who
24 started to loot, taking away boxes and bags, and you could see soldiers carrying away
25 red and blue bags and multicoloured bags as well.

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1 Q. Members of the local population were looting their own neighbours, weren't
2 they?

3 A. Yes, I can confirm that. Some Central Africans looted as well. They looted
4 the property of their fellow country persons.

5 Q. Would you describe the people who did that as your brothers?

6 A. I did not know them. I simply saw them (Redacted)

7 Q. And Mr Bozizé's rebels carried out quite a bit of looting as well, didn't they?

8 A. The truth of the matter is that Bozizé's men did not go into the neighbourhoods.
9 If they were involved in any looting, you would have seen them. We met the Bozizé
10 troops at the Martyrs Avenue in the 4th district, and then we didn't see them again.

11 Q. Well, I am going to invite you to look at three sections (Redacted) Can
12 we have, please, a section from (Redacted)

13 (Redacted)

14 (Video extract played)

15 Thank you. Now, I appreciate that that (Redacted)

16 (Redacted)

17 A. Thank you. Let me say again that I have a lot of respect for your profession
18 and for yourself. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. And he was talking about Mr Bozizé's rebels pillaging the area, wasn't he?

2 A. That person was talking about rebels from the Democratic Republic of Congo.

3 Q. Well, he's not here (Redacted) I

4 would like you, please, to look and listen to a clip (Redacted)

5 (Video extract played)

6 (Redacted)

7 A. (Redacted)

8 Q. I am going to read back for the benefit of the transcript how that has been

9 translated into English: "The junction in the 4th and the service station in the 4th

10 were what was destroyed after everything the rebels came and did in our country.

11 They ransacked everything everywhere. Lots of things were destroyed. After the

12 rebels, the Banyamulengues then came and took control of the town. After them, the

13 local people went outside and walked about and took a look around." (Redacted)

14 (Redacted)

15 A. Thank you. Bozizé's rebels initially had occupied the filling station at the 4th

16 arrondissement and they destroyed all the facilities at that location. This was done

17 by Bozizé's rebels, and then came the rebels from the Democratic Republic of the

18 Congo who went into the neighbourhoods and started looting there.

19 Q. (Redacted) "They ransacked everything everywhere," you agree, do

20 you, (Redacted) Mr Bozizé's rebels? (Redacted)

21 (Redacted)

22 A. They ransacked everything for sure, but they did not deploy into the

23 neighbourhoods. They restricted their movements around the filling station at the

24 4th arrondissement. They did not go into the neighbourhoods to loot personal

25 property, or to sleep with people's wives. They restricted themselves to the filling

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1 station at the 4th arrondissement, but those who went into the neighbourhoods to
2 seize property from individuals were indeed the Banyamulengue.

3 Q. Very well. Then can we have a look, please, at a section of tape from 33:52 to
4 34:22.

5 (Video extract played)

6 That rebel's body was in Boy-Rabé neighbourhood. How did it come to be there?

7 A. Thank you. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted) Everyone was

11 saying that this person had been shot by a stray bullet and I don't have anything else
12 to add.

13 Q. What was it that led you to believe it was one of Mr Bozizé's rebels' bodies?

14 A. I knew that person, but the person whom I knew very well and whose family I
15 knew very well was called (Redacted)

16 Q. And was he in a neighbourhood?

17 A. That dead body was in the Boy-Rabé neighbourhood, but the person lived in the
18 8th arrondissement and I have already told you that I knew that person, but I do not
19 know the circumstances in which that person died.

20 Q. Do you want to reconsider your answer to this Court that Mr Bozizé's rebels
21 never went into the neighbourhoods?

22 A. That is the truth, yes. Well, no, Bozizé's people did not go into the
23 neighbourhoods and they did not go into anybody's homes. Someone else may
24 testify along those lines. Now, if anybody appears before you to say that Bozizé's
25 people went into the neighbourhoods and looted and destroyed property, that would

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1 be lying.

2 Q. I just want to play you one last clip today and that's between 11:51 and

3 16 minutes exactly.

