

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 Friday, 10 June 2011
9 (The hearing starts in open session at 9.18 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, court officer. Could you please 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 Prosecution
19 team, legal representatives of victims. Maître Zarambaud, I am really sorry, I was
20 informed that you faced some problems yesterday. I hope you can find a solution as
21 soon as possible. Good morning Defence team, Mr Jean-Pierre Bemba Gombo, our
22 interpreters and court reporters.
23 We will continue this morning with the questioning of Witness 110, starting with the
24 questioning by legal representative Maître Zarambaud. For that purpose I ask,
25 please, court officer to turn into closed session for the witness to be taken into the

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- 1 courtroom.
- 2 *(Closed session at 9.20 a.m.) Reclassified as Open session
- 3 THE COURT OFFICER: We are in closed session, Madam President.
- 4 (The witness enters the courtroom)
- 5 WITNESS: CAR-OTP-PPPP-0110 (On former oath)
- 6 (The witness speaks Sango)
- 7 PRESIDING JUDGE STEINER: Could we turn, please, into open session.
- 8 (Open session at 9.21 a.m.)
- 9 THE COURT OFFICER: We are in open session, Madam President.
- 10 PRESIDING JUDGE STEINER: Good morning, Madam Witness.
- 11 THE WITNESS: (Interpretation) Good morning, your Honour.
- 12 PRESIDING JUDGE STEINER: Good morning, representative of VWU. Welcome
- 13 to this courtroom. Madam Witness, did you manage to rest and have a good night?
- 14 THE WITNESS: (Interpretation) Yes, I did have a good night and I was able to rest
- 15 properly.
- 16 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony?
- 17 THE WITNESS: (Interpretation) Yes, I am ready.
- 18 PRESIDING JUDGE STEINER: Today we will start with your questioning by Maître
- 19 Zarambaud, who is a legal representative of victims, but before I give the floor to
- 20 Maître Zarambaud I need to remind you that you are still under oath. Do you
- 21 understand that, Madam?
- 22 THE WITNESS: (Interpretation) Yes, I understand.
- 23 PRESIDING JUDGE STEINER: I also want to remind you that you are under
- 24 protective measures, that your image and voice broadcast outside the courtroom are
- 25 distorted so the public cannot identify you. In order for these protective measures to

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1 be effective, it is important that during open public sessions you don't mention any
2 information that could lead to your identification; names of family members, of
3 neighbours. Do you understand that, Madam?

4 THE WITNESS: (Interpretation) I understand that.

5 PRESIDING JUDGE STEINER: Finally, Madam, this morning we'll have two
6 sessions of two hours each, with a break after two hours, but if for any reason you
7 need a break at any time, if you feel tired, or distressed, just let us know and you will
8 have as many breaks as you need. Is that fine with you, Madam?

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

10 PRESIDING JUDGE STEINER: So I will give the floor to Maître Zarambaud, who
11 will put to you some questions. Maître Zarambaud, you have the floor.

12 MR ZARAMBAUD: (Interpretation) Thank you, your Honour, your Honours.
13 Thank you for allowing me to address the Court. I also would like to thank you for
14 being so patient yesterday, delaying the hearing until today so that I could ask my
15 questions. In the normal course of events, I would have asked them yesterday.

16 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

17 Q. Good morning, Witness.

18 A. Good morning.

19 Q. As I said to you during the familiarisation process, I am Maître Zarambaud
20 Assingambi, and I am member of the Central African Republic Bar and here I am
21 representing the victims along with my colleague Ms Marie-Edith Douzima. I just
22 have a few short questions for you just to clear up a number of points for the Court, a
23 number of points that I think are important. I hope you don't mind. Is that all right
24 with you?

25 A. I see no problem with that.

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1 Q. Thank you, Witness. Now, during your testimony you said that you
2 personally saw the Banyamulengue when they arrived. The Office of the
3 Prosecution has already asked you some questions about the way they were dressed
4 and their footwear, so I won't ask any more questions about that but I'd just like to
5 ask you did you see any insignia indicating ranks on the Banyamulengue's uniforms?

6 A. I didn't see anything.

7 Q. Thank you. Witness, you stated that when you saw them arrive, these
8 Banyamulengue - and the reference is CAR-OTP-0046-0069 - you said that there were
9 some men and women, but there were also little boys and adults. In your opinion,
10 speaking generally, what age might have the youngest little boys been; these people
11 that you referred to as "little boys"?

12 A. Well, judging by their appearance when I was looking at them, I would say that
13 they were about 12 years old. As for the women, they were older; even older than
14 me.

15 Q. Thank you, Madam Witness. In your statement - and the reference I am
16 referring to is CAR-OTP-0046-0271 and CAR-OTP-0046-0272 - going by those
17 references it was your statement that Bemba and his assistant and his troops met in
18 the camps and that in the mornings Bemba would go to hold meetings in the camp
19 and be informed, or briefed, on the situation. You said that you were aware of these
20 things because some Central African civilians were within those camps and they
21 collaborated with the Banyamulengue and that you saw Bemba on two occasions.
22 My first question is the following: Those Central African civilians, were they many
23 in number, and were they incorporated into the Banyamulengue group as soldiers
24 and were they armed and did they have military uniforms and weapons?

25 A. No, it was not that way. They were people whose parents or relatives had fled

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1 and who had been asked to stay back in the homes to watch over the property. Two
2 of them were guards, taking care of the homes.

3 Q. Thank you, Madam Witness. On which occasion were you able to see
4 Mr Bemba?

5 A. I saw Bemba holding a meeting with his troops at the Begoua school field.

6 Q. Thank you. Do you remember how he was dressed on that occasion? Do you
7 remember how Mr Bemba was dressed on that occasion?

8 A. He was wearing military gear; a military uniform with all his military gear.

9 Q. Thank you, Madam Witness. My next question was going to deal with the
10 person who was shot down between your house and your closest neighbour's house,
11 but I believe that the Prosecutor has sufficiently dealt with that matter and there is no
12 need to put any further questions to you on that issue. The next question is the
13 following: In your statement, CAR-OTP-0046-0279, and I quote, "Some
14 Banyamulengue were shoe polishers in the Central African Republic and they
15 allegedly told the others to go to such-and-such a house because they knew who had
16 money and who did not. They pointed out the houses to them," end of quote.

17 Question: Before Bemba's troops arrived, were there any Congolese, otherwise
18 known as Zaireans, living in Central African Republic who were Banyamulengue,
19 those civilians or those Congolese who were shoe polishers, were they being called or
20 were they referred to as Banyamulengue before Bemba's troops arrived?

21 A. No, that is not how things were. At the time we knew that there were many of
22 them in our respective neighbourhoods, but it is only when Bemba's troops arrived
23 that we became aware that they could also be called Banyamulengue.

24 Q. Thank you, Madam Witness. A question was put to you as to whether you
25 notified the authorities of your country about the looting of your house, and the

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1 answer you provided was not entirely transcribed on the record. It is for this reason
2 that I am putting the following question to you: Did you inform the authorities of
3 the Central African Republic of the looting of your house and, if you did, did the
4 Central African authorities take any measures to deal with your report?

5 A. No. You see, there were many victims at the time, so who could I go to
6 complain to? One day, while I was at home, I saw some gendarmes conducting an
7 investigation in the neighbourhood, so I went towards them and they registered me.

8 Q. Thank you, Madam Witness. I am now going to put my last question to you
9 and I'll be referring to your statement CAR-OTP-0046-0292, and this is in connection
10 with the deployment of the Banyamulengue. According to your statement, and I
11 quote, "They occupied PK12, Yembi 1, Gbanou neighbourhood, PK13 towards the
12 Damara road, the school, the house and that they forced girls to sleep with them and
13 they occupied almost the entire -- our entire neighbourhood." Question: Did those
14 Banyamulengue have any tents, the types of tents that soldiers would ordinarily have,
15 or in other words, where did they sleep?

16 A. Thank you. They did not have tents. They occupied the houses, private
17 homes. They took beds and foam mattresses from private homes and used them for
18 their beds and that is where they slept. They took beds, they took even wood and
19 used as firewood. They took those beds and used as firewood and even some mats
20 as well.

21 Q. Thank you, Madam Witness. This is my last question. Thank you, Madam
22 Witness. My last question on that excerpt is the following: How did they find food?
23 How did the Banyamulengue find food for themselves?

24 A. Well, I learnt that they had some provisions for food, and those who worked for
25 them told us that from time to time they would send them to the market to buy food,

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1 but that after the cooks had prepared the food they would force the cooks to taste the
2 food before they ate. So I think they received some money for food. They also
3 received some fish, I believe, but I don't know who made those things available to
4 them.

5 MR ZARAMBAUD: (Interpretation) I thank you for answering my questions.

6 Madam President, your Honours, that will be all and I thank you.

7 PRESIDING JUDGE STEINER: Thank you very much, Maître Zarambaud. We will
8 now start with the questioning of the witness by the Defence but, before giving the
9 floor to Maître Kilolo, the Chamber received this morning, or the Chamber received
10 via email, the copy of the Prosecution objection on the Defence's intention to tender
11 some documents into evidence.

12 In order to follow decision 1474, issued on 31 May 2011 by this Chamber, I would like
13 first to ask Prosecution whether Prosecution would like to make any oral submission
14 further to its message sent to the Defence?

