

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 Tuesday, 14 June 2011
9 (The hearing starts in open session at 9.37 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 you please, court officer,
15 call the case.
16 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
17 Prosecutor versus Jean Pierre Bemba Gombo, case reference ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you very much. Good morning Prosecution
19 team, legal representatives of victims. Good morning Defence team, Mr Jean-Pierre
20 Bemba Gombo. Good morning to our interpreters and court reporters. We will
21 continue today with the questioning of Witness 110 by Defence.
22 Maître Kilolo, do not take it as pressure but just in order to help VWU to organise
23 itself, do you have an estimation on whether you are going to use the whole morning
24 or part of the morning? Just for VWU to organise the arrival of the next witness.
25 MR KILOLO: (Interpretation) If we are not done by the first session, we could

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Open Session)

ICC-01/05-01/08

- 1 conclude during the second.
- 2 PRESIDING JUDGE STEINER: Thank you very much. I will ask, please, court
- 3 officer, to turn into closed session in order for the witness to be brought in.
- 4 *(Closed session at 9.40 a.m.) Reclassified as Open session
- 5 THE COURT OFFICER: We are in closed session, Madam President.
- 6 (The witness enters the courtroom)
- 7 WITNESS: CAR-OTP-PPPP-0110 (On former oath)
- 8 (The witness speaks Sango)
- 9 PRESIDING JUDGE STEINER: Can we please turn into open session.
- 10 (Open session at 9.42 a.m.)
- 11 THE COURT OFFICER: We are in open session, Madam President.
- 12 PRESIDING JUDGE STEINER: Good morning, Madam Witness.
- 13 THE WITNESS: (Interpretation) Good morning, Madam President.
- 14 PRESIDING JUDGE STEINER: Good morning and welcome the representative of
- 15 VWU. Madam Witness, did you manage to rest during the night?
- 16 THE WITNESS: (Interpretation) Yes, I spent a good night.
- 17 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue giving
- 18 your testimony?
- 19 THE WITNESS: (Interpretation) I am ready.
- 20 PRESIDING JUDGE STEINER: Probably Defence will finish with your questioning
- 21 by the end of tomorrow -- by this morning's session, so let's try to make efforts in
- 22 order for your testimony to be concluded this morning.
- 23 Before I give the floor to the Defence, I need to remind you that you are still under
- 24 oath. Do you understand that, madam?
- 25 THE WITNESS: (Interpretation) Yes, I do understand that.

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Open Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: For the last time, I need to remind you that you are
2 under protective measures and, therefore, during public sessions you need to try and
3 avoid giving information that could lead to your identification or to the identification
4 of people like family members and neighbours, employees, such like that. If need be,
5 we can go into private session. And finally, madam, any time you need a break, just
6 let us know and you will have as many breaks as you need. Is that fine with you,
7 madam?

8 THE WITNESS: (Interpretation) Yes.

9 PRESIDING JUDGE STEINER: Thank you very much.

10 Maître Kilolo, you have the floor.

11 MR KILOLO: (Interpretation) Thank you, Madam President, for giving me the floor.

12 QUESTIONED BY MR KILOLO: (Interpretation) (Continuing)

13 Q. Madam Witness, good morning.

14 A. Good morning, Counsel.

15 Q. Do you remember having mentioned an NGO yesterday which dealt with
16 victims of rape in the Central African Republic?

17 A. Yes, I do remember.

18 Q. Can you tell the Chamber the name of the said NGO?

19 A. I told you that I no longer remember the name of that NGO.

20 Q. Would it be OCODEFAD? Does that jog your memory?

21 A. I do not know. All I know is that there was an NGO which distributed some
22 gifts to the victims; some small gifts to the victims.

23 Q. Do you know the officer in charge of that NGO?

24 A. No.

25 Q. Would it be Madam Bernadette Sayo, for example?

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Open Session)

ICC-01/05-01/08

1 A. No, I do not know.

2 Q. In what circumstances did that NGO offer gifts, or donations, to the victims of
3 rape in the Central African Republic?

4 A. One night the deputy chief called on the population to gather at the school field
5 because some people were going to bring some donations and gifts, so we assembled
6 at that location and that is how I got to know that an NGO was coming to bring us
7 some gifts. I am not aware of any further details.

8 Q. As far as you know, was President Bozizé's government -- did President
9 Bozizé's government assist the victims of rape through the said NGO?

10 A. I do not know.

11 Q. Do you know why it was the deputy chief who called on the inhabitants to
12 gather to receive the gifts from that NGO?

