

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(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 Thursday, 9 June 2011
9 (The hearing starts in open session at 9.35 a.m.)
10 THE COURT USHER: All rise. The International Criminal Court is now in session.
11 Please be seated.
12 THE COURT OFFICER: Good morning, your Honours, Madam President. We are
13 in open session.
14 PRESIDING JUDGE STEINER: Good morning. Could, please, the court officer call
15 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. Welcome
19 the Prosecution team, the legal representatives of victims, the Defence team,
20 Mr Jean-Pierre Bemba Gombo, our interpreters, court reporters. I would ask, please,
21 the Prosecution to introduce its team since we can see new faces on it.
22 MR IVERSON: Good morning, Madam President, your Honours. On behalf of the
23 Office of the Prosecutor, this morning we have Sylvie Wakchom, legal assistant; Petra
24 Kneuer, senior trial lawyer; Madeleine Somte, language support assistant; and myself
25 Eric Iverson.

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- 1 PRESIDING JUDGE STEINER: Thank you very much. For the Defence team we
2 have Maître Liriss, Maître Kilolo, Ms Gibson. We will start today with questioning
3 of Witness 110 and, for that purpose, I ask please the court officer to turn briefly into
4 closed session in order for the witness to be brought into the courtroom.
5 *(Closed session at 9.38 a.m.) Reclassified as Open session
6 THE COURT OFFICER: We are in closed session, Madam President.
7 (The witness enters the courtroom)
8 PRESIDING JUDGE STEINER: We can turn into open session, please.
9 (Open session at 9.40 a.m.)
10 THE COURT OFFICER: We are in open session, Madam President.
11 PRESIDING JUDGE STEINER: Thank you. Good morning, madam. Welcome.
12 WITNESS: CAR-OTP-PPPP-0110
13 (The witness speaks Sango)
14 THE WITNESS: (Interpretation) Good morning, your Honour.
15 PRESIDING JUDGE STEINER: I will first ask the court usher to facilitate -- or the
16 court officer, please, to facilitate you to take the oath by reading out the words of the
17 oath for you to repeat. Court officer, please.
18 THE COURT OFFICER: Yes, Madam President. "I solemnly declare" --
19 THE WITNESS: (Interpretation) I solemnly declare --
20 THE COURT OFFICER: -- "that I will speak the truth" --
21 THE WITNESS: (Interpretation) -- that I shall tell the truth --
22 THE COURT OFFICER: -- "the entire truth" --
23 THE WITNESS: (Interpretation) -- the entire truth --
24 THE COURT OFFICER: -- "and nothing but the truth."
25 THE WITNESS: (Interpretation) -- and nothing but the truth.

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1 PRESIDING JUDGE STEINER: Madam Witness, now that you have taken the oath
2 can you confirm that you understand what the oath means?

3 THE WITNESS: (Interpretation) I fully understand.

4 PRESIDING JUDGE STEINER: Do you understand it to mean that you must give
5 answers to questions asked of you that are true and accurate to the best of your
6 knowledge and belief?

7 THE WITNESS: (Interpretation) I understand.

8 PRESIDING JUDGE STEINER: Madam, as you have had explained to you by the
9 Victims and Witnesses Unit during your familiarisation process since arriving in The
10 Hague, you will be questioned first by the Prosecution, then by the legal
11 representatives of victims and, finally, by the Defence.

12 As you know, the Chamber has put in place measures to protect your identity from
13 the public and you will, therefore, be referred to during the course of your testimony
14 as "Witness 110" or as "Madam Witness" or simply as "Witness." Your name will
15 never be mentioned.

16 Your voice and also your image that are broadcast outside the courtroom are being
17 distorted so you cannot be identified by the public. Because of these protective
18 measures, it is important, madam, that when we are in open session or public session,
19 that you don't mention any information that could lead to your identification, no
20 names of neighbours, of family members, of friends. All this information, if need be,
21 we go into private session.

22 In private session, the public outside cannot hear what you said, and then you can
23 speak freely. But in public session, help us to keep your identity protected.

24 Another point, madam: Because we speak different languages, there is
25 interpretation so that we can understand each other. Because of this, it is important

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1 that you speak slower than normal, as I am doing now, in order to allow the
2 interpreters to do their job. Because this may seem unnatural, it may be that you
3 start speeding up, at which point I will have to interrupt you and to remind you that
4 you have to slow down. This is for practical purposes, and should not discourage
5 you from speaking. Do you understand that, madam?

6 THE INTERPRETER: Message from the Sango booth: The interpreter in the Sango
7 booth did not hear the reply.

8 PRESIDING JUDGE STEINER: I'm receiving a request from the interpreter from the
9 Sango booth for you to speak, please, a little bit louder. He could not listen to your
10 answer.

11 THE INTERPRETER: Many thanks from the interpreters.

12 THE WITNESS: (Interpretation) I have understood.

13 PRESIDING JUDGE STEINER: I have a few questions to put to you, madam. Have
14 you been given the opportunity to read, or have read to you during your
15 familiarisation process, the statement, or statements, that you made to the Court?

16 THE WITNESS: (Interpretation) Yes, I did have that opportunity. I re-read my
17 statements and I have understood.

18 PRESIDING JUDGE STEINER: At the time when you made the statement, or
19 statements, did you do so voluntarily?

20 THE WITNESS: (Interpretation) I did so voluntarily.

21 PRESIDING JUDGE STEINER: Is the information that you have provided in your
22 statement, or statements, true and accurate, to the best of your knowledge and
23 understanding?

24 THE WITNESS: (Interpretation) I acknowledge that I told the truth to the
25 investigators.

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1 PRESIDING JUDGE STEINER: In case the parties or the Chamber intend to have
2 your statement, or statements, as evidence in this case, do you have any objection?

3 THE WITNESS: (Interpretation) I have no objection.

4 PRESIDING JUDGE STEINER: Before you start giving your testimony and
5 answering to the questions put by the Prosecution, is there any question you would
6 like to put to the Chamber, or any clarification, or can we start with your questioning?

7 THE WITNESS: (Interpretation) I have nothing to say. I am ready to answer your
8 questions.

9 PRESIDING JUDGE STEINER: If at any time you feel tired or distressed, or for any
10 reason you need a break, just let us know and we can have as many breaks as you
11 need. Is that fine with you, madam?

12 THE WITNESS: (Interpretation) That is fine by me, your Honour.

13 PRESIDING JUDGE STEINER: Thank you very much. So the Prosecution will
14 start questioning you.

15 Mr Iverson, you have the floor.

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

17 QUESTIONED BY MR IVERSON:

18 Q. Good morning, Madam Witness.

19 A. Good morning, sir.

20 Q. Although we met a few days ago during your witness familiarisation, I would
21 like to introduce myself again. My name is Eric Iverson and I am representing the
22 Office of the Prosecutor here today, and I will be asking you some questions
23 regarding the 2002-2003 period in the Central African Republic. Now, Madam
24 President has already advised you about the interpretation system, so I simply want
25 to remind you to please speak slowly and try to pace your answers so that the

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1 interpreters may follow what you're saying.