15 MR IVERSON: Excuse me. Madam President, we believe that the email speaks for
16 itself, but it's just a matter of how it will be in the record. Does Madam President
17 intend to enter the email objections into the record, or would it be preferred that we
18 actually orally read them into the record?

19 PRESIDING JUDGE STEINER: Mr Iverson, the decision 1470, in its paragraph 7,
20 item (b), says that "Any objections as regards the relevance or admissibility of the
21 material that the parties identify as intended to be submitted as evidence shall be
22 provided with detailed reasons for preparation purposes by way of an email sent to
23 the opposing party and participants and copied to the Chamber as soon as practicable
24 and before the hearing at which the document is to be submitted as evidence. The
25 objections shall then be formally raised in court at the time the material is submitted

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1 to the Chamber, and the opposing party will be given the opportunity to respond to
2 the objection orally." For that reason, I ask whether the Prosecution is ready to
3 confirm the objections raised by email in order for the Chamber to give the Defence
4 the opportunity to respond orally as well?

5 MR IVERSON: If the Defence still intends on tendering these three documents, we
6 would stand by our objections outlined in the email. I can certainly discuss the basis
7 of the objections now, or after the Defence seeks to actually tender the documents;
8 whichever you prefer, Madam President.

9 PRESIDING JUDGE STEINER: I see the -- we see the Prosecution's views. Since
10 the Prosecution in advance informed the Defence on the factual and legal basis of its
11 objections, so first the Chamber would like to ask the Defence whether the Defence
12 would like to make observations and whether the Defence intends to formally submit
13 these three documents into evidence.

14 MR LIRISS: (Interpretation) Madam President, your Honours, I believe that the
15 problem raised by the Prosecution relates to the nature and the value to be ascribed to
16 those documents. This material is not evidence as such but, rather, material that
17 enables the Prosecutor -- rather, the Defence, as it has the right to, to check the
18 credibility of the testimony. And which material are we looking at here? First of all,
19 it is the application to participate as a victim. That document enables us to check the
20 credibility of the testimony.

21 Then there is submission by the Prosecutor 368 and then a visual aid from the
22 Prosecutor, and in these matters we are looking at the dates, and this is material that
23 has already been used which will once again assist the Defence in cross-checking the
24 credibility of the witness.

25 For all these reasons, therefore, I do not understand the basis of the Prosecutor's

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1 objection at this level. The Defence, therefore, intends to use these documents for the
2 purpose of cross-checking the credibility of the witness's statement. Thank you.

3 PRESIDING JUDGE STEINER: Maître Liriss, the Chamber understands that we are,
4 for the first time, following the procedure that was created in order to implement the
5 decision of the Appeals Chamber, so it's reasonable that the parties and participants
6 are not yet familiar with the procedure to be followed. And maybe because the
7 Defence delayed as well the communication of the documents to be used during the
8 questioning of the witness, the objections made by the Prosecution came almost at the
9 same time as the beginning of the questioning by the Defence of the witness 110. So
10 I will, on an exceptional basis, give the Prosecution the opportunity to respond and
11 then to the Defence to reply, but the Chamber would very much appreciate that from
12 now on, as soon as the procedure becomes more familiar, that both Prosecution and
13 Defence are in a position to bring objections and responses based on factual or legal
14 arguments, not on a general basis that such-or-such document could be important to
15 be used by the Defence in checking credibility of the witness.

16 Of course, the Chamber will not decide on the admissibility of such documents on the
17 spot, according to the decision on its same paragraph 7, item (c). The Chamber will
18 decide in due time, but I would like to remind the Defence as made -- as did by the
19 Prosecution in one of its objections that, in relation to the third document, the
20 document CAR-ICC-0001-0007, the Chamber had already decided on an oral decision
21 on transcript number 30, page 6, lines 22 to 24, and I quote, "The Chamber further
22 decides that the use of visual aid by the Prosecution shall be permitted during its
23 opening statements. These presentations will be assigned an HNE number - hearing
24 non-evidence number - by the court officer before the commencement of the trial."
25 So it's quite questionable that a visual aid used by the Prosecution can be used as

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1 evidence, but in any case I'll give the floor for the Prosecution to respond and then, of
2 course, the Defence will have the opportunity to make final observations before we
3 start with the questioning of the witness.

4 MR IVERSON: Thank you, Madam President. Firstly, I'd just like to put on the
5 record that the Prosecution email containing the objections was sent on June 19 2011
6 at 19.36. And, second of all, I suppose that until the issue is ripe, until the proponent
7 of the evidence, in this case the Defence, seeks to tender the evidence, the issue may
8 not be ripe.

9 So the Defence, after receiving the Prosecution's email, for example, could decide, "Oh,
10 okay, well, we believe that the Prosecution may be correct, so we do not want to
11 tender the evidence," or they may decide, for whatever reason, to withdraw their
12 intent to tender the evidence. And so the Prosecution would suggest that the correct
13 time or the opportune time to discuss the issue of an objection to evidence is at the
14 time that the proponent of the evidence submits the evidence to the Chamber.

15 So, in that respect, it may be a bit premature, but from Mr Liriss' submission, I
16 understand that the Defence still intends on seeking to tender these documents. If
17 that is the case, the Prosecution certainly stands by its objections, firstly to the
18 application for participation in the proceedings, and that is

19 ICC-01/05-01/08-796-Conf-Anx151-Red2, that we object on the basis of the principle of
20 the primacy of orality in the proceedings, and this is an issue where the witness is
21 here to testify, is available to testify, and according to the Appeals Chamber decision,
22 the Chamber may only admit a prior recorded statement on an exceptional basis after
23 a cautious analysis, in accordance with the relevant articles and Rule 68.

24 And we understand from Madam President's comments yesterday that Rule 68 in this
25 case is satisfied, but additionally we would reserve any objection if the Defence lacks

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1 a foundation for the document, or may -- if the Defence tendering of the document
2 doesn't adhere to any other article or rule once they seek to tender it, and that
3 depends entirely on the circumstances under which it is tendered.

4 To the second document --

5 PRESIDING JUDGE STEINER: Mr Iverson, I'm sorry to interrupt you, just to be sure
6 that I understood your point, you were -- is the Prosecution position that the victim's
7 application for participation deserves the same treatment as if it were a prior
8 statement of a witness?

9 MR IVERSON: Well, let me respond carefully. Insofar as it was adopted by a
10 witness, with signature ascribing to the fact that it was true to the best of her belief, it
11 can be regarded as a prior statement. I'm not sure if that falls into the ambit of
12 Rule 68, which talks about prior recorded testimony. Rule 68 doesn't mention
13 statement, I believe.

14 PRESIDING JUDGE STEINER: Not only the rule doesn't mention statement, but my
15 question goes a little bit further than that. Where, therefore, the Prosecution
16 contends that the application form filled in by a victim, or someone on behalf of the
17 victim, is to be considered as a statement? Is that the Prosecution's contention?

18 MR IVERSON: I don't know if we would make a general supposition that a victim's
19 application is always a statement. It depends, I suppose, on the circumstances under
20 which it was taken and that depends on the testimony from the witness. Generally,
21 these victims' applications, as I understand them, are subscribed to by the person who
22 makes the application.

23 PRESIDING JUDGE STEINER: But you can proceed in relation to the other
24 documents. I don't think we need to start a debate right now, but just for the sake of
25 clarity, maybe we need to come back to this issue on how victims' applications should

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1 be dealt with, but you can proceed in relation to the other documents, Mr Iverson.

2 MR IVERSON: Just one last thing, if I may, Madam President, on that issue.

3 Another consideration is, of course, Rule 111, and so since the requirements of that

4 rule may not be fulfilled, there may be questions as to whether a victim's application

5 may in every instance be a statement, but I'll move on to the other two documents

6 that the Defence wishes to tender.

7 Now, the second one is ICC-01/05-01/08-368, and this is a Prosecution filing and it's

8 our position that this is simply not evidence at all. It is a filing submitted for the

9 proceedings and it was a Prosecution-generated document. So it would not fall

10 under evidence. The term "evidence" really doesn't -- the scope of the term

11 "evidence" doesn't cover this Prosecution filing, and so it's not subject to an

12 admissibility analysis.

13 It's already part of the record, as far as the Prosecution understands. And to go

14 further, to try to introduce a Prosecution filing through a witness who has never seen

15 the document, has no hand in authoring the document or being a source in the

16 document, seems unreasonable. It doesn't seem like it would be something that this

17 witness in particular would be able to do and it would likely confuse the situation.

18 And so, in that respect, I think the Chamber could regard it also as prejudicial.

19 I think there are actually many grounds under which this could be objected to, but

20 first and foremost the fact that it's simply not evidence.

21 And to the last document, it would be CAR-ICC-0010-0007, it's a Prosecution visual

22 aid that is discussed in the Prosecution filing. And, again, this is a Prosecution

23 generated document. It is -- it is not evidence. It is based on information that the

24 Prosecution had from sources and then the Prosecution developed that as a visual aid

25 to assist the Chamber to understand the evidence, but it in and of itself is not

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1 evidence.

2 And, again, to try to tender that document through the witness would make no sense,
3 because this witness again was not a source or not the author of the document. And
4 so it would be difficult to see also how the Defence could authenticate or lay a
5 foundation for these documents.

6 I think continually what we see from the Defence is that they want to put a hypothesis
7 to the witness, but they want to do so by using external information that is not
8 relevant to that witness. So just off the top of my head to try to come up with an
9 analogy, if you want to show that Verona is in Italy you don't need to refer to
10 Shakespeare and Romeo and Juliet to do that. You can ask the witness simply,
11 "Where's Verona?", or to ask a leading question you can say, "Verona is in Italy, isn't
12 it?"