13 A. Well, you know, that was his job. Whenever there is some action in the
14 neighbourhood, such as a national vaccination campaign, it was generally the deputy
15 chief who called on the inhabitants to assemble and take part in any such activity.
16 Now, regarding that specific point, I do not know who asked the deputy chief -- (Redacted)
17 (Redacted) - to call on the victims to gather.

18 Q. As far as you know, were there any victims of rape owing to the activities of
19 President Bozizé's rebels?

20 A. I am not aware of that.

21 Q. Madam Witness, I will remind you of your statement to the investigators of the
22 Prosecutor, and I'm referring to document number 4 on the Defence list of documents,
23 page CAR-OTP-0046-0294. This is the question that was put to you: "Did you hear
24 those girls show up and talk about what had happened to them?" Your answer:
25 "Yes, in the school premises. It was after President Bozizé came to power that

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Open Session)

ICC-01/05-01/08

1 members of the NGO came." Can you confirm that statement?

2 A. Yes, I do confirm it.

3 Q. Do you remember talking about a major who, according to you, occupied the
4 house (Redacted)?

5 A. Yes, I do.

6 Q. Did you see that major yourself in (Redacted)? Did you
7 see the major with your own eyes?

8 A. I heard that the house had been occupied by a major. I think that it might be
9 better to put that question to my (Redacted), who will be in a position to
10 provide you with more information.

11 Q. Would it then be correct to say that you never saw that major with your own
12 eyes in (Redacted)?

13 A. I have stated - and I repeat - that the person who occupied (Redacted)
14 (Redacted).

15 Q. How do you know that for a fact?

16 A. Because at the gate or entrance (Redacted), there were a lot of
17 Banyamulengue who said that they were guarding one of their chiefs whose
18 name -- or one of their leaders whose name was Majeur.

19 Q. Did you have a personal discussion of that issue with the so-called
20 Banyamulengue?

21 A. I learnt of all that from (Redacted). I never had any opportunity to have a
22 discussion with any Banyamulengue.

23 Q. Would it be correct to say that you never saw any written order issued by the
24 said major for pillaging to take place?

25 A. I have told you - and I repeat - that I never worked at the major's house. What

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Open Session)

ICC-01/05-01/08

1 Major did, or what he said, was done in my absence. I was not there to know of it.
2 All I know is that he (Redacted). There was a number of
3 people guarding the house, for purposes of ensuring his security, and therefore one
4 could only come to the conclusion that he was one of the leaders.

5 JUDGE ALUOCH: Mr Kilolo, your question caught my attention. What do you
6 mean by a "written order"? What do you mean exactly?

7 MR KILOLO: (Interpretation) I was simply seeking some assurance, because the
8 witness claims that she had never talked with Major, nor with any other
9 Banyamulengue. I simply wanted to make sure that she had never seen any
10 document whatsoever in the major's hand, or with his signature, ordering the
11 so-called Banyamulengue to engage in pillaging.

12 Q. Madam Witness, did anybody tell you that Major was Mr Bemba's -- or one of
13 Mr Bemba's deputies?

14 A. Everyone at PK12 knew that Major was Bemba's deputy. Everybody knew;
15 girls, boys, men and women alike.

16 Q. But as far as you are concerned, in your own particular case, who told you?
17 Where did you get this information from?

18 A. I am saying, and I shall repeat this, the information that I heard came from the
19 compound. And that information, if I had such information, it came to me by way
20 (Redacted).

21 Q. And when did (Redacted) pass on this information to you?

22 A. I believe I said that it was after the events or during those events. We didn't
23 have an opportunity to share information. It was only after the end of the events
24 that we found out who was who, who was doing what. It was only then that we
25 found out who was occupying the house. We found out that it was being occupied

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Open Session)

ICC-01/05-01/08

1 by a deputy of Bemba and his name was Major. That is how we found out. As I've
2 told you in one of my statements, I never saw Bemba, so I can't say a lie in this regard.

3 Q. And (Redacted), where did he get the allegation from?

4 PRESIDING JUDGE STEINER: Madam, have you received interpretation of the
5 question put by Maître Kilolo?

6 THE WITNESS: (Interpretation) No. He asked me the question, and I see that he is
7 talking to his team and so I am waiting until he is finished.

8 MR KILOLO: (Interpretation)

9 Q. You can reply, Madam Witness.

10 A. I said the only person who remained in the compound was (Redacted), and only
11 (Redacted) can tell you how the events unfolded.