2 If at any point you do not understand my questions or any aspect of the questions I'm

3 asking you, just let me know and I will try to clarify or rephrase my question. If you

4 would like me to repeat any of my questions, also, just let me know. There's nothing

5 stopping you from asking for clarification or asking me to repeat a question.

6 Also, please take your time to think about the question and then answer the question,

7 so that you can provide the Judges with a complete account of what you know. And

8 also, as Madam President already noted, if you need a break at any time, also just let

9 one of us know, either the Judges or myself, and we will likely be able to

10 accommodate that.

11 Madam President, with your leave, I would like to request a private session.

12 PRESIDING JUDGE STEINER: We will go into private session and I ask you, please,

13 to remind the witness what private session means. Court officer, please.

14 *(Private session at 9.56 a.m.) Reclassified as Open session

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

16 MR IVERSON:

17 Q. Madam Witness, we are now in private session. What that means is that your

18 voice can't be heard outside the courtroom, the images are not being broadcast, and

19 so the only people that are able to hear you are the people inside this courtroom and

20 the interpreters in the booths. And so what this does, it allows you to say sensitive

21 information that has to do with your identity, so names and things like that. During

22 the course of your testimony, there may be moments where we're not in private

23 session, where we're in public session, and you want to say a name. Please don't say

24 the name, but ask for a private session and we can turn the courtroom into a private

25 session. That way, you can say the name without being heard. Do you understand

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- 1 that?
- 2 A. Yes, I understand.
- 3 Q. Great. For the record, could you please tell the Court your full name?
- 4 A. My name is (Redacted).
- 5 Q. And what is your date of birth?
- 6 A. I was born on (Redacted).
- 7 Q. Where were you born?
- 8 A. In Bangui.
- 9 Q. And what is your nationality?
- 10 A. I am from (Redacted).
- 11 Q. And in what country is (Redacted) in?
- 12 A. In the Central African Republic.
- 13 Q. What is your marital status?
- 14 A. Officially, I am not married. I do have a partner and two children.
- 15 Q. And what is your ethnic origin?
- 16 A. I am from the (Redacted) ethnic group.
- 17 Q. In what languages are you able to speak and understand?
- 18 A. I speak Sango. I speak a little bit of French.
- 19 Q. And what is your current occupation?
- 20 A. I am a student. (Redacted)
- 21 (Redacted)
- 22 Q. What subject did you study?
- 23 A. I studied (Redacted).
- 24 Q. As in (Redacted)?
- 25 THE INTERPRETER: The Sango booth did not hear the last answer of the witness.

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1 MR IVERSON:

2 Q. Madam Witness, could I ask you kindly just to speak up a little bit because the
3 interpreters are having a little bit of difficulty of hearing when you respond. So just
4 you might want to get a little bit closer to the microphones and just speak up a little
5 bit when you give your answers. Thank you.

6 A. Yes, (Redacted).

7 Q. Thank you. The interpreters certainly appreciate it.

8 Without stating the specific area, where do you currently live?

9 A. At PK12.

10 Q. And where were you living during the period of 2002 and 2003?

11 A. Still in PK12.

12 Q. Now, I have just a few more questions in private session and then I will request
13 the Judges that we go back into public session. Do you remember some of your
14 neighbours during the period of 2002 and 2003?

15 A. Yes.

16 Q. And who were some of those neighbours?

17 A. Can I give names?

18 Q. Absolutely. We are in private session, so again your voice is not being
19 broadcast outside this courtroom. So, please, do give names, if you know them.

20 A. (Redacted)

21 Q. And do you know what (Redacted) did for a living, what his occupation
22 was?

23 A. Yes, I know this.

24 Q. And what was his occupation?

25 A. He was the (Redacted).

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1 Q. Okay. Now, you've just said his name in private session. If the need arises to
2 talk about (Redacted), I would suggest to you that we use a code word
3 in public session so we don't have to go in and out of public and private session.

4 Was he your closest neighbour?

5 A. Yes, he was a very close neighbour.

6 Q. What I would like to propose to you is that, whenever you want to mention his
7 name or his occupation, you simply refer to him as your close neighbour. When you
8 say, "my close neighbour," that way everyone in the courtroom will know exactly
9 who you're talking about and that you'll be talking about (Redacted). Is that
10 acceptable to you?

11 A. Yes, that suits me.

12 Q. Excellent. So with that I will ask now that the Judges move into public session.
13 What that means now is that your voice will be distorted, but it will be able to be
14 heard outside of the courtroom. Do you understand that?

15 A. Yes, I understand this.

16 MR IVERSON: Madam President, I'd like to request that we move into open
17 session.

18 PRESIDING JUDGE STEINER: Court officer, please, let's move into public session.
19 (Open session at 10.10 a.m.)

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

21 MR IVERSON:

22 Q. Madam Witness, the way I would like to start is to ask you some background
23 questions about the period of 2002 and 2003. Have you ever heard the term
24 "Banyamulengue"?

25 A. No, it was only because of the events that I found out what the term

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1 "Banyamulengue" meant.

2 Q. And now that you know what the term "Banyamulengue" means, could you
3 please tell the Court what does "Banyamulengue" mean?

4 A. By the term "Banyamulengue," we refer to people with bad intentions who
5 came to our country, to the Central African Republic.

6 MR IVERSON: Madam President, I apologise, but I'm having difficulty with my
7 headphones here. I'm not able to hear the answers. So I can wait for the answer to
8 come up on the transcript, but I'm getting a lot of static on the headphones. I'm not
9 able to actually hear the answer.

10 THE INTERPRETER: A quick test through the interpreter: Can you hear better
11 now through the headset?

12 MR IVERSON: Miraculously, it's working now.

13 Q. Who were these people referred to as "Banyamulengue" who came to your
14 country, the Central African Republic?

15 A. It was these people who came from Zaire.

16 Q. Now, you say they -- that the Banyamulengue came to your country. Where,
17 specifically, did they go in your country?

18 A. I am not God, I have no means of knowing, but when they came, at least to my
19 sector, they arrived in the late afternoon. We went outside to find out what was
20 going on and we were told it's the Banyamulengue who have come into the locality.

21 Q. And when they arrived at your locality, did you have the opportunity to
22 actually see them, the Banyamulengue?

23 A. But this was a period of upheavals. What we could do was seek shelter.

24 Q. So before you sought shelter, were you able to see the Banyamulengue, or not?

25 A. I saw them when they came close to his compound.

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1 Q. When you say "his compound," keeping in mind that we are in public session,
2 whose compound are you talking about?

3 A. I saw them when they came close to the house, the compound of my closest
4 neighbour.

5 Q. Was this the first time that you saw the Banyamulengue?

6 A. Yes, they came into our country and that was when I saw them, but I knew that
7 there were some in our country who were working as domestic employees and also
8 as shoe polishers.

9 Q. Do you remember when you first saw the Banyamulengue outside of your
10 closest neighbour's compound?

11 A. It was towards the end of the afternoon; more specifically, between 4 and 5 p.m.
12 It was at that time that the events took place.

13 Q. And do you remember approximately what date this happened?

14 A. Towards the end of October 2002.

15 Q. And when you saw these people, the Banyamulengue, outside of your closest
16 neighbour's compound, how is it that you knew that they were Banyamulengue from
17 Zaire?