13 You don't have to get to external sources to get to the point that you are trying to
14 create, and I think that's the tension that we're seeing and I think -- I hope that that
15 can be resolved simply by putting the hypothesis to the witness without
16 referring -- having to refer to external information that is actually irrelevant.

17 PRESIDING JUDGE STEINER: Thank you, Mr Iverson. Maître Liriss, would you
18 like to make final observations on this topic?

19 MR LIRISS: (Interpretation) Yes, your Honour. First of all, concerning the form,
20 if I may, as far as I'm concerned I'm convinced that the form does fall into the
21 category provided for in Rule 68(b). Consequently, we are perfectly entitled to
22 confront the witness with it.

23 Concerning the principle of orality, the Chamber and all of the parties need to have
24 the opportunity to discuss this point. Concerning the other two documents, I
25 concede the point that these are documents that fall within the HNE hypothesis, as

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1 you have pointed out, but we must take into account first that we must not separate
2 these two documents.

3 The filing and the visual aid connected with it, the two are linked. This is a
4 document that reflects one element with regard to which the Defence and the
5 Prosecution were in agreement. We will not present it. We will not confront the
6 witness with it. We simply want the Chamber to make reference to it with regard to
7 a hypothesis which the Defence will raise concerning the date, but taking into account
8 an additional fact.

9 We have not signed a document concerning the agreed facts, it is true, but the
10 Defence has always claimed and accepted that, on this point, it agreed upon the date
11 indicated by the Prosecutor. So I concede that we are not going to ask the witness to
12 talk about this; it is simply a matter of indicating to the Chamber, or reminding the
13 Chamber, the basis upon which we are founding our thesis with regard to a specific
14 question. I have nothing further to say.

15 PRESIDING JUDGE STEINER: Maître Liriss, just for the clarity of the transcript, in
16 order not to have any misunderstanding here, although you refer to these two last
17 documents, or to the existence of documents or you ask questions in relation to these
18 non-evidence visual aids, you are not officially -- or formally, better said, submitting
19 them as evidence for the Defence? Is that correct, my understanding?

20 MR LIRISS: (Interpretation) Exactly, your Honour. These are elements that will
21 enable us to draw the Chamber's attention and even the Prosecution's attention to the
22 basis for a hypothesis that we will raise.

23 PRESIDING JUDGE STEINER: Thank you, Maître Liriss. Maître Kilolo, you have
24 the floor to start questioning Witness 110. Madam Witness, I'm sorry to keep you
25 waiting while we discussed procedural issues. Are you ready to start being

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1 questioned by the Defence?

2 THE WITNESS: (Interpretation) I am ready to begin.

3 PRESIDING JUDGE STEINER: Maître Kilolo, you have the floor. And I just would
4 like to remind you of the recommendations of yesterday in order to avoid the witness
5 feeling tired or distressed. Thank you.

6 MR KILOLO: (Interpretation) Thank you, your Honour, for giving me the floor.

7 QUESTIONED BY MR KILOLO: (Interpretation)

8 Q. Good morning, Madam Witness.

9 A. Good morning, sir.

10 Q. I will introduce myself. I am Mr Kilolo, one of the lawyers of Mr Jean-Pierre
11 Bemba. I will be asking you a certain number of questions for clarification. I would
12 like to ask you not to feel bothered by the questions that I may ask you. I am asking
13 these questions under the supervision of the Chamber, with the sole objective of
14 establishing the truth. Do you understand me?

15 A. I understand.

16 MR KILOLO: (Interpretation) I would like to ask the court usher to put on the
17 screen document number 1 of the Defence list.

18 PRESIDING JUDGE STEINER: Maître Kilolo, are you asking to display the English
19 version?

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

21 THE COURT OFFICER: Document CAR-OTP-0038-0360, which corresponds to the
22 first document in the Defence list of documents, is available on your screens. It's a
23 confidential document, and you can visualise it by pushing the "PC1" button on the
24 black remote controls next to your screens. If you need assistance, please let me
25 know.

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1 MR KILOLO: (Interpretation)

2 Q. Madam Witness, you have before you a document. It is your interview
3 conducted by the investigators of the Prosecutor in Bangui. Do you remember
4 having been interviewed on at least three occasions by the Prosecutor's investigators
5 in Bangui?

6 A. Yes, I remember.

7 MR KILOLO: (Interpretation) Could I ask the court officer to move to the next
8 page of the document, please.

9 Q. Madam Witness, you have the same document before you on page
10 CAR-OTP-0038-0384. Do you recognise the signature that appears just beside your
11 name?

12 A. It is my signature.

13 THE INTERPRETER: Mr Kilolo, could we ask the witness to respect the five-second
14 rule, please?

15 MR KILOLO: (Interpretation) Madam Witness, could I remind you of the
16 five-second rule and that is, each time I have asked you a question could you wait a
17 short time in order to facilitate the task of the interpreters?

18 THE COURT OFFICER: Madam President, counsel, if I may, just for the record of
19 the case you referred to a page that ends in 0384, but that page does not correspond to
20 the second page of the document that is being displayed currently on the screens.

21 MR KILOLO: (Interpretation) For the purposes of correction, court officer, could I
22 ask you to show us the bottom of that page, please. Thank you. For the record,
23 indeed we are talking about document or page CAR-OTP-0038-0361.

24 Q. Madam Witness, the Chamber asked you whether you had had the opportunity
25 to re-read the statements that you made to the investigators, if you did so voluntarily,

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1 and if these statements correspond to the truth to the best of your knowledge and you
2 have confirmed all of this to the Chamber. Do you recall that?

3 A. I remember.

4 MR KILOLO: (Interpretation) For the record, we are talking about the real-time
5 transcript in the French version from 9 June 2011, page 5, line 9 to 14. Court officer,
6 could I ask you to put document 7 from the Defence list up on screen, please.

7 THE COURT OFFICER: Madam President, counsel, I would ask you to please be
8 patient. This document is not in eCourt and we are retrieving it from the TRIM
9 database. It will be available shortly.

10 MR KILOLO: (Interpretation) Court officer, would you like to see a paper copy of
11 that document to help you search for it?

12 PRESIDING JUDGE STEINER: Maître Kilolo, would it help the Defence if a paper
13 copy is given to the witness? It would be easier than try to rescue the document
14 from TRIM.

15 MR KILOLO: (Interpretation) Yes, indeed, your Honour, and I would like to hand
16 it over to the court usher to pass to the witness. For the record, I would like to point
17 out that the document is already up on screen. This is document
18 ICC-01/05-01/08-796-Conf-Anx151-Red2.

19 THE COURT OFFICER: Madam President, the document is already available on the
20 screens for those who want to follow-up. Thank you.

21 MR KILOLO: (Interpretation)

22 Q. Madam Witness, you have in front of you a document. You have the printed
23 version with you. Do you remember having submitted an application for
24 participation in the proceedings as a victim?

25 A. I haven't properly understood your question. Could I ask you to rephrase it,

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1 please?

2 Q. Do you recognise the document currently in your possession and which also
3 appears on the screen?

4 A. Yes, I recognise this document.

5 MR KILOLO: (Interpretation) Could I ask the court officer to move to page 3 of
6 this document, please. Moving a bit further down the page, please.

7 Q. Madam Witness, do you recognise your signature on this application for
8 participation as a victim, which was signed on 27 of 11, 2009?

9 A. Yes, I recognise this document.

10 Q. Madam Witness, did you fill out this form in person?

11 A. Yes, I filled it out myself.

12 MR KILOLO: (Interpretation) We no longer require the document up on screen.
13 Could I ask the court usher to recover the paper version of the document, please.

14 Q. Madam Witness, looking at the information in the document that has just been
15 presented to you, does that information correspond to the truth, to the best of your
16 knowledge?

17 A. Yes, all of this corresponds to the truth.

18 PRESIDING JUDGE STEINER: Mr Kilolo, if you don't mind, I think this can be quite
19 tricky on the witness, because you're talking about informations contained in the
20 application and, contrary to the statement, she was not given -- she would not have
21 been given the opportunity to read this document before coming to this Court. So
22 maybe before you ask the witness to confirm whether the information corresponds to
23 the truth, that the information is given to her, that you read which information you
24 want her to confirm or not.

25 MR KILOLO: (Interpretation) Thank you, your Honour. Yes, further along in the

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1 cross-examination I did indeed intend to come back to the substantive issues related
2 to the content of this document, but I had however considered that because we
3 presented this document to her, and she said that she personally filled it out herself,
4 that that would be sufficient. In any case, that is the Defence position on this matter.

5 PRESIDING JUDGE STEINER: You can proceed, Maître Kilolo.

6 MR KILOLO: (Interpretation) Thank you, your Honour.

7 Q. Madam Witness, I would like to come back to a statement that you made to the
8 Chamber, and I am referring here to real-time transcript in the French version from 9
9 June 2011, page 13, lines 22 to 28, as well as page 14, lines 1 to 2, and I will quote what
10 you declared. First of all the question was asked of you: "Do you recall the first
11 time you saw Banyamulengue outside the compound of your closest neighbour?"
12 Your answer: "It was towards the end of the afternoon, more specifically towards
13 4 p.m., between 4 and 5 p.m. It was at that time that the events took place."
14 Question: "Do you remember the approximate date when this happened?" Your
15 answer: "It was towards the end of October 2002," end of quote.