12 (Defence counsel confer)

13 MR KILOLO: (Interpretation) I'd like to ask the court officer if he could display
14 document number 3 on the screen, document 3 from the Defence's list, the last page.

15 This is a sketch, and this document is confidential.

16 PRESIDING JUDGE STEINER: Maître Kilolo, could you please give the reference
17 number.

18 MR KILOLO: (Interpretation) This is CAR-OTP-0038-0396. And there's also an
19 EVD number for this document, EVD-T-87.

20 THE INTERPRETER: Message from the interpreter: The reference number seems
21 to be 03087.

22 THE COURT OFFICER: The document is available on your screens. To view it
23 please press the button "PC1," and the first page of this document is referenced as

24 follows: CAR-OTP-0038-0383.

25 It's a confidential document.

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Private Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: Maître Kilolo, if you are going to ask the witness to
2 confirm certain references in the croquis, I think we should go into private session.

3 MR KILOLO: (Interpretation) Quite so, your Honour.

4 *(Private session at 10.08 a.m.) Reclassified as Open session

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

6 MR KILOLO: (Interpretation)

7 Q. Madam Witness, we are in private session right now which means that we can
8 speak more freely. Do you recognise the document that is before you?

9 A. Yes, I do recognise it.

10 Q. Were you the person who drew this sketch?

11 A. I said that I recognise it.

12 Q. Witness, at the top of the page I see that there is a depiction that takes the form
13 of a rectangle. Does this properly depict the house of (Redacted)?

14 A. I said, and I repeat this, I don't need to describe this from a chart. I am here
15 and I can describe. I don't need to refer to a sketch.

16 PRESIDING JUDGE STEINER: Madam Witness, for the sake of the transcript, and
17 for the clarification of the Chamber, it is important that you explain to the
18 Chamber what this croquis means. And that's why Defence is asking you to identify
19 the different points that you've made in this croquis. So, to the best of your
20 knowledge, please answer to the questions in that respect. Thank you. Maître
21 Kilolo.

22 MR KILOLO: (Interpretation)

23 Q. Witness, now the letter "A" that you have placed at the very top, to the left of
24 this sketch, could you tell the Court what this exactly represents?

25 A. Where I wrote "A," that represents the house of my neighbour. And where

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Private Session)

ICC-01/05-01/08

1 you see the letter "B," that depicts the road that separates his house from mine. And
2 at the bottom, toward -- everything towards the bottom represents my compound.

3 Where you see the letter "F," those, that represents the toilets behind the house. And
4 what you see at the bottom represents my house. That is what you are seeing.

5 Q. Witness, if we go from the top of the document, and we see on the left we have
6 letter "A" and to the extreme right we have the letter "C," what do these two letters
7 represent, respectively, these two locations?

8 A. I said that letter "A" represents the compound of my neighbour, as well as letter
9 "C." All of that represents my neighbour's compound.

10 MR KILOLO: (Interpretation) Your Honour, I am just wondering about the
11 technical means at our disposal that would allow the witness to add a number of
12 elements to this sketch.

13 PRESIDING JUDGE STEINER: Could, please, court officer explain how -- which
14 would be the best way of doing that, on the screen or in the side equipment?

15 THE COURT OFFICER: Yes, Madam President. We can use the SMART Board.

16 PRESIDING JUDGE STEINER: "SMART Board," I need to remember this name.

17 THE COURT OFFICER: The witness can mark with the electronic pen whatever
18 needs to be marked on the map, or the other alternative is to have a paper copy and
19 have it marked by the witness and then present it in the other machine, next to the
20 computers on the witness bench, and it will be displayed to everybody in court.

21 MR KILOLO: (Interpretation) It might be best for her to sketch directly on to the
22 screen.

23 PRESIDING JUDGE STEINER: So for that purpose I ask, please, the court usher to
24 give assistance to the witness.

25 THE WITNESS: (Interpretation) What would you like me to draw?

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Private Session)

ICC-01/05-01/08

1 MR KILOLO: (Interpretation)

2 Q. We will proceed step-by-step. Now, Witness, letter "A" at the top, you said
3 that this represents the house of (Redacted), and to the very right you
4 marked "C." You put a letter "C." Now, the space all around letter "C," is that part
5 of the house belonging to your neighbour, or not? I'm not asking you yet to sketch
6 anything. I'm just asking you to answer the question. Later on I will be asking you
7 to place marks on the sketch.