18 A. I am not God to know such things. When they began knocking at his door,
19 people were running in all directions, and I wondered why people were running in
20 all directions. I found out that the people from Zaire had come into the country and
21 had been shooting in all directions as well.

22 Q. You mentioned that the people from Zaire, the Banyamulengue, had been
23 shooting in all directions. Did you see any weapons among the people who were at
24 your closest neighbour's compound?

25 A. Yes, I saw them.

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1 Q. And who were the people carrying these weapons?

2 A. Well, it was the people who had come from Zaire.

3 Q. Could you describe what these people from Zaire looked like? What was their
4 appearance like?

5 A. Excuse me, could I ask you to please clarify your question so that I can
6 understand it?

7 Q. What type of clothing, for example, did the people from Zaire wear? What I'm
8 trying to understand is what they looked like, so what -- we'll just start with clothing.
9 What type of clothing did they wear?

10 A. They were dressed the same way as the soldiers of our country. Some of them
11 were wearing the military shirts and their trousers were civilian trousers.

12 Q. What was it that gave you a clue that, if they were dressed like soldiers from
13 your country, they were not soldiers from your country? What was it about them
14 that let you know that they were not soldiers from your country, even though they
15 were dressed like soldiers from your country?

16 A. It was the way they expressed themselves when they spoke.

17 Q. And how did they express themselves when they spoke?

18 A. They were speaking Lingala.

19 Q. How -- approximately how far away from you were these individuals from
20 Zaire speaking Lingala?

21 A. It was not far off. From the main facade of my house, you could see them
22 clearly. They were close to the foundations of my house.

23 Q. From your house, how was it that you were able to hear them speaking?

24 A. Well, they were very violent that day. You could recognise them from the way
25 they were behaving.

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1 Q. Can you give us an example of how they were behaving? What do you mean
2 by "violent," when you say that?

3 A. The day they came to occupy my neighbour's house, they were using bits of
4 stone to hit his front door. You could tell that these were people who had bad
5 intentions.

6 Q. Do you know why they were using bits of stone to hit his front door?

7 A. It's so that you understand that these were not intelligent, or educated, people.

8 Q. You said that these people from Zaire, the Banyamulengue, were speaking
9 Lingala. How do you -- how are you able to recognise that they were speaking
10 Lingala?

11 A. I have a domestic employee who is Zairean.

12 Q. Are you able to understand Lingala yourself?

13 A. No, not at all, but on that day he was present and we fled together. He is the
14 one who was explaining to me everything that was going on.

15 MR IVERSON: Madam President, may I ask briefly to go into private session?

16 PRESIDING JUDGE STEINER: Court officer, please.

17 *(Private session at 10.30 a.m.) Reclassified as Open session

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

19 MR IVERSON:

20 Q. Madam Witness, the reason that I asked for private session is because I want to
21 ask you a little bit about this domestic employee of yours. What is this person's
22 name?

23 A. (Redacted)

24 Q. And where is (Redacted) from?

25 A. He comes from there. He told me that he had come to look for small jobs here

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1 and there and then to return thereafter. * He was with us while my father was alive.

2 He was with us up until my father died.

3 Q. And do you remember the date when he stopped working for you, (Redacted)?

4 A. It was after the events and I am the one who ended his employment.

5 Q. I'd like to go back into public session but, before I do that, I'd like to ask you

6 when you would like to refer to (Redacted) if you could say "my employee." That way,

7 when you say "my employee," everyone in the courtroom will know that you mean

8 (Redacted). Is that acceptable to you, Madam Witness?

9 A. That is fine with me.

10 MR IVERSON: Thank you, Madam Witness. Madam President, may we go back
11 into public session please?

12 PRESIDING JUDGE STEINER: Court officer, please turn into public session.

13 (Open session at 10.34 a.m.)

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

15 MR IVERSON:

16 (Redacted)

17 (Redacted)

18 A. During the events I asked him about the language, and in answer she (sic) told

19 me that those persons came from the other side of the river.

20 Q. Going back to how these people from Zaire, the Banyamulengue, appeared, do
21 you recall what type of shoes any of the Banyamulengue wore?

22 A. As I stated previously regarding their attire, they were wearing different types
23 of shoes.

24 Q. And what were those different types of shoes, if you know?

25 A. Some of them were wearing military shoes, others were wearing sports shoes

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1 and others still were wearing flip-flops.

2 Q. Do you know why these Banyamulengue were in your country, in the Central
3 African Republic?

4 A. Please kindly repeat your question.

5 Q. Do you know why the Banyamulengue were in your country, the Central
6 African Republic?

7 A. No, I do not know.

8 Q. Did you ever have an opportunity to see the Banyamulengue up close, or were
9 you only able to observe them from far away; and by "up close," say the distance
10 between you and I right now?

11 A. No, I did not have such an opportunity. I only saw them from far away.

12 Q. What about your employee? Did your employee have the opportunity to get
13 close to the Banyamulengue?

14 A. No, I could not have allowed my employee to do so.

15 Q. So you say that the Banyamulengue arrived toward the end of October 2002.
16 Were you staying in that area during the entire time, in your locality?

17 A. Yes.

18 Q. And where was that? What was your locality during that time?

19 A. (Redacted)

20 Q. And is this in the PK12 area?

21 A. Yes, that is the name of the neighbourhood where I lived in PK12.

22 Q. How long were the Banyamulengue in your area, in PK12?

23 A. They were there from the beginning, that is the date I already provided you
24 with, up until mid-February.

25 Q. And from the end of October until mid-February, were you also in the area of

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1 PK12?

2 A. Yes, I lived in that area throughout that time.

3 Q. During this time, did you have opportunities to see the Banyamulengue in

4 PK12?

5 A. Well, they occupied the entire area of PK12.

6 Q. So since they occupied the entire area of PK12, did you often see them?

7 A. I have already told you that they occupied the compound of my closest
8 neighbour.

9 Q. Okay, I'd like to ask you some questions about that topic. How did
10 they -- how did they take control of the compound of your closest neighbour?

11 A. As I have already told you, when they arrived they broke the gate to the
12 compound. They had come in two columns and, when they entered the compound,
13 they started looting the property and taking it away. So people were shouting, there
14 were noises, because there was a lot of property in that compound.

15 Q. And how long did the Banyamulengue stay in your closest neighbour's
16 compound?

17 A. For the period which I already stated. I told you from end of October 2002 to
18 mid-February.

19 Q. And that's mid-February of which year?

20 A. 2003.

21 Q. How far is your house from your closest neighbour's compound,
22 approximately?

23 A. Well, the distance is very short. His compound was actually very close to
24 mine.

25 Q. Just so we have a point of reference, if you look at the far wall behind the

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1 Defence and if you look at this wall behind the Prosecution, was it a distance that's
2 further than that, or shorter than that, the distance between your house and your
3 closest neighbour?

4 A. From the Defence wall to your wall, there was a footpath which led to his
5 house.

6 Q. So there was a footpath, but the distances between the houses is what I'm trying
7 to get to. Can you approximate the distance, perhaps in metres? For example, I
8 gave you the example of the Defence wall to the Prosecution wall. Now, the
9 distance between your house and your closest neighbour, is it further than this
10 distance between the two walls, or is it closer than the two walls?