16 Madam Witness, do you remember having stated this yesterday to the Court?

17 A. Yes, I remember.

18 Q. Late October 2002, what does this time correspond to exactly in your reply?

19 A. That corresponds to the date of their deployment in my area.

20 Q. Now, the people that you refer to as the Banyamulengue, when did they enter
21 your area, or your sector?

22 A. It was on 30 October.

23 MR KILOLO: (Interpretation) I would like to ask the court officer if he could
24 please display document number 2 on the screen, document 2 on the Defence list,
25 page CAR-OTP-0046-0280.

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- 1 PRESIDING JUDGE STEINER: Yes, Madam?
- 2 THE WITNESS: (Interpretation) I beg your pardon. May I have five minutes?
- 3 PRESIDING JUDGE STEINER: Of course, Madam. Court officer, please turn into
- 4 closed session. We are going to suspend for ten minutes. The witness needs to go
- 5 outside the courtroom for a while.
- 6 *(Closed session at 10.33 p.m.) Reclassified as Open session
- 7 THE COURT OFFICER: We are in closed session, Madam President.
- 8 (The witness stands down)
- 9 PRESIDING JUDGE STEINER: Just in order to avoid the tape to continue running,
- 10 this hearing is suspended.
- 11 THE COURT OFFICER: All rise.
- 12 (Recess taken at 10.35 a.m.)
- 13 *(Upon resuming in closed session at 10.44 a.m.) Reclassified as Open session
- 14 (The witness enters the courtroom)
- 15 PRESIDING JUDGE STEINER: We can go into open session, please.
- 16 (Open session at 10.45 a.m.)
- 17 THE COURT OFFICER: We are in open session, Madam President.
- 18 PRESIDING JUDGE STEINER: Madam Witness, can we continue?
- 19 THE WITNESS: (Interpretation) We can continue.
- 20 PRESIDING JUDGE STEINER: Once again, I remind you that whenever you want,
- 21 you need, just ask and we can have a break, so don't worry about that.
- 22 Maître Kilolo, you can continue, please.
- 23 MR KILOLO: (Interpretation) Thank you, your Honour.
- 24 Q. Witness, when you said 30 October 2002, was that the date on which you
- 25 personally saw the people that you called the Banyamulengue at PK12?

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1 A. Yes, that's right. That was the date.

2 MR KILOLO: (Interpretation) I would like to ask the court officer if we could
3 display document 5 on the screen, document 5 from the Defence list, and if you could
4 please show the last page of that document, document DCC-0105 -- correction,
5 ICC-01/05-01/08-796-Conf-Anx151-Red2, the last page of this document, please. This
6 is a confidential document.

7 Q. Witness, you have the document before you on the screen. Does this
8 document ring a bell?

9 A. That is my document.

10 Q. Is this your passport?

11 A. Yes, it is my passport.

12 Q. Unless I'm mistaken, this document was issued on 24 October 2008; is that not
13 the case?

14 A. Yes, that's right.

15 Q. Why did you ask for a passport at that particular time?

16 A. I haven't understood your question. Could you please rephrase it, Counsel?

17 Q. Witness, have you previously travelled outside of the Central African Republic
18 before you came to The Hague?

19 A. Yes, when my father was still alive.

20 Q. When did you see your closest neighbour for the last time, before you came to
21 The Hague?

22 A. Well, it is difficult to see him. (Redacted) He was
23 rarely at home. He was nearly always outside, elsewhere.

24 Q. But the last time you met him, when was that? Was it much time before you
25 came to The Hague?

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1 A. (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. Did you have an opportunity to talk about the events with him at any time?

5 A. No.

6 MR KILOLO: (Interpretation) Courtroom officer, I no longer require this
7 document on the screen.

8 Q. Witness, I would like to remind you of a statement that you made before this
9 Court. I make reference to the transcript of 9 June 2011, French version, real-time
10 version of the transcript, page 49, lines 10 to 13. In response to a question from the
11 Prosecution, you basically said that when the guard of your closest neighbour came to
12 The Hague, he will have an opportunity -- comes to The Hague, he will have an
13 opportunity to answer the questions that were asked of you regarding what
14 happened inside the compound of this neighbour of yours. Do you remember
15 saying that?

16 A. Yes, I remember. You asked me some questions about what had happened
17 there and I said, "No, I couldn't give testimony as to what happened inside the
18 compound. I can only be a witness to what happened outside, what I could see,"
19 and so I said, "Very well, if this gentleman comes here, he himself will be able to tell
20 you what happened inside the compound."

21 Q. Now, just for the transcript, I shall read out your statement once again, and I
22 quote, "After these events, I confronted him and he himself told us because we were
23 neighbours, and I believe that once he is there, he himself will tell you the entire truth
24 about what happened." Witness, now, the guard of the closest neighbour, is he too a
25 neighbour of yours? Does he live in the neighbourhood?

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1 A. He lives on the other side of the road and I live opposite.

2 Q. Now, when you say, "After these events, I confronted him and he himself told
3 us because we were neighbours," what were you speaking about when you were
4 talking to this person; namely, the guard of your closest neighbour?

5 A. When we fled, he was among the people who had remained, and so when I
6 came back I went to see him, to find out what had happened after me, what had
7 happened to my possessions, and he explained to me what had happened.

8 Q. When was the last time you saw him before coming to The Hague?

9 A. He no longer lives in the neighbourhood. He spends most of his time in
10 the -- around (Redacted) so I haven't met him. I haven't seen him.

11 Q. Well, how do you know that he is supposed to come and give testimony at the
12 Court, or he apparently may be coming to give testimony?

13 A. I don't know, but -- but I just offered some advice. It would be good to ask him
14 questions about what happened inside the compound. He's the only one who could
15 know. It was only a piece of advice.

16 Q. I would like to hark back to another statement that you made before the
17 Chamber, and I make reference to the real-time transcript, French version, page 22,
18 lines 24 to 28, and I'll quote what you said. You were speaking about the people you
19 refer to as the Banyamulengue. You said, "When they tried to break down the door,
20 *the wife opened the little emergency gate going into the yard and then they fled. Only the
21 guard remained behind in the compound for a period of time, according to the
22 information that I received." Witness, who told you about this?

23 A. I've told you that I had an opportunity to speak to the guard. I asked him
24 "What happened when the people came in? What happened to the wife of your
25 employer?", and he answered me. He said, "Fortunately, she had the presence of

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1 mind to open *the little gate that was behind the house and she had fled. She had
2 fled through that little gate ".

3 Q. One last question before the break. When were you informed of this, exactly?
4 Exactly when?

5 A. I've told you, after -- after the events, when I came back from the place where
6 I had taken refuge, that is when we had an opportunity to talk about what had
7 happened.

8 Q. Could you specify the month and the year, please?

9 A. It was after President François Bozizé took power.

10 MR KILOLO: (Interpretation) I thank you, Witness. It is now 11 a.m.

11 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo. Madam Witness, we'll
12 have our normal break, half-an-hour break. You can rest a little bit, have some
13 coffee. It's 11 o'clock. We'll be back at 11.30.

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

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

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

19 (The witness stands down)

20 THE COURT OFFICER: All rise.

21 (Recess taken at 11.03 a.m.)

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

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

24 PRESIDING JUDGE STEINER: Welcome back. We will continue with the
25 questioning of Witness 110. 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: Please, court officer, turn into open session.
- 3 (Open session at 11.41 a.m.)
- 4 THE COURT OFFICER: Madam President, we are in open session.
- 5 PRESIDING JUDGE STEINER: Madam Witness, welcome back.
- 6 THE WITNESS: (Interpretation) Thank you.
- 7 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue giving
- 8 your testimony?
- 9 THE WITNESS: (Interpretation) I feel fine and I am ready to continue.
- 10 PRESIDING JUDGE STEINER: Maître Kilolo, you have the floor.
- 11 MR KILOLO: (Interpretation) Madam President, could we move into private
- 12 session, please?
- 13 PRESIDING JUDGE STEINER: Court officer, please.
- 14 *(Private session at 11.42 a.m.) Reclassified as Open session
- 15 THE COURT OFFICER: Madam President, we are in private session. Thank you.
- 16 MR KILOLO: (Interpretation)
- 17 Q. Madam Witness, we are now in private session and all the discussions we can
- 18 have now will not be open to the public outside of this courtroom. Do you
- 19 understand me?
- 20 A. Yes, I do.
- 21 Q. Could you tell the Court the name of your neighbour's guard; that is, (Redacted)
- 22 (Redacted).
- 23 A. The name is (Redacted).
- 24 Q. Could you also tell the court the name of your neighbour's wife?
- 25 A. I think her name is (Redacted).

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1 Q. Maybe there was an interpretation problem. We did not hear the name.

2 A. I think her name is (Redacted).

3 PRESIDING JUDGE STEINER: (Redacted) est le nom.

4 MR KILOLO: (Interpretation)

5 Q. (Redacted)

6 A. (Redacted), yes.

7 Q. Yes, would it be (Redacted)?

8 A. Yes.

9 MR KILOLO: (Interpretation) Madam President, could we return to open session,
10 please?

11 PRESIDING JUDGE STEINER: I think it's better for you to repeat the question, for
12 the witness to repeat the answer.

13 MR KILOLO: (Interpretation)

14 Q. Madam Witness, what is the name of your neighbour's wife; that is, your
15 neighbour whose name is (Redacted)?

16 A. (Redacted)

17 MR KILOLO: (Interpretation) Can we return to open session now?

18 PRESIDING JUDGE STEINER: Court officer, please.

19 (Open session at 11.46 a.m.)