8 A. No, I haven't sketched anything yet. I haven't sketched anything yet, but I can
9 mark a location if you wish?

10 Q. All right.

11 A. From this point right until here, everything you see, the four sides in red,
12 represent the compound of my neighbour, and if you can see me marking point "B,"
13 as you are seeing, this represents the path that separates his house from mine.

14 Q. Now, why is it that you made a distinction between letter "A" and letter "C" in
15 the middle of (Redacted) compound?

16 A. It's to let you know that in my neighbour's compound, the letter "A," the spot
17 where I put the "C" -- well, the compound begins where I put the letters "A" and "C."
18 Beside the letter "C," there is a (Redacted).

19 Q. What does the letter "E" represent, just below the alley that separates the two
20 compounds?

21 A. The letter "E," beside the alleyway, all of that is part of my compound. There is
22 a well and there is a mango tree there. That represents my compound.

23 Q. If we go back to (Redacted) compound, could you indicate where the entrance
24 gate is; exactly where the entrance gate or the door is located?

25 A. * From the letter A to the letter C, I told you that there is a fence inside. And on

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Private Session)

ICC-01/05-01/08

1 that side you see the entrance to his compound, the entrance is located there. And if
2 you continue towards the (Redacted), there is also a fence. All of that within his compound.

3 PRESIDING JUDGE STEINER: Mr. Iverson.

4 MR IVERSON: I'm sorry, I don't mean to interrupt, Madam President, but it might
5 be a good idea if there's a method to put the markings into the record. So if
6 Mr Kilolo could maybe talk about what the witness is doing, otherwise, you know,
7 years from now, when somebody reads the record, they are not going to understand
8 what is happening in the courtroom right now.

9 PRESIDING JUDGE STEINER: Maître Kilolo, it should be important if you ask the
10 witness to assign with a letter or with a number, or whatever signs, the changes she is
11 introducing in the drawing in order for the Chamber to identify these changes in the
12 future. So there is now a red line. It's better if we assign a number, or a letter, or
13 another sign to this red line in order to have in the transcripts what this red line
14 means.

15 MR KILOLO: (Interpretation) Thank you, your Honour. That is what we were
16 intending to do.

17 Q. Witness, I asked you to indicate the entrance to the house of (Redacted).
18 Have you done that already on the sketch?

19 A. I've told you that everything I've sketched from the letter "A," right to this line,
20 that is the boundary of the compound. You see, there's another fence, and from this
21 place to where the pencil is, that is the entrance to the compound. The "C" beside
22 that -- beside the letter "C" there's yet another fence and the (Redacted) is to be found there.

23 Q. Witness, you have just specified that (Redacted) compound is fenced; is that
24 correct?

25 A. Yes.

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Private Session)

ICC-01/05-01/08

1 Q. With this pencil, could you sketch the entire fence around the compound
2 belonging to (Redacted)?

3 PRESIDING JUDGE STEINER: Maître Liriss.

4 MR LIRISS: (Interpretation) I'm afraid we may not have adopted the correct method,
5 because we may end up with two documents overlapping. When she sketches, we
6 will lose the original document. Might it be possible to provide her with a hard
7 copy and she could make the changes, or sketch rather on the document. That way
8 we would have two documents.

9 PRESIDING JUDGE STEINER: It has been the practice that a document that is
10 modified by the witness is a new document. It's not the same document. I think it
11 would facilitate if the witness makes the changes on a hard copy but, even if it is on
12 the screen, this will be a new document, Maître Liriss. It's not the same document,
13 in any case. What I doubt is that the Defence is following the comment made by the
14 Prosecution and endorsed by the Chamber that we have now a door that is not
15 marked as a door. So I wanted the Defence to ask the witness to mark the marks, if
16 I am clear on that.

17 So, Madam Witness, could you please -- where you draw a door of your neighbour's
18 house, could you please put the letter "P," the "porte."

19 THE WITNESS: (Interpretation) You want me to put "P" for the gate of my
20 neighbour's compound, or the door?

21 PRESIDING JUDGE STEINER: First for the door of his house.

22 THE WITNESS: (Interpretation) You want me to put "P" at the door of my house, or
23 at the gate of the compound?

24 PRESIDING JUDGE STEINER: At the gate of the compound, let's start by that. At
25 the gate of the compound.

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0110

1 MR KILOLO: (Interpretation)

2 Q. Witness, could you draw the entire fence - the entire fence - around the
3 compound? Could you use the initial "CL" for the fence of the compound, "CL."