11 A. No, it was equal to this distance exactly.

12 Q. Okay, thank you. That's understood. When you saw the Banyamulengue
13 breaking into your closest neighbour's house, where were you?

14 A. I was in my father's room and I saw what was happening through the window.

15 Q. Do you recall approximately how many individuals, who were Banyamulengue,
16 were breaking into your closest neighbour's house?

17 A. I cannot tell you approximately how many were inside the compound, but I can
18 give you an idea of how many were outside the compound.

19 Q. And how many were outside the compound?

20 A. Nine.

21 Q. Now, you said you were in your house looking through a window. Were any
22 of the Banyamulengue able to see you?

23 A. No, there is a bush separating the two compounds, or between the two
24 compounds.

25 Q. And the nine Banyamulengue you saw outside the compound, were they

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1 carrying weapons?

2 A. Yes, they were armed.

3 Q. And at your closest neighbour's house, was there anybody who was at home, or
4 was it empty?

5 A. He was the occupant of the house himself; that is, the owner, my closest
6 neighbour. At that time he had gone to work, and the only persons in the house
7 were the guard, his wife and the children.

8 Q. And during the time that the Banyamulengue were breaking into the house and
9 went into the house and as you said looted things in the house, what were the guard,
10 your closest neighbour's wife and the children doing?

11 A. When they were attempting to break through the door the wife opened the
12 escape gate and they were able to flee, and from information available to me only the
13 guard remained behind.

14 Q. And after your closest neighbour's wife and children fled, do you know what
15 the guard was doing at this time?

16 A. No, I do not exactly know what he was doing in the compound at that time.

17 Q. You mentioned earlier that the Banyamulengue were looting the house. What
18 did you personally observe them looting? What items did you see them take?

19 A. They loaded goods into the vehicle, and one of them took (Redacted) and then
20 they looted his property. His wife used to own a (Redacted) and she was
21 managing it.

22 Q. Do you know whether your closest neighbour was a -- do you know what his
23 financial status was; whether he was a wealthy person, or otherwise?

24 A. He was a well-to-do man.

25 THE INTERPRETER: "... with resources," in the witness's words.

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(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0110

1 MR IVERSON: Thank you, Madam Witness. I believe it's time to take the break.

2 PRESIDING JUDGE STEINER: Madam, we are having now a half-an-hour break.

3 You can have a coffee, or take some rest. It's 11 o'clock. We'll be back at 11.30.

4 I will ask the court officer, please, to turn into closed session in order for the witness

5 to be taken outside the courtroom. In the meantime, we are going to suspend and

6 resume at 11.30.

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

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

9 (The witness stands down)

10 THE COURT OFFICER: All rise.

11 (Recess taken at 11.02 a.m.)

12 *(Upon resuming in closed session at 11.40 a.m.) Reclassified as Open session

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

14 PRESIDING JUDGE STEINER: Welcome back. The Chamber has been informed of

15 some technical problems faced by Defence, but the Defence agreed in continuing the

16 questioning of the witness. So I ask, please, the court usher to bring the witness in.

17 (The witness enters the courtroom)

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

19 (Open session at 11.43 a.m.)

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

21 PRESIDING JUDGE STEINER: Thank you. Madam Witness, welcome back.

22 THE WITNESS: (Interpretation) Good morning once again, your Honour.

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

24 THE WITNESS: (Interpretation) Yes, I did have that opportunity.

25 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony?

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Witness: CAR-OTP-PPPP-0110

(Open Session)

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1 THE WITNESS: (Interpretation) Yes, I am ready.

2 PRESIDING JUDGE STEINER: Thank you. Mr Iverson, you have the floor.

3 MR IVERSON: Thank you, Madam President.

4 Q. Welcome back, Madam Witness. Before we broke, I'd asked you about whether or
5 not you were able to observe some of the items that the Banyamulengue were taking from
6 your closest neighbour's house. Do you recall any other items that they took and loaded
7 into the vehicle, as you stated?

8 A. I can't remember all the goods that they took away. I wasn't inside the compound;
9 I was at a bit of a distance.

10 Q. And once you realised what was happening, that your closest neighbour's house
11 was being looted, did it prompt you to do anything at all?

12 A. I knew that he had not yet come back from his work. I took my phone and I called
13 him to inform him.

14 Q. And do you remember what you told him at that time?

15 A. Yes, I do remember what I said to him.

16 Q. And what was it that you said to him?

17 A. I told him that there were people who had broken into his house and that they were
18 looting his house.

19 Q. And what was his reaction when you told him this?

20 A. He was sorry to hear this information. And I asked him if he could come, and he
21 replied saying that he could not come to the house and I thanked him. He thanked me
22 for providing him with that information.

23 Q. Do you know why it was that he could not come to the house?

24 A. I knew that it was because of his safety.

25 Q. And what type of vehicle were the Banyamulengue loading the looted goods into?

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Witness: CAR-OTP-PPPP-0110

(Private Session)

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1 A. It was a military vehicle.

2 Q. Had you ever seen a military vehicle like this one? Had you ever seen a military
3 vehicle like this one in the past?

4 A. It was a military vehicle like the ones that our army uses.

5 Q. During the course of their occupation of your closest neighbour's house, did you
6 come to know any of the names or identities of the Banyamulengue?

7 A. I have no idea.

8 Q. Do you know if, among the Banyamulengue who were at the compound, there were
9 any commanders or chiefs?

10 A. According to the information that I received, one of the (Redacted)
11 (Redacted) was occupying the house.

12 Q. And do you remember how you came to know this information, if somebody told
13 you or how you came to know it?

14 A. I got that information from the guard who was working for them.

15 MR IVERSON: Madam President, I'd like to request to go into private session, just
16 briefly.

17 PRESIDING JUDGE STEINER: Court officer, please.

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

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

20 MR IVERSON:

21 Q. So, Madam Witness, now we're in private session again so it's safe to discuss names
22 and sensitive information. What was the name of this guard who was at your -- well,
23 we'll keep on calling him "closest neighbour," just so we're consistent, your closest
24 neighbour's house?

25 A. (Redacted)

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1 THE INTERPRETER: If the Sango interpreter heard correctly.

2 MR IVERSON:

3 Q. Could I have you just repeat the name so we can -- so we can have the name on the
4 record, please? Thank you.

5 A. (Redacted)

6 Q. And I'd like to refer to (Redacted) as the way you referred to him originally, simply as
7 "the guard." What kind of relationship did you have to this guard? How did you know
8 him?

9 A. He lived opposite our house; that is to say, on the other side of the street.

10 Q. And after the Banyamulengue came to your closest neighbour's house, did you have
11 the opportunity to talk to the guard?

12 A. Could you please repeat your question? I haven't understood it.

13 MR IVERSON: Madam President, I think for this purpose we can actually go back into
14 open session.

15 PRESIDING JUDGE STEINER: Court officer, please turn into public session.

16 (Open session at 11.55 a.m.)

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

18 MR IVERSON:

19 Q. Well, you know, what I asked was probably confusing. What I'm getting at is:
20 Was this guard able to tell you what was happening in your closest neighbour's
21 compound and in his house?