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

21 MR KILOLO: (Interpretation) I would like to ask the court officer to make available
22 document number 12 of the Defence documents; that would be document

23 CAR-OTP-0037-0122_R01, confidential document. Next page, please.

24 Q. Witness, you have the document before you. Do you recognise that document
25 or does it ring a bell?

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1 A. Yes, I do recognise that document.

2 Q. Do you remember having been called to be questioned by the gendarmerie of
3 PK12 on 24 September 2008?

4 A. Yes, I do remember.

5 Q. Where were you questioned, or interviewed?

6 A. At the time, they were drawing up a report on the damage that had been done
7 to our compound.

8 Q. Where or in what premises did you answer the questions that the gendarmes
9 asked you?

10 A. At my home.

11 Q. Witness, you told us a short while ago that these events took place on
12 30 October 2002 at PK12; is that correct?

13 A. Yes, that is correct.

14 Q. In what circumstances did the gendarmes come to your home six years after the
15 events, in 2008?

16 A. I believe that in one of my statements I mentioned that an NGO came to PK12
17 and was looking for victims, so people testified at that time. And after such
18 testimonies, the people were given lamps and sheets and then, thereafter, there was
19 some issues that arose and other victims showed up; so it was said that another
20 investigation would have to be conducted in order to identify all persons who had
21 been victims.

22 Q. Yes, we shall revisit the issue of that NGO but, for now, as for the gendarmes,
23 who asked the gendarmes to come to your place?

24 A. The gendarmes came to the compound (Redacted), and it was when
25 they were leaving his compound that he pointed out my own compound and told

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1 them that there had been acts of violence and abuse in that compound, as well.

2 MR KILOLO: (Interpretation) Mr Registrar, would you please move the cursor to
3 the end of that page, please.

4 Q. Madam Witness, what exactly prompted the gendarmes to come to your house,
5 to your compound?

6 A. It is because I was a victim. (Redacted)

7 (Redacted) and also knew that I had also been similarly abused, or that I had suffered
8 similar acts of violence. So he asked me to explain to the gendarmes what had
9 actually transpired and to tell them the damage that was done within the house, and
10 that took place before the interview.

11 Q. Was that the first time that you were being interviewed by the gendarmes on
12 the events?

13 A. Yes, it was the first time.

14 Q. Were you again interviewed by any other organisation, apart from the
15 investigators from the Prosecutor's office?

16 A. No, no.

17 Q. Am I then to understand that the one and only time you were interviewed by
18 the gendarmerie of your country was on 24 September 2008, when they came to your
19 home?

20 A. Yes, that was the only time.

21 PRESIDING JUDGE STEINER: Just one -- sorry to interrupt you, Maître Kilolo.

22 Madam Witness, just to remind you that we are in public session, so let's keep that
23 agreement that you refer to your "close neighbour" or "neighbour" without giving any
24 other specific indications. Thanks.

25 THE WITNESS: (Interpretation) Agreed.

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1 MR KILOLO: (Interpretation)

2 Q. Madam Witness, today it is your claim before this Court that you were a victim
3 of looting, that your house or your compound was looted. How is it that no mention
4 was made of the looting when the event -- when the gendarmes came to your home to
5 talk about the events, as you claim, and that you only spoke about your neighbour?

6 A. I talked about it. I have told you that they noticed the damage that was made
7 to our property, within our house, before they even interviewed me and it was for
8 that reason that they came to my house.

9 Q. Madam Witness, what I'm concerned about is to find out from you why it is
10 that you did not talk about the events which you claim to have been a victim of to the
11 gendarmes; whereas, the gendarmes came to your house, according to your
12 testimony, to talk about the events about which we are talking today.

13 A. Do you really think that after having lost all that property, I would not have
14 talked about it? I gave them all the details. I pointed out to them everything that
15 was destroyed and all that was ransacked within my house.

16 Q. Can you explain to the Court how it is that the only points figuring in your
17 statement relate only to the incursions and the looting which, according to you, took
18 place in your neighbour's compound? There is nothing in it about you yourself.

19 A. The question I was asked was in relation to whether I noticed what had
20 happened, and I said "Yes," and after putting questions to me about my neighbour
21 I was also asked to talk about what had happened in my compound. I believe that
22 one of the persons, one of the female lawyers who was there, I talked to her and I
23 gave her all the details.

24 Q. Madam Witness, who was present at your interview with the gendarmes?

25 A. (Redacted) was present and, (Redacted), I was there

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1 with my family. In fact, my family was present at that interview.

2 Q. Madam Witness, we are going to try and retrace the unfolding of events for the
3 Chamber with regard to this interview. The gendarme, or military policeman, who
4 came to your house to interview you, did he come alone?

5 A. No, he was accompanied by other people.

6 Q. (Redacted)

7 A. (Redacted)

8 MR KILOLO: (Interpretation) Could we go into private session, please, your
9 Honour?

10 PRESIDING JUDGE STEINER: Court officer, please.

11 *(Private session at 12.02 p.m.) Reclassified as Open session

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

13 MR KILOLO: (Interpretation)

14 Q. Madam Witness, you talked about a lawyer. What lawyer were you talking
15 about?

16 A. It was a white woman.

17 Q. Could you give the Chamber her name, please?

18 A. Paolina.

19 Q. Was it Paolina Massidda?

20 A. Yes, it was she.

21 Q. Was she present when you were interviewed by the gendarme?

22 A. No, she was not present.

23 Q. Let us now talk about your meeting with the gendarme at your house. We are
24 in private session. Nobody outside this courtroom can hear us. Can you give the
25 Chamber the names of the people who accompanied the gendarme?

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1 A. No. No, I no longer remember.

2 Q. You had specified, if I am not mistaken, that (Redacted),
3 had accompanied the gendarme; is that correct?

4 A. Yes, that is correct.

5 Q. I would just like to take this opportunity to remind you, once again, of the
6 five-second rule to make interpreting easier.

7 Madam Witness, what role did (Redacted) play when he went to your house
8 accompanied by the gendarmes?

9 A. I haven't understood your question.

10 Q. Did (Redacted), occupy any role, any position, any
11 particular function when he went to your house with the gendarme on
12 24 September 2008?

13 A. Yes, he was (Redacted).

14 Q. Was it in his capacity (Redacted), that he was able to
15 (Redacted) to your house?

16 PRESIDING JUDGE STEINER: A little bit speculative, this question, isn't it? How
17 could she know the reason why the (Redacted) was together? Maybe you could
18 rephrase the question.

19 MR KILOLO: (Interpretation)

20 Q. Madam Witness, what was the (Redacted) when
21 you were interviewed by the gendarmes of PK12?

22 A. He wasn't doing anything, but it was only after (Redacted) that he
23 informed the gendarmes that the neighbouring compound belonged to (Redacted)
24 (Redacted) and that that house had been pillaged by the soldiers, by the
25 Banyamulengue, and that is why he came to our house.

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1 Q. Madam Witness, we have the document of your interview by the gendarmerie,
2 which took place at your house as you have said, but in this document you choose to
3 speak of (Redacted), you describe the situation, talking about so-called
4 Banyamulengue who are supposed to have broken into your neighbour's house, who
5 are supposed to have occupied it.

6 PRESIDING JUDGE STEINER: Mr Iverson.

7 MR IVERSON: We would like to object here. When the Defence summarise from a
8 document that the witness hasn't seen - and I don't think the witness has seen the
9 document that he is referring to - what they are doing is essentially circumventing the
10 prerogative of looking at each and every statement by a cautious item-by item
11 analysis to admit it, or to not admit it. By reading something or summarising
12 something into the record, it's essentially circumventing the Appeals
13 Chamber judgment not to admit statements without doing a careful admissibility
14 analysis. At least -- I may be mistaken, but that appears what Defence counsel is
15 attempting to do here.

16 PRESIDING JUDGE STEINER: I am not sure I understood correctly the objection,
17 Mr Iverson. We are not discussing yet the problem on admissibility, or relevance, or
18 probative value of any documents, and I don't see any problem with the
19 Defence referring to a document originated by the witness herself. So I -- unless I
20 misunderstood your point, I don't see any problem of having the witness confirming
21 or not that this document emanated from a statement she gave before the national
22 authorities.

23 MR IVERSON: Well, might I suggest then that the witness be able to read the
24 document that he's referring to, or have an opportunity to -- in order to intelligently
25 comment upon something, it might be helpful to have actually read what

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1 Defence counsel is pointing to so that she can more clearly state what -- clearly state
2 an answer to a question, if it's posed.

3 PRESIDING JUDGE STEINER: At this point, I fully agree with you. I thought the
4 document was displayed on the screens.

5 MR IVERSON: That's correct. It's just unclear whether or not Madam Witness has
6 had an opportunity to actually read what he is referring to. So just for the sake of
7 everyone being on the same sheet of music and understanding the basis of the
8 question and what people are referring to, it might be helpful to do that.

9 PRESIDING JUDGE STEINER: I'm sure the Defence has no objection if we give the
10 witness some time to read the document. Madam Witness, can you read the
11 document, or would you like someone to have it read for you?