4 A. Do you want me to put "CL" outside the fence or inside the fence?

5 Q. Outside, please. Now I would like you to indicate the main gate to the
6 compound.

7 A. You see, the main gate to the compound is located at the position indicated as
8 "P."

9 Q. Madam Witness, what would be the height of the fence around the compound,
10 which is indicated as "CL"?

11 A. The marking on the screen reflects a huge compound, and the walls of the fence
12 were quite high. The walls of the fence were quite high, and the gate, the main gate,
13 was in iron.

14 Q. According to you, how high would "quite high" be in terms of metres; two,
15 three or four metres high?

16 A. I do not know, Counsel. I am not a mason to know the details of building
17 construction.

18 Q. When you say "quite high," taking your own height as a benchmark, would the
19 fence be as tall as you are?

20 A. The fence or the gate was higher, or should I say taller, than you yourself,
21 Counsel.

22 JUDGE ALUOCH: Mr Kilolo, what about the screen where she is, would it be as
23 high as that, since she says it is taller, higher than you, your height? What about that
24 screen where she is sitting under?

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

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Private Session)

ICC-01/05-01/08

1 Q. Now, Madam Witness, if you look above your head you will see a frame. Was
2 the fence as high as that frame?

3 A. Slightly higher than the window -- the frame of the blind.

4 Q. Madam Witness, can you tell the Court the position of the building between (Redacted)
5 (Redacted) compound and your compound?

6 A. Thank you. You see, here, where you have the letter "B," there is a footpath
7 and here, this line is the boundary of my compound. And then right here there is a
8 small entrance to my compound. As you can see, this line, the line which I have just
9 sketched, it represents the foundation for the fence around my compound.

10 PRESIDING JUDGE STEINER: Madam Witness, could you please put a -- let's say a
11 small -- or an "EN" to show the entrance to your compound. "EN," please.

12 THE WITNESS: (Interpretation) If you go around to this position, then you'll be at
13 the entrance to my compound.

14 PRESIDING JUDGE STEINER: And then that mark that you put close to the
15 footpath, what entrance is that one?

16 THE WITNESS: (Interpretation) That is a small, small entrance or an exit from the
17 compound to the footpath, but there is no gate at that small entrance yet. The only
18 gate we had was at the main entrance on the other side.

19 MR KILOLO: (Interpretation)

20 Q. Madam Witness, what does letter "J" represent? And that can be found within
21 your compound to the bottom of the page.

22 A. In my compound, if one goes from this point all the way to point "J" - that is, if
23 you go from "F" to "J" - then that would lead you to the main door into my house.

24 Q. Could you now sketch out the fence around your house? From this point, I
25 mean the fence of your entire compound, the entire fence of your compound.

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Private Session)

ICC-01/05-01/08

1 A. That is what I was about to do. So from here, up until this point and then
2 onward to this place, right down to the main gate and further on, all of that space
3 represents my compound. There is (Redacted) between my compound and my
4 neighbour's compound. Then we can go further on to this point, but the boundary
5 between my neighbour and my compound is (Redacted).

6 Q. Is your compound entirely surrounded by a fence?

7 A. Thank you. From this point, which I am pointing at, to this other point, a
8 foundation has already been laid. Now, from here to the corner of the main gate,
9 there is a wall, a brick wall, and the same applies for the other side. Then from this
10 end to the other side a foundation has also been laid, but these foundations have been
11 damaged by erosion.

12 Q. What does letter "L" represent, the letter "L" which is within your compound?

13 JUDGE ALUOCH: Can I just find out, when the witness says "foundation was laid
14 and has been eroded by erosion," does that mean that there is no fence there? Just to
15 be sure.

16 MR KILOLO: (Interpretation)

17 Q. Madam Witness, you have indicated that the walls had been razed from your
18 main gate to the footpath. Is that wall still standing?

19 A. Yes. Yes, the walls are still standing, and the gate as well.

20 Q. You made mention of erosion. Did it destroy the foundation or the walls
21 surrounding your compound, all around your compound?

22 A. At the time of the events, the road to the gate was eroded and there was (Redacted)
23 (Redacted) from this point to that

24 point. And then my neighbour has a house on the other side, at which (Redacted)
25 (Redacted) stops, and when it rains heavily water stagnates in that area and this has

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Private Session)

ICC-01/05-01/08

1 seriously eroded the foundation.

2 Q. What does letter "L" stand for?

3 A. When you enter the house, there is a