22 A. He didn't tell me everything; otherwise, he just answered the questions that I asked
23 of him. I think he is the one who is in the best position to answer these questions.

24 Q. Certainly. And I don't want to ask something of you that you are not able to tell us
25 but, if you remember the conversations that you had with the guard, if you could tell us,

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1 you know, what did the guard tell you about what was happening in the compound?

2 A. He just told me that when they came to -- they put their guns at his throat and they
3 gave him an order, to carry out all the instructions that they gave to him, and they also
4 asked him to stick around so that he could do things for them. He did not obey; he was
5 able to get away.

6 Q. During the time that the Banyamulengue were at your closest neighbour's
7 compound, did they ever pay you a visit?

8 A. Yes. After that some of them came, and they came into our compound, and then
9 after that I fled with the children.

10 Q. When the Banyamulengue came into your compound, were you at home?

11 A. I had already exited the house, and I was behind the house in the bush.

12 Q. From behind the house in the bush, were you able to observe what the
13 Banyamulengue were doing at your house?

14 A. No.

15 Q. How long did the Banyamulengue stay in your house?

16 A. They stayed inside the house for enough time to loot everything, to destroy the
17 windows, and commit other violent acts. They left at about 6 in the afternoon.

18 Q. In terms of hours, can you tell the Court how much time they spent in your house?

19 A. I told you that they left the house at about 6 in the afternoon.

20 Q. And about what time did they arrive at the house?

21 A. I have told you that when they broke into my neighbour's house, there was another
22 group that was in front of the front gate, and these were members of the group that was in
23 front of the gate. They started to behave in a strange way. I asked the children to come
24 and take refuge behind the house in the bush.

25 Q. So are you saying that your house was looted at the same time as your closest

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1 neighbour's house? Or was it looted after his house was looted?

2 A. There was a group that was looting the house and loading the looted goods into the
3 vehicle in my neighbour's compound and there was another group that was outside in
4 front of the front gate, and that is the group that came to my place and started to loot
5 everything that was in our house.

6 Q. You said earlier that they were -- this group in front of the gate were acting
7 strangely, they had strange behaviour, and that prompted you to get the kids and go
8 behind your house. What do you mean, they were acting strangely? Can you be
9 specific about the things they were doing that prompted you to leave?

10 A. They were shooting into the air in all directions, and that is why I decided to flee
11 with the children.

12 Q. Now, after 6 p.m., 6 in the afternoon, when the Banyamulengue left your house, as
13 you said, what did you do next?

14 A. I went back with the children. Our house had terraces, and so I stayed with my
15 children in the room that was behind the house.

16 Q. And how long did you stay in that room?

17 A. I stayed in the house because there was somebody who was with us in the house
18 who was ill.

19 Q. When you say "house," are you talking about this room behind your house, or where
20 exactly are you referring to within your compound?

21 A. I am talking about the same house. The house has two terraces and I'm talking
22 about the room that is behind the house, behind the single house.

23 Q. Is this a room that the Banyamulengue ever entered?

24 A. No. The house is very big. They could not visit all of the rooms in it.

25 Q. After the Banyamulengue left your house, did you ever go back into your house?

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1 A. I stayed behind the house - in the room behind the house - but at one point I went
2 back into the living room. I visited the living room. I closed the main door and then I
3 went back to stay in the room behind the house.

4 Q. And what did you notice about the house when you went into the living room?

5 A. They had taken everything that they could take. You can imagine the state in
6 which I found the house after they had gone through it.

7 Q. What items did the Banyamulengue take from you?

8 A. They took all of the goods that were in the living room, that were in my father's
9 bedroom. They had taken a lot of valuable items, including my father's suitcase.

10 Q. Have you since that time been able to replace all of the goods that they took from
11 your household?

12 A. The house has remained as they left it after their departure. I haven't touched
13 anything.

14 MR IVERSON: Madam President, I would request to briefly go into private session
15 again.

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

17 *(Private session at 12.10 p.m.) Reclassified as Open session

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

19 MR IVERSON:

20 Q. Madam Witness, the reason I asked for a private session is because I am a bit
21 uncertain about the risk of disclosing some sensitive information with the questions that I
22 am going to ask you now about where you live now, because your answer to the last
23 question, you said that your house has remained as they left it, after their departure. Are
24 you still living in that same house now?

25 A. Yes, that's right.

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1 Q. Okay. So I'm not certain if this was an interpretation issue. Right now I'm under
2 the impression that everything in the house was left as it was when the Banyamulengue
3 came: destroyed windows, smashed up, things taken. Is that correct, what I've just
4 stated?

5 A. Yes, that is right.

6 MR IVERSON: Okay. Madam President, I would request that we just go back into
7 public session.

8 PRESIDING JUDGE STEINER: Court officer, please, turn into public session.

9 (Open session at 12.12 p.m.)

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

11 MR IVERSON:

12 Q. Earlier today in your testimony you mentioned some people who are known as shoe
13 polishers. And this was on page 12, line 14 of today's transcript. What can you tell the
14 Court about these people who were shoe polishers, that you mentioned earlier?

15 A. The shoe polishers were living with us at PK12 and they were going about their
16 small occupations. They were among the people participating in the events when the
17 events took place.

18 Q. And since you mentioned the shoe polishers, what role, if any, did they have in the
19 event that you mentioned?

20 A. The shoe polishers were like scouts. They were pointing out the houses belonging
21 to major figures in the community, so that those houses could be looted.

22 Q. Do you know what happened to all of the household items that were taken from
23 your house? Do you know where they went? Do you know what happened to those
24 items?

25 A. I don't know.

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1 Q. And since that day, have you ever seen any of those items again?

2 A. No.

3 Q. Apart from your closest neighbour and your house, were any of the other houses in
4 your neighbourhood looted by the Banyamulengue?

5 A. Well, yes, they looted the houses of many people.

6 Q. Did you see them looting the houses of many people, or did you hear them, or did
7 you hear that they had looted, or how do you know that they had looted houses of many
8 people?

9 A. They did not only loot my house and the house of my closest neighbour. I also
10 heard that they looted many other people's houses in our neighbourhood.

11 Q. You said earlier that you saw the Banyamulengue with weapons. Did you ever
12 have an opportunity to see the Banyamulengue actually firing their weapons, or using
13 their weapons?

14 A. You know, when somebody is using their weapon, if that person is actually firing,
15 how brave do you think you would be to stay around and watch them shooting it?

16 Q. I understand exactly what you're saying. You mentioned that you saw the
17 Banyamulengue in front of the front gate, shooting their weapons, and that prompted you
18 to leave with your children. Were there any other moments during the time that the
19 Banyamulengue were at your closest neighbour's house, from the period of late
20 October 2002 until mid-February 2003, that you ever saw them firing their weapons?

21 A. Well, yes.

22 Q. And could you tell the Court, please, when you saw the Banyamulengue firing their
23 weapons, what was happening?

24 A. There was generalised panic and when people were fleeing they were shooting so as
25 to further disrupt the people running away, because here it was total chaos and people

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1 were fleeing in all directions.

2 Q. Now, when you say "... they were shooting as to further disrupt the people running
3 away," were they firing at people, or were they firing in the air? What do you mean by
4 "disrupt the people from running away"?