12 THE WITNESS: (Interpretation) I can read it.

13 PRESIDING JUDGE STEINER: Take your time and let us know when you finish.

14 (Pause in proceedings)

15 PRESIDING JUDGE STEINER: Maître Kilolo, I think the witness has finished. I
16 just would like to understand the line of questioning by the Defence, because I'm
17 getting confused as well because apparently the Defence wants to ask the witness
18 why her complaint is not here. Could the witness possibly know why? Because
19 here she appears as a witness in relation to what happened in her neighbour's house,
20 but this is what the Defence wants to know; why her complaint is not here in this
21 paper?

22 MR KILOLO: (Interpretation) Your Honour, the witness has specified that the
23 gendarmerie of PK12 went to her house to hear her in her capacity as a victim, with
24 regard to the crime of looting that she is allegedly a victim of with regard to her
25 house. So that observation had been made. The question is this: If she is a victim

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1 and she says that she was only interviewed once by the gendarmerie, how is it that
2 she was only interviewed in her capacity as a witness? And she does not talk about
3 the crime of looting, which she says she was a victim of at her house.

4 PRESIDING JUDGE STEINER: I will allow the witness to answer again to the
5 question because apparently she said that she made a complete report about what has
6 been done in her place. But let's wait to see whether the witness can complete your
7 answer in that sense.

8 THE WITNESS: (Interpretation) I said when they came to my house to ask me about
9 this, I spoke to them about everything that had happened to me. They told me that I
10 would be called one day.

11 MR KILOLO: (Interpretation)

12 Q. Madam Witness, have you read the last passage where it states "Read by me,
13 the declaration above in which -- with regard to which I maintain my statement and
14 have nothing to add, to change or to reword." Have you read that passage
15 concerning yourself?

16 A. After they finished writing, they did not present it to me so that I could sign. I
17 simply gave explanations and he wrote it down. He did not come back to have me
18 re-read the statement; it was only later that I received telephone calls. But I had no
19 opportunity to re-read this. If everything on the paper was of no concern to me,
20 then I would not accept it.

21 PRESIDING JUDGE STEINER: Maître Zarambaud.

22 MR ZARAMBAUD: (Interpretation) Thank you, your Honour. This witness has
23 the dual status of witness and victim. It is my impression that the questions being
24 asked of her at the moment tend to imply that she has never declared anything of
25 what she suffered as a victim, and so I think that her concerns are at play here and

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1 I would like to make two short comments on this situation, your Honour. Thank
2 you, your Honour.

3 The first comment I would like to make is this: The witness has just stated that she
4 submitted the documents concerning her to the female lawyer who questioned her at
5 the time in Bangui. That is the first point. At this point, we do not know what
6 these documents are because they have not been submitted here.

7 The second comment is this: It seems to me that the document we are currently
8 reviewing, which is on the screen, is a document which has been taken from the file of
9 her neighbour and not from her own file. In this document she is doing nothing
10 more than answering a question. She was asked what happened in her neighbour's
11 house and she answered that particular question. That does not mean that if she
12 had been asked about what had happened at her house, she would not have
13 answered. And it does not mean that nothing happened at her house. So those are
14 the comments that I would like to make on this subject, your Honour.

15 PRESIDING JUDGE STEINER: Thank you very much, Maître Zarambaud. This
16 was exactly my concern that, apparently, the witness is being asked about questions
17 related to the prejudice she suffered when here she was only testifying on the
18 prejudice suffered by his (sic) neighbour. So I couldn't get exactly what is the
19 Defence point and that's why I asked for the Defence to be a little bit clearer on this
20 because I must confess that I agree with Maître Zarambaud. It appears that we are
21 talking about -- to the witness about two completely different things.

22 MR LIRISS: (Interpretation) I think that there is a misunderstanding on this
23 question, your Honour, and I will attempt to clarify the Defence 's concerns. In 2008,
24 the witness was interviewed and she says, it appears in the transcript, that she was
25 never interviewed by the forces of justice of her country, other than on one single

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1 occasion which was 24 September 2008.

2 And so before she was interviewed by the Prosecution's investigators, she stated and
3 she reasserts that during that interview she did not only talk -- excuse me. No. In
4 the course of that interview, and this appears in the documents, she only talked about
5 the crimes allegedly committed at her neighbour's house.

6 The Defence's concern is this: Why did she not speak in 2008 about the crimes that
7 she may have suffered from as a victim before the officials of the justice system of her
8 country? She says that she has spoken of this, but our question is this: Why does it
9 not appear in this documentation because she says that this is the only time she was
10 interviewed, and because it does not appear in this document she states here that she
11 has nothing further to add, and that is our concern? If she said that it was not
12 necessary, we could perhaps move on. Perhaps if there were five different
13 documents recording her statement.

14 THE INTERPRETER: The interpreter would like to correct. Page 43, line 21 of the
15 transcript, it is Mr Liriss, not Mr Kilolo.

16 MS KNEUER: Thank you, Madam President. I don't want to echo what was
17 already said but I fully agree with the observations made by the Presiding Judge as
18 well as with Maître Zarambaud. The witness stated twice here, and I'm referring to
19 page 35, lines 21 to 24, as well as page 36, lines 13 and 18, that she told the
20 gendarmerie about what happened to her neighbour as well as to what happened to
21 her house. And she even stated that the police officers saw the damage with their
22 own eyes.

23 Well, we have one document here in front of us which appears to be a document from
24 the file of (Redacted), and it appears to be that this witness was asked as a witness for
25 the incidents in the house of her neighbour and that is what reflects this document.

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- 1 If Defence counsel is saying that she just -- that she stated she was only interviewed
2 one time, it does not contradict at all that we have only one document which is
3 referring to one incident. I think the right person to inquire, if there is another
4 statement or another protocol of what she said with regards to what happened to her
5 house, would be the police officer.
- 6 I think it would overload this witness to make a sophisticated comment on
7 legal/procedural matters or police procedures how statements are taken. And even
8 if at the end of the document we looked at it states that she has not -- nothing to add,
9 this can also not be misinterpreted in a way that there's nothing at all that happened.
- 10 It just states with respect to this very specific incident that is captured in the
11 document she states that she has nothing to add.
- 12 I think we are running in circles, we are not going anywhere, we are confusing the
13 witness and I believe by the end of the day she's not the right witness to find out what
14 the Defence is trying to establish here.
- 15 PRESIDING JUDGE STEINER: Maybe if Maître Kilolo tries to rephrase, because I
16 agree with Maître Zarambaud and now with the Prosecution, that asking the witness
17 what happened with the complaint she says she made to the gendarmes is just to
18 speculate. The witness cannot simply know what happened. We don't know even
19 if there is another procès-verbal or another procedure in which what happened with
20 her is reflected.
- 21 So maybe, Maître Zarambaud, if you change a little bit the way you are putting the
22 question we can put some useful answer; otherwise, I agree, we are going to continue
23 here running in circles.
- 24 (Defence counsel confer)
- 25 MR KILOLO: (Interpretation) Your Honour, we will try and move on.

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1 Q. Madam Witness, can you see at the bottom of the document it is specified that
2 you were interviewed at 10.53 a.m. Can you see that on the document?

3 A. Yes.

4 MR KILOLO: (Interpretation) I would like to ask the court usher to move back to
5 the previous page.

6 PRESIDING JUDGE STEINER: Before we go to the next page, I would like - since
7 we are at the bottom of the page - just to check whether the witness remembers if she
8 signed the document, because at least in the copy we have in front of us there is no
9 signature.

10 THE WITNESS: (Interpretation) No, I did not sign it.

11 PRESIDING JUDGE STEINER: Thank you. We can go to the document mentioned
12 by Defence, please.

13 MR KILOLO: (Interpretation)

14 Q. Madam Witness, you have before you another document relating to the
15 interview of (Redacted) by the national gendarmerie. Do you see that it
16 specifies that she was interviewed at 11 a.m. precisely, on the same day,
17 24 September 2008?

18 A. I don't know.

19 Q. Witness, how many minutes did the interview take, this interview that you had
20 with the local gendarmes?

21 A. I don't remember.

22 Q. Well, we'll try to see if we can refresh your memory. It would appear from
23 this document that, seven minutes after taking a statement from you, the same
24 gendarme, (Redacted), also took a statement from (Redacted). Does that
25 jog your memory?

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1 A. I don't know. When he left my compound, it was to go and take a statement
2 from (Redacted).

3 Q. Before being heard by the national gendarmes, do you remember any incident
4 that may have occurred in your house with (Redacted)?

5 THE INTERPRETER: Correction: "Did you discuss any incidents that occurred in
6 your house?"

7 THE WITNESS: (Interpretation) Well, who didn't know what was going
8 on -- what had gone on in the neighbourhood? It was common knowledge.

9 MR KILOLO:

10 Q. (No interpretation)?

11 A. I don't see why we would have spoken before they took a statement from me.
12 After they saw the damages, he sympathised with us and he asked us whether we
13 had undergone the same fate, if we had been subject to the same acts. And I said,
14 yes, we had.

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

17 PRESIDING JUDGE STEINER: Before we go into open session, I just would like the
18 interpreters to confirm the interpretation of the question put by the Defence. It's not
19 in the English transcript, and I would like to know whether the whole answer given
20 by the witness has been put in the transcript because we had an interruption on the
21 English interpretation for a while.