4 (Video extract played)

5 I am very sorry, can we go on another (Redacted) please.

6 (Video extract played)

7 Thank you. Whilst it's fresh in your memory, I want to ask you about the very last

8 sentences we heard uttered there by somebody who was standing near to the camera,

9 and he apparently said, "Lots of people are coming in. You wonder whether people

10 mightn't start going about their business again tomorrow." Can you help us as to

11 what he meant by "Lots of people are coming in"?

12 A. (Redacted) but please kindly clarify your question so that I may

13 answer.

14 Q. Well, during the period of the occupation of the area by Mr Bozizé's forces, had

15 people stopped going about their business?

16 A. I find that your question is out of place and I will not answer it.

17 Q. Is it correct that the MLC soldiers walked amongst the local population on the

18 date that they took control of the area?

19 A. Thank you. Now, that is a clear question. You see, that is a clear question.

20 The other questions were not clear. You were trying to trap me and that is why I did

21 not answer.

22 Q. Well, would you do me the courtesy of answering the question I have just asked

23 you; whether it's correct that the MLC soldiers walked amongst the local population?

24 A. Thank you. What we heard on that segment of the video was mostly spoken in

25 French and, although the tape is of poor quality, you must have heard what was

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1 being said. And it is therefore not for me to make any comments as to what was
2 already said. You are trying to trap me. You are trying to trap me and to get me to
3 lie. The commentaries were run in French, with a little excerpt in Sango, and you
4 were able to fully understand it, so why are you attempting to trap me? For that
5 reason, I will not answer that question.

6 Q. Okay. Well, it's --

7 PRESIDING JUDGE STEINER: Mr Haynes, if you allow me. Mr Witness, now the
8 Presiding Judge needs to intervene, because it is not up to you to decide which
9 questions you are going to answer and which questions you are not. (Redacted)
10 (Redacted)

11 (Redacted) The Judges need to understand. It's not
12 enough for the Judges to listen to the tape. We need you to clarify some points.
13 If you don't know the answer, you can always say you don't know. If the Defence
14 tries to trap you, the Chamber will not allow, but please try to do your best in order to
15 answer the questions that are put to you. Can we count on you, Mr Witness?

16 THE WITNESS: (Interpretation) No problem, your Honour. We can proceed.

17 PRESIDING JUDGE STEINER: Are you feeling tired?

18 THE WITNESS: (Interpretation) No.

19 PRESIDING JUDGE STEINER: We have only five more minutes. (Redacted)
20 (Redacted)

21 (Redacted)

22 Thank you, Mr Witness. Mr Haynes, please.

23 MR HAYNES:

24 (Redacted)

25 (Redacted)

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- 1 A. (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted) It is the person who went to see
- 6 the Banyamulengue who came back and narrated that the Banyamulengue were
- 7 asking the population to disperse because, if the population were to come close to the
- 8 Banyamulengue, out of confusion they might shoot at them, and it is for that reason
- 9 that they asked the Banyamulengue to disperse, or they asked the population to
- 10 disperse. (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 Q. Well, I'll just try the question once more before we go. (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 MR HAYNES: Thank you. Have a pleasant evening.
- 23 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.
- 24 Mr Witness, we are going to adjourn for today. It has been a very, very tiring day
- 25 for you, for our interpreters and court reporters. I hope you have a very nice

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1 evening and a restful night. We will continue tomorrow morning at 9.30 in the
2 morning in this very very same courtroom.
3 Before we go into closed session, I would like to thank very much the Prosecution
4 team, the legal representatives of victims, the Defence team, Mr Jean-Pierre Bemba. I
5 would like to thank very much our interpreters and court reporters. Again, thank
6 you very much to Mr Witness, and let's go please, court officer, into closed session for
7 the witness to be taken outside the courtroom. In the meantime, we are going to
8 adjourn.

9 *(Closed session at 4.04 p.m.) Reclassified as Open session

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

11 (The witness stands down)

12 THE COURT OFFICER: All rise.

13 (The hearing ends at 4.05 p.m.)

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