5 A. Some of them were firing into the air. Others were firing towards the ground.

6 Q. And due to the Banyamulengue firing their weapons, did you ever see any Central
7 African citizens get hit by any of the bullets, or projectiles, that were coming out of these
8 weapons they were firing?

9 A. I saw a woman.

10 Q. You saw a woman who was struck by a bullet; is that right?

11 A. Yes, that's right.

12 Q. Could you please tell the Chamber the circumstances of this woman being struck by
13 a bullet?

14 A. At that time, people were fleeing in all directions. The woman was also trying to
15 get away and in her flight she crossed paths with them. They called out to her and when
16 she saw that they were calling to her she tried to run away, and after that they shot her
17 down.

18 Q. You say that people were fleeing in all directions at that time. Approximately, how
19 many people were there who were fleeing in all directions? How many -- I'm trying to
20 understand how many people were in this area where you saw this shooting occur?

21 A. I cannot give you an exact number. At the time, circumstances were such that I
22 didn't have the opportunity to count people. People were fleeing in all directions.

23 Q. No, I understand and I don't expect you to give me a full count of people. I'm just
24 asking that question to help the Chamber - the Court - understand the general
25 circumstances at the time, the things that were happening at the time when you observed

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1 this shooting, and the more detail that you can provide the more it helps the Court to
2 understand what was happening exactly when you saw this shooting, so any detail that
3 you can provide is certainly helpful. I notice that you're a little bit emotional about this.
4 Would you like to take a break, or are you okay to continue?

5 A. I'm not feeling tired, but I don't want to replay these events over again in my head.

6 PRESIDING JUDGE STEINER: Madam Witness, would you like to take five minutes to
7 recover? I can ask someone to come and talk to you.

8 Court officer, please turn into closed session.

9 *(Closed session at 12.28 p.m.) Reclassified as Open session

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

11 (The witness stands down)

12 PRESIDING JUDGE STEINER: Has (Redacted) been informed?

13 THE COURT OFFICER: Madam President, I've been trying to contact (Redacted) and
14 she doesn't answer, but the support assistant from VWU has been informed and most
15 probably he or she will call her.

16 PRESIDING JUDGE STEINER: Let's suspend for ten minutes and see whether we can
17 continue after that. The parties and participants will be informed.

18 THE COURT OFFICER: All rise.

19 (Recess taken at 12.29 p.m.)

20 *(Upon resuming in closed session at 12.41 p.m.) Reclassified as Open session

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

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

23 (Open session at 12.42 p.m.)

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

25 PRESIDING JUDGE STEINER: Thank you very much. The Chamber is informed that,

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1 for the time being, the witness is not feeling well, is not feeling in a -- is not in a position to
2 restart giving her testimony. The psychologist will make an updated assessment, but in
3 principle we are going to suspend and resume after the normal lunch break, meaning at
4 2.30. So it's just to inform the parties. So we are going to suspend right now and, unless
5 the Chamber receives information in order to decide otherwise, we will resume at 2.30.

6 The hearing is suspended.

7 THE COURT USHER: All rise.

8 (Luncheon recess taken at 12.44 p.m.)

9 *(Upon resuming in closed session at 2.44 p.m.) Reclassified as Open session

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

11 PRESIDING JUDGE STEINER: Good afternoon and welcome back. The Chamber
12 received an updated information from VWU recommending -- saying that the witness
13 is feeling very emotional and fragile, that she had triggered the memory of the death
14 of her sister, and this is what made her suddenly feel so emotional.

15 She is willing to continue her testimony. She's aware that OTP and Defence may ask
16 further questions, including questions about the death of her sister, but she will try to
17 answer to these questions, to the best of her capacity, so she is willing to cooperate.

18 The VWU recommends special protective measures, an in-court assistant to sit next to
19 the witness for the duration of her testimony, offering her a short break, if wished so,
20 and for Prosecution, and in the future Defence, being mindful of the impact that the
21 questioning on her sister's death may have on the witness. So recommending a
22 special care from the parties and participants when dealing with such issues.

23 After deliberation, the Chamber decided, on the basis of Rule 88 of the Rules of
24 Procedure and Evidence, to grant the special measures as requested and to allow the
25 in-court assistant to sit next to the witness and to offer her short breaks, if she so

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- 1 wishes, and at the same time the Chamber recommends the parties to be mindful of
2 the impact that questions that involve the death of her sister may have on the witness.
3 Having said that, I ask, please, the court usher to bring the witness in.
4 (The witness enters the courtroom)
5 PRESIDING JUDGE STEINER: Let's turn into open session, please.
6 (Open session at 2.49 p.m.)
7 THE COURT OFFICER: We are in open session, Madam President.
8 PRESIDING JUDGE STEINER: Thank you very much. Good afternoon, Madam
9 Witness.
10 THE WITNESS: (Interpretation) Good afternoon, your Honour.
11 PRESIDING JUDGE STEINER: Did you manage to rest a little bit during the lunch
12 break?
13 THE WITNESS: Yes, I was able to rest.
14 PRESIDING JUDGE STEINER: Are you feeling better now, and ready to continue
15 giving your testimony?
16 THE WITNESS: (Interpretation) I am ready to go on.
17 PRESIDING JUDGE STEINER: Madam Witness, if at any time you feel tired or
18 distressed, or for any reason you need a break, just let us know and you will have as
19 many breaks as you need. Do you understand that, madam?
20 THE WITNESS: (Interpretation) I understand.
21 PRESIDING JUDGE STEINER: I'll give then the floor to the Prosecution. He will
22 continue questioning you. Mr Iverson, you have the floor.
23 MR IVERSON: Thank you very much, Madam President.
24 Q. Good afternoon, Madam Witness. How are you?
25 A. I'm well.

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1 Q. I'd like to continue with some of the questions that I had before the break, but
2 before that I just want to underline something Madam President said, that if you need
3 a break at any time, just let the Court know. Everybody fully realises that these are
4 very personal and emotional issues that need to be discussed, and so also just keep in
5 mind, don't take offence to anything I'm asking. If you want clarification or if you
6 need to take a break, just let us know. Is that sufficiently clear?

7 A. We can go ahead.

8 Q. Very well. When you observed the Banyamulengue shooting this woman,
9 where did this take place? And if you can be as precise as possible.

10 A. I left the terrace behind and I was moving towards the public toilets, and that is
11 where I saw what was going on in front of our compound.

12 Q. Did the shooting actually take place in front of your compound then?

13 A. At the corner of the compound.

14 Q. This was my fault, I should be more specific here. Where were the shooters
15 standing?

16 * A. The soldiers were in front of the gate, the gate of my neighbour's house. The
17 woman was lost, and when they saw her, they called her, they called out to her. She
18 tried to run away and that is how the incident began.

19 Q. And where was the woman when they saw her, in relation to where they were
20 standing at the front gate of your closest neighbour's compound?

21 A. You see, you can see the main road from the compound of the neighbour's.
22 There is a large palm tree beside my compound.

23 Q. Approximately how far was the woman from the Banyamulengue at the front
24 gate of your closest neighbour's house? And you can use -- again, you can use the
25 walls in the courtroom to approximate the distance, if you like, if you think that is

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1 appropriate.

2 A. Well, to explain it to you properly, you see, the woman was standing there, like
3 you, and she was walking towards the place where the lawyers are. She was
4 walking and then she saw another group in front of her and she wanted to turn and
5 go the other way, and that is when one of them shot at her.

6 THE INTERPRETER: The Sango interpreter wishes to point out that in the earlier
7 reply the witness made reference to outdoor toilets, not public toilets.

8 MR IVERSON:

9 Q. When the Banyamulengue at the front gate of your closest neighbour's house
10 called out to this woman, how did they call out to her? What do you mean by "call
11 out"?

12 A. Well, there were some who were calling out to her in Lingala, in Sango and in
13 French. They were speaking in a very disorderly way, and she couldn't understand
14 what they were saying.

15 Q. Were you able to understand what these men were saying?

16 A. I told you that I didn't understand what they were saying. It was my
17 employee who explained to me, who translated what they were saying to me, and so I
18 understood things gradually as we were going along.

19 Q. And what did your employee explain to you about what the men were saying,
20 these Banyamulengue?

21 A. I asked my employee the question, and I asked why were these soldiers yelling
22 and my employee told me that they were asking the woman to come towards them.
23 I asked, "Why?", and he told to me that he didn't know why, why they wanted her to
24 go towards them, and I also heard some of them speaking Sango, saying "Mogamo
25 (phon). Mogamo."

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1 Q. While they were calling out to this woman, were you able to actually observe
2 the men at the front gate of your closest neighbour's compound?

3 A. From our toilets, you had a direct view over the group that was standing in
4 front of my neighbour's gate.

5 Q. And while this event was happening, how were they behaving? How would
6 you describe their demeanour towards this woman whom they were calling towards
7 them?

8 A. They did not do anything to her, but the way they were calling out to her let her
9 know that they weren't intending to do anything good to her. That is why she was
10 trying to run away.

11 Q. Once she tried to run away -- excuse me, let me ask this. How much time
12 elapsed between her trying to run away and the shots being fired by the men at the
13 front gate of your closest neighbour's compound?

14 A. No, it was the following day. It was the following day. For example, they
15 came into the locality today, well, it was the following day, tomorrow, that they
16 committed these atrocities.

17 Q. Well, I guess what I'm asking is, once the woman -- once the Banyamulengue
18 realised that the woman was not going to obey their command to come over here and
19 she started to run away from them, how much time did it take them to fire shots at
20 her?

21 A. No, quite frankly, I couldn't say.

22 Q. Do you know how many shots they fired at this woman?

23 A. There were three gunshots.

24 Q. And do you know how many shooters there were? You mentioned that it was
25 a group of nine individuals at the front gate. Do you know how many actually fired

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1 the three shots?

2 A. I'm not God. I don't know who among the group of men fired the shots.

3 Q. And how quickly were the three shots fired? Were they fired in rapid
4 succession, or were they fired more slowly?

5 A. Yes, the gunshots were fired immediately, one after the other.

6 Q. And once they fired the gunshots, what happened to the woman?

7 A. She fell down and she didn't get up again.

8 Q. Do you know if this woman survived the shooting?

9 A. She died.

10 Q. And you said earlier that this incident happened the day after the
11 Banyamulengue first arrived in the area; is that right?

12 A. Yes, that's right.

13 Q. What do you know about the personal details of this woman? Remember that
14 we're in public session and so, if you think you need to go into private session to relay
15 the details, just let the Court know. Without disclosing any names, what detailed
16 information can you provide about this woman?

17 A. What details are you asking me to tell you about? I didn't know this woman.

18 Q. Okay, you didn't know her. Did you happen to see what type of clothing she
19 was wearing when she was shot?

20 A. She was wearing a wrap dress. It was a wrap fabric, and so I would deduce
21 from that that it was the kind of wrap dress that we usually called a kaba.

22 Q. Do you know where the bullets from the weapons struck her?

23 A. She was turning around to run away and she was hit in the back.

24 Q. Do you know what happened with the woman's body?

25 A. We couldn't abandon the body and certain young people had to bury it. Often

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(Private Session)

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1 in these cases the burial took place on the school grounds, or on grounds in the
2 neighbourhood.

3 Q. Do you know specifically what happened in this case with her body, or not?

4 A. I do not know where the body was buried.

5 Q. I'd like to go back and talk about your house and your compound again. After
6 the Banyamulengue looted your house, you said on that same day you went back into
7 a room I believe adjacent to your house; is that right?

8 A. I told you that there were two terraces. There is a door that opens to the
9 outside and that is behind the house.

10 MR IVERSON: Madam President, I'd like to request a brief private session, please.

11 PRESIDING JUDGE STEINER: Court officer, please.

12 *(Private session at 3.14 p.m.) Reclassified as Open session

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

14 MR IVERSON:

15 Q. All right, Madam Witness. Again, we're in private session. The reason is I
16 want to ask you some specific information that may involve names, so it's -- we're on
17 safe ground to discuss names here. After the Banyamulengue left your house and
18 compound, how long did you stay in your house? Was it days, weeks, months?
19 How long did you stay in your house after that event?

20 A. Two days. And after having observed that the situation was untenable, and
21 given the threat and the risk, I took the decision to leave.

22 Q. And where did you leave to?

23 A. I went to my uncle's home on the (Redacted), far further inland.

24 Q. And how long did you stay there?

25 A. I stayed there until things calmed down.

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1 Q. What is your uncle's name?

2 A. Which uncle are you asking me about?

3 Q. The name of the uncle whose home is on the (Redacted).

4 A. Over there I have relatives on both my father's and mother's sides. I have
5 cousins there.

6 MR IVERSON: Madam President, may I have a brief moment to consult with my
7 colleagues? Thank you.

8 (Prosecution counsel confer)

9 Thank you, Madam President.

10 Q. Madam Witness, you say that you left two days after the Banyamulengue were
11 in your house and you left for your uncle's house on the (Redacted). What was the
12 reason for leaving to your uncle's house? Why did you -- why did you leave your
13 house and go to your uncle's house?

14 A. My eldest sister was sick at that time and, when the events took place, there
15 were gunshots everywhere. I took refuge at my uncle's place, and during that time
16 she died. I left again to let people know to come and look after her body.

17 MR IVERSON: Madam President, I think -- I would propose we go back into open
18 session at this point. Thank you.

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

20 (Open session at 3.21 p.m.)

21 MR IVERSON:

22 Q. Madam Witness, at any time --

23 THE COURT OFFICER: I'm sorry. We are in open session, Madam President.

24 MR IVERSON: I apologise. I'll watch my timing.

25 Q. Madam President -- excuse me, Madam Witness, at any time during this period

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1 of October 2002 until mid-February 2003, did you ever have the opportunity to see the
2 accused Mr Bemba?

3 A. Well, when I was still at my place, at home, I didn't have an opportunity to see
4 him, not even once.

5 Q. And when you were not at your place, not at home, did you then have an
6 opportunity? At any time, between October 2002 and mid-February 2003, did you
7 have an opportunity to see the accused Mr Bemba?

8 A. Yes, I saw him once. One day, the inhabitants started to shout, and I said to
9 myself something must be going on. I went outside and I asked around, and I was
10 told, well, the head of the Banyamulengue had arrived. And he gathered his men
11 together. I don't know what it was about. I don't know what they were talking
12 about.

13 Q. Did you actually see the gathering yourself or did you hear about it from
14 someone else?

15 A. I saw people gathering together.

16 Q. What else did you -- do you know about this gathering? Did you hear any
17 words that were spoken at the gathering?

18 A. No, I didn't learn anything of it, but I was keeping a certain distance and I could
19 observe what was going on. I saw him talking with his men. I didn't go up close to
20 find out what they were saying amongst themselves.

21 Q. Now, I'm going to ask you to estimate how many people he was talking to. I
22 understand, you know, it can be difficult to estimate numbers but, if you can, could
23 you tell the Court approximately how large was the gathering? How many people
24 were there?

25 A. There were a lot of them.

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1 Q. Could you say if it was -- if the group was more than a hundred or less than a
2 hundred?

3 A. I've just told you there were a lot of them. Your guess is as good as mine.

4 There were a lot of them. Some of them were keeping to the sides, so it was difficult
5 on that day to have an exact idea of the numbers.

6 Q. Very well. Where did this gathering take place?

7 A. It was on the school grounds.

8 Q. Madam Witness, earlier today -- so, I'm largely done with my examination. I
9 just have a few follow-up questions about things you said earlier, so if you would just
10 bear with me here.

11 You mentioned the guard of your closest neighbour, and on page 26, lines 23 to 24 of
12 today's transcript, you told the Court that the guard was able to get away, he was able
13 to get away from the Banyamulengue. And my question is: Do you know how
14 much time the guard spent with the Banyamulengue while they were at your closest
15 neighbour's compound?

16 A. Well, he was looking after them. He was used as an errand boy. They sent
17 him to the market to buy produce. He spent quite a while with them.

18 Q. And another topic: When the Banyamulengue arrived --

19 JUDGE ALUOCH: Sorry, Mr Iverson. Can you just clarify from the witness, did all
20 this happen the same day? He was used for a while as an errand boy going to the
21 market, all on the same day or different days?

22 MR IVERSON: Absolutely, your Honour, I'll clarify that further.

23 Q. Do you know how much time the guard spent with the Banyamulengue in
24 terms of -- say in terms of days, weeks, months? If you can approximate the length
25 of time he served as an errand boy for the Banyamulengue.

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1 A. I could estimate it at (Redacted), but he stayed with them for a long time. He
2 ran away (Redacted) after the liberation.

3 THE INTERPRETER: Excuse me, "before the liberation of the country," specifies the
4 witness.

5 MR IVERSON:

6 Q. And how do you know that information, that the guard was with the
7 Banyamulengue up until (Redacted) before the liberation?

8 A. After the events, I met him and he is the one who told me, since we had been
9 neighbours, and I believe that when he will be here himself, he will tell you the entire
10 truth about what actually happened.

11 Q. And then moving to another topic, and for the record this is page 18, line 19,
12 you had mentioned that when the Banyamulengue came into your neighbourhood,
13 that they had come in in two columns. Could you describe for the Court what you
14 mean when you say that they had arrived in two columns?

15 A. That is the way it happened. That is how they moved on towards my
16 neighbour's compound. They came in two columns. That is the way they marched
17 towards my neighbour's compound.

18 Q. And just to follow up on the gathering with Mr Bemba. You said it was on the
19 school grounds. Can you be a little bit more specific, which school grounds are you
20 talking about?

21 A. It was the Begoua primary school.

22 Q. Were you at any time compensated for the items that the Banyamulengue stole
23 from you?

24 A. No, not at all. By the way, I was not the only victim, and have the other
25 victims been compensated before I could have been compensated too?

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1 Q. Since the time that the Banyamulengue were in your country, what effects, if
2 any, have you or your family suffered from your contact with the Banyamulengue?

3 A. One cannot forget this kind of event. You see, all what my father was able to
4 build in several years was destroyed in one day, and I am not able to reconstruct what
5 my father had achieved. It took them only one day to destroy all of that. What else
6 can I tell you, Counsel?

7 MR IVERSON: Thank you, Madam Witness. I have no further questions for you.
8 Thank you, Madam President.

9 PRESIDING JUDGE STEINER: Thank you very much, Mr Iverson.

10 I'm informed that there has been a problem with Maître Zarambaud and Maître
11 Zarambaud could not come back from the lunch break, so I would like to ask Maître
12 Douzima -- oh, I'm sorry, Maître Douzima has not requested authorisation to question
13 the witness, which means if the court officer has any news about the situation of
14 Mr Zarambaud? So, apparently there is a slight problem with Maître Zarambaud,
15 which means that we'll have to adjourn for today and continue tomorrow morning.
16 So, Madam Witness, you can go to the hotel a little bit earlier and take some rest.
17 Tomorrow we'll start earlier, at 9 o'clock, in this very same courtroom. And, madam,
18 you'll be questioned first by Maître Zarambaud, who is legal representative of victims,
19 including your legal representative, and after Maître Zarambaud, Defence will be
20 prepared, I suppose, to start as well. Is that correct, Maître Liriss?

21 MR LIRISS: (Interpretation) That is correct, Madam President.

22 PRESIDING JUDGE STEINER: Therefore, Madam Witness, thank you very much,
23 and we hope you have a very restful night, and we will continue tomorrow morning.
24 I would like to thank very much the Prosecution team, Maître Douzima, legal
25 representative of victims, to the Defence team, Mr Jean-Pierre Bemba Gombo. Thank

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1 very much our interpreters and court reporters.

2 I will order now the court officer to turn into closed session, in order for the witness

3 to be taken outside the courtroom. I thank very much VWU, the assistant from

4 VWU that is at the side of the witness. We are going to closed session. The witness

5 will be taken outside the courtroom, and in the meantime we are going to adjourn

6 and resume tomorrow morning at 9 in the morning in this very same courtroom.

7 *(Closed session at 3.41 p.m.) Reclassified as Open session

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

9 (The witness stands down)

10 THE COURT OFFICER: All rise.

11 (The hearing ends at 3.41 p.m.)

12 CORRECTION REPORT:

13 The Court Interpretation and Translation Section has made the following correction

14 in the transcript:

15 *Page 32 line 16 to 18:

16 "A. They were the soldiers who were in front of the gate, the gate of my

17 neighbour's house. The woman was lost, and when they saw her, they called her,

18 they called out to her. She refused and that is how the incident began." is corrected

19 by

20 " A. The soldiers were in front of the gate, the gate of my neighbour's house. The

21 woman was lost, and when they saw her, they called her, they called out to her. She

22 tried to run away and that is how the incident began."

23 SECOND CORRECTION REPORT:

24 The Court Interpretation and Translation Section has made the following correction

25 in the transcript:

26

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1 *Page 14 lines 1-2

2 "My father was present, he was there and he worked with us up until the death of my
3 father. "is corrected by

4 "He was with us while my father was alive. He was with us up until my father died."

5 RECLASSIFICATION REPORT

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

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

8 version of the transcript with its redactions becomes Public

9