22 THE INTERPRETER: Message from the interpreters: We will repeat the last reply.
23 The last reply was, "No, talk about what? Since he, himself, had come to see the
24 damage that had been done in his compound, he tried to find out about our situation
25 and, himself, he saw. I don't see what we would have been talking about before

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- 1 I was asked questions by the gendarmes."
- 2 PRESIDING JUDGE STEINER: I thank very much for the interpreters. There was a
- 3 part of the answer missing in the English transcript.
- 4 Court officer, please, could we turn into open session.
- 5 (Open session at 12.35 p.m.)
- 6 THE COURT OFFICER: Madam President, we are back in open session.
- 7 THE WITNESS: (Interpretation) I beg your pardon.
- 8 PRESIDING JUDGE STEINER: Madam?
- 9 THE WITNESS: (Interpretation) There's a medication I have to take. I'm not
- 10 feeling very well.
- 11 PRESIDING JUDGE STEINER: Do you want us to go into a break for you to take
- 12 your medication?
- 13 THE WITNESS: (Interpretation) Yes. I'm feeling some pain; my tooth is aching.
- 14 PRESIDING JUDGE STEINER: So we are going to suspend for 10 minutes, but then
- 15 you let us know if you feel better.
- 16 Court officer, please, turn into closed session. We are going to suspend for
- 17 10 minutes to see whether the witness feels better. If no update information comes,
- 18 it means that we will resume at a quarter-to-1.
- 19 *(Closed session at 12.37 p.m.) Reclassified as Open session
- 20 THE COURT OFFICER: Madam President, your Honours, we are in closed session.
- 21 (The witness stands down)
- 22 THE COURT OFFICER: All rise.
- 23 (Recess taken at 12.38 p.m.)
- 24 *(Upon resuming in closed session at 12.50 p.m.) Reclassified as Open session
- 25 THE COURT USHER: All rise. Please be seated.

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1 PRESIDING JUDGE STEINER: Any problem with Maître Liriss?

2 MR KILOLO: (Interpretation) Apologies from Mr Liriss. I'm afraid he has been
3 inconvenienced, but he should be with us soon.

4 PRESIDING JUDGE STEINER: I ask, please, the court usher to bring the witness in.
5 (The witness enters the courtroom)

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

7 (Open session at 12.52 p.m.)

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

9 PRESIDING JUDGE STEINER: Madam Witness, welcome back. Are you feeling
10 better?

11 THE WITNESS: (Interpretation) Thank you, your Honour. I feel much better.

12 PRESIDING JUDGE STEINER: Can we continue, then, with your questioning?

13 THE WITNESS: (Interpretation) Yes, we can continue.

14 PRESIDING JUDGE STEINER: Thank you. Maître Kilolo. Maître Liriss.

15 MR LIRISS: (Interpretation) Your Honour, no, I'm sorry. I will put the matter to
16 you at a later time when the witness is not with us, if that suits you? If we don't
17 finish today, we could deal with it on Monday. It has to do -- it's something that has
18 to do with statements signed, or not. It's an important point, because we certainly
19 will have many documents that will be coming to us from the Central African
20 Republic's justice system and I think it's important to have guidance.

21 PRESIDING JUDGE STEINER: Thank you, Maître Liriss. I would suggest then
22 that in the beginning of Monday morning's session, before we call the witness, you
23 could make your submissions in that respect.

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

25 PRESIDING JUDGE STEINER: Maître Kilolo.

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1 MR KILOLO: (Interpretation) Thank you, your Honour.

2 Q. Madam Witness, what is the national language spoken in the Central African
3 Republic?

4 A. Sango.

5 THE INTERPRETER: The Sango interpreter respectfully requests that the witness be
6 reminded to respect the five-second rule.

7 MR KILOLO: (Interpretation)

8 Q. In addition to Sango, is French a national language spoken in the Central
9 African Republic?

10 A. Yes, that's right.

11 Q. Is it correct to say that there were Central African Republic civilians who were
12 working with the people that you refer to as "the Banyamulengue"?

13 A. No, not in terms of -- not what you would call collaborating, or cooperating.
14 I've told you that the people who had remained in the compounds were from the
15 family, or were guards who had remained behind to protect the compounds.

16 Q. Witness, in the statement that you made to the investigators - and I'm speaking
17 of document number 2 on the Defence list, page CAR-OTP-0046-0277 - you said that,
18 "The Central African Republic people who were working with the Banyamulengue
19 buried her." This leads me to my question. What kind of working together, or
20 collaboration, was going on between the Central African Republic people and the
21 people you refer to as "the Banyamulengue"?

22 A. Those people were thought of as their servants; for example, the guard of my
23 neighbour who was used for -- whom the Banyamulengue used for doing various
24 chores.

25 Q. What are the various languages spoken by civilian people from the Central

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1 African Republic who were working for these people you refer to as "the
2 Banyamulengue"?

3 A. I have no idea.

4 Q. Witness, do you remember stating before the Court that there were other
5 Banyamulengue in the Central African Republic who were employed as servants or
6 were shining shoes? I make reference to transcript, real-time transcript, French
7 version of 9 June 2011, page 13, lines 14 to 21.

8 A. When they came to the Central African Republic they came as Mono and, at that
9 time, they were doing petty jobs here and there and were shining shoes. But during
10 the events, they collaborated with the Banyamulengue and people then said that
11 those people were, themselves, Banyamulengue.

12 Q. Madam Witness, do you remember saying to the investigators that those people
13 you referred to as Banyamulengue actually speak three languages; Lingala, French
14 and Sango? I'm referring to your statement in document number 6 of the list of
15 Defence documents, page 4. Do you remember this?

16 A. I do.

17 MR KILOLO: (Interpretation) I would like the Registry to put document number 6
18 on the screen, document 6 of the Defence documents, and page 5. For the record,
19 I am referring to document CAR-OTP-0046-0298, document number 6. Registry,
20 please could you highlight the bottom section of the page, please. Next page, please.
21 Please highlight the centre of that page.

22 Q. Madam Witness, I will read out for you the question that was put to you and
23 your answer to the investigators. Question: "How do you know that he was
24 Banyamulengue and not a Central African?" Your answer: "As I have already told
25 you, there were a lot of Banyamulengue on the territory of the Central African

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1 Republic before the others came to join them, and there are still many of them here."

2 Can you confirm that, Madam Witness?

3 A. Yes, I do.

4 MR KILOLO: (Interpretation) Registry, I no longer need the document on the
5 screen.

6 Q. Now, Madam Witness, could you tell this Court what you know about the
7 shoe-shiners, those Banyamulengue who were the first to arrive? Could you tell us
8 what you know about them?

9 A. I don't have any information about the Mono. I do not know why they crossed
10 over. They simply came in; they were looking for petty jobs here and there, and
11 they were in our area.

12 Q. They crossed over, you said. When did they cross and for how long have they
13 been living in Bangui, those who came first?

14 A. Well, I did not pry into their private lives.

15 Q. You said that they came before the others who joined them later. Had they
16 been there for several years before the events took place? You talked about the
17 events as at 30 October 2002. Now, those who came first, are you able to tell the
18 Court whether they had been living in the Central African Republic for several years
19 already before the others came?

20 A. No. Well, they had been living in the Central African Republic for several
21 years. They had been there, they had established families and they even got
22 married.

23 Q. What various languages did those shoe-shiners, those who first arrived, what
24 languages did they speak?

25 A. They spoke their mother tongue and they also spoke our languages.

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1 Q. Could you be more specific as to which of your languages that first category of
2 Banyamulengue were speaking?

3 A. Sango.

4 Q. Did they also speak French?

5 A. Well, maybe some of them were educated and I believe that they were able to
6 speak French.

7 Q. When those people spoke Sango, did they speak differently from the Central
8 African natives?

9 A. Well, I think there was a difference in the manner in which they spoke. They
10 did not speak with a native touch of a Central African.

11 Q. Did they have any special behaviour that distinguished them from native
12 Central Africans?

13 A. Yes, their behaviour was different. They lived in a community of their own.

14 Q. In which neighbourhoods did those people live during the events in the Central
15 African Republic?

16 A. You could find them -- in all the neighbourhoods of Bangui you could find the
17 Mono, those people from Zaire, in all neighbourhoods of the Central African
18 Republic.

19 Q. Were they in Boy-Rabé?

20 A. Yes. Shoe-shiners usually went into all neighbourhoods, even PK5.

21 Q. Could you also find them at PK12?

22 A. Well, PK12 was like their mainstay, their home.

23 Q. What do you mean by "mainstay" or "home base"?

24 A. Well, they were all over PK12. It was like their home, their place. And after
25 the events some of them went back but a number of them remained.

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1 Q. What proportion of the population in PK12 did they represent, compared to the
2 general outlay of Central Africans in that locality?

3 A. When they arrived, they settled like ordinary Central Africans, but I did not
4 inquire into their numbers.

5 Q. Madam Witness, do you remember telling the investigators - and I'm referring
6 here to document number 2 on the list of Defence documents, page
7 CAR-OTP-0046-0268 - do you recall telling the investigators that among the armed
8 persons whom you saw in front of the compound of your neighbour you were able to
9 identify those shoe-shiners or that first category of Banyamulengue, so to speak?

10 A. Yes, I do remember. I saw them among the group.

11 Q. How were they dressed?

12 A. I already told you that they have their own style of dressing. Some of them
13 were wearing military uniforms, while others combined different attires. And many
14 of them were wearing civilian outfits.

15 Q. Were they armed?

16 A. Yes, they were all armed.

17 MR KILOLO: (Interpretation) Registry, would you please kindly put document
18 number 2 of the Defence documents on the screen, page CAR-OTP-0046-0279.

19 Please kindly highlight the centre of that page. This is a confidential document.

20 Q. Now, Madam Witness, what types of weapons did those shoe-shiners carry,
21 those first Banyamulengue?

22 A. Counsel, I'm not a soldier. I am not an expert in this matter, so I am not in a
23 position to know what types of weapons they were carrying.

24 Q. That first wave of Banyamulengue who arrived, were they bearing weapons
25 that were similar to or that looked like the weapons that the others were carrying?

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1 A. They were carrying weapons in their hands, and I don't know whether they
2 were different types of weapons from those carried by those who came in later. All I
3 know is that they were bearing weapons.

4 Q. Madam Witness, I would like to read for your attention an excerpt of your
5 statement made to the investigators of the Prosecution's office, and I quote, "Some of
6 the Banyamulengue were shoe-shiners in the Central African Republic, CAR. They
7 told the others to go to such-and-such a house because they knew those who had
8 money and those who did not. They pointed out the said houses to them."
9 Then the investigator asked you: "How do you know this?" And you answer:
10 "When your shoes are being shined, they can come to that realisation." Question
11 from the investigator: "Did some of the shoe-shiners enter your house with the
12 Banyamulengue?" Your answer: "Yes, I saw them." Can you confirm that,
13 Madam Witness?

14 A. When they arrived, I did not take time to scrutinise them. All I wanted to do
15 was flee.

16 Q. Why did you tell the investigators of the Prosecutor that you saw some
17 shoe-shiners enter your house; that is, those first -- that first group of Banyamulengue
18 who arrived?

19 PRESIDING JUDGE STEINER: Apparently, in the continuation of the statement, she
20 says that she saw one, and you were always talking in the plural. Could you please
21 confirm?

22 MR KILOLO: (Interpretation) Madam President, I am not yet there. I was going to
23 get there, but for now, well, that would be a follow-up on the questions on the same
24 page as CAR-OTP-0046-0279, but I wanted to start with the principle and I am talking
25 about the question that was put to the witness: "Did some of the shoe-shiners enter

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1 your house with the Banyamulengue?" And the witness answered: "Yes, I saw
2 them."

3 Now, the question to the witness:

4 Q. Can you confirm that you saw some shoe-shiners enter your house; that is, the
5 first Banyamulengue to have arrived?

6 A. Those who were in front of my neighbour's compound included the
7 shoe-shiners, and they even came into my house. And the specific shoe-shiner was
8 one of them. There was one of those who came.

9 Q. How many shoe-shiners were there, madam? And I'm referring here to the
10 first set of Banyamulengue, those who arrived first; that is, the shoe-shiners. How
11 many of them were there at your house?

12 A. When they entered my house, there must have been about eight of them.

13 PRESIDING JUDGE STEINER: Madam Witness, I need a clarification. Apparently,
14 eight people entered into your home. How many among them were shoe-shiners?

15 THE WITNESS: (Interpretation) When they were in front of the compound, I only
16 noticed one shoe-shiner. I did not see the others. I recognised only one shoe-shiner
17 among that group.

18 PRESIDING JUDGE STEINER: Thank you very much for the clarification.

19 MR KILOLO: (Interpretation)

20 Q. Madam Witness, how many shoe-shiners, in general terms, were there at PK12
21 and in the general neighbourhood? Were there many of them?

22 A. You're asking too much of me, Counsel, if you want me to count and give you a
23 specific number. All I can say is that there were many of them.

24 Q. According to you, eight people entered your compound, and out of those eight
25 you were able to recognise one. What about the seven others, did you know them,

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1 or not?

2 A. I have already told you, and I repeat, that while they were in front of my
3 neighbour's gate, I recognised one of them who was a shoe-shiner. But when they
4 came into my compound, my concern was not to identify them; I was concerned
5 about fleeing.

6 Q. Are we then to understand that you do not know whether or not the other
7 seven belonged to the first group of Banyamulengues who arrived or whether they
8 were of the second group of the new arrivals, since you say that you did not know
9 them? Is that the case?

10 A. In any event, to my mind, they were all Banyamulengue.

11 MR KILOLO: (Interpretation) I would like the Registry to take up document
12 number 2 of the Defence list, document CAR-OTP-0046-0275. Please kindly
13 highlight the second half of the page.

14 Q. Madam Witness, let me read an excerpt of your statement to the investigators,
15 and I quote. This is the question that was put to you about those people you
16 referred to as the Banyamulengue. Question: "How did they speak to women?"
17 Your answer: "This is what they said, 'Madam, can you come like that?', and
18 sometimes they spoke Sango."

19 Can you confirm that this is your statement, Witness?

20 A. Yes, I acknowledge having made that statement.

21 Q. Can you repeat exactly what they said in Sango when they said, "Madam, you
22 can come like that"?

23 A. "Walli gasi." (phon)

24 MR KILOLO: (Interpretation) Now, Madam President, do you think we can take
25 another five minutes or so to thrash out this issue completely?

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- 1 PRESIDING JUDGE STEINER: I need to hear from our interpreters whether
2 they -- they can indulge us with five more minutes. Ms Kneuer.
- 3 THE INTERPRETER: The interpreters confirm that they are available.
- 4 MS KNEUER: Thank you, Madam President. I think we are on a two-hour session,
5 so it may also be a question of the tape.
- 6 PRESIDING JUDGE STEINER: The court officer can inform about the date. We
7 suspended for 10 minutes, so I think the tape is enough.
- 8 THE COURT OFFICER: Your Honours, I just received a clarification from the booth
9 that we can accommodate the request.
- 10 PRESIDING JUDGE STEINER: Maître Kilolo, no more than five minutes, please,
11 and I thank very much again to our interpreters.
- 12 MR KILOLO: (Interpretation) Thank you, your Honour. I would like to ask the
13 court officer to put up document number 2 from the Defence list, on page
14 CAR-OTP-0046-0276, at the top of the page, please.
- 15 Q. Madam Witness, I am going to read for you the question that you were asked
16 on the subject of these people whom you call Banyamulengue. Relating to those
17 who were calling to the woman passing by whom you say was killed, this was the
18 question: "So what language did they speak to her in?" Your answer: "In Sango."
19 Investigator's question: "What did she answer them?" Your answer: "She didn't
20 even answer. She ran away."
21 Do you confirm this?
- 22 A. Yes, this is what I said.
- 23 Q. Could you repeat in Sango what they said to her when she was running away?
- 24 A. "Walli. Walli gasi."
- 25 Q. What does that mean, Madam?

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1 A. Well, they were calling her to get her to come over to them.

2 MR KILOLO: (Interpretation) I would like to ask the court officer to turn to -- or
3 perhaps to make things easier, could I read this out directly myself? What I'm
4 referring to is document number 6 on the Defence list, at page CAR-OTP-0046-0202.

5 Q. This is the question you were asked, or rather this is what you stated: "There
6 was a woman that day. Perhaps she had got lost. She was passing (Redacted)
7 (Redacted). There was a group of soldiers who was (Redacted),
8 (Redacted)." The investigators: "Please continue." Your answer:
9 "Those soldiers started to call out and to call to her, and they said, 'Where are you
10 going? Please tell us.'" Investigator's question: "In what language did they say
11 this?" Your answer: "In Sango." Do you confirm this?

12 A. This is what I said. I said it and I repeat it. That lady was running away and,
13 as soon as she came out on to the main road, she encountered a group of people and
14 she turned back to run away. That is how they called out to her, asking her to stop,
15 and she wanted to run away and that is how they shot her down.

16 Q. A final question to conclude. Do you confirm, as it is written here, "In what
17 language do they say it?"? And when you answered, "In Sango," do you confirm
18 that?

19 A. I confirm it. That is my statement.

20 Q. Can you repeat in Sango exactly what they said when they said, "Where are you
21 going? Please tell us"?

22 A. "Walli. Walli moykandua." (phon)

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

24 PRESIDING JUDGE STEINER: Thank you, Maître Kilolo.

25 Madam Witness, thank you very much. It has been quite a tiring morning, four

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1 hours' testimony. You are entitled to rest. We wish you a very nice weekend.

2 You have the whole weekend to rest, to take some time for yourself. We will

3 continue on Monday morning, starting at 9.30 in the morning.

4 I thank very much the Prosecution team, the legal representatives of victims, the

5 Defence team, Mr Jean-Pierre Bemba Gombo. I thank very, very much our

6 interpreters for their patience, our court reporters, our new court officer, our court

7 usher. We are going to adjourn for today, I wish everyone a nice weekend and we

8 will resume on Monday morning at 9.30 in this very same courtroom.

9 Please, court officer, turn into closed session.

10 *(Closed session at 1.38 p.m.) Reclassified as Open session

11 (The witness stands down)

12 THE COURT OFFICER: All rise.

13 (The hearing ends at 1.39 p.m.)

14 CORRECTIONS REPORT

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

16 in the transcript:

17 *Page 23 line 20

18 "the spouse opened the little door going into the yard" is corrected by

19 "the wife opened the little emergency gate going into the yard".

20 *Page 24 line 1 to 2

21 "the little door that was behind the house and she had fled. She had fled through that

22 little door" is corrected by

23 "the little gate that was behind the house and she had fled. She had fled through that

24 little gate".

25 RECLASSIFICATION REPORT

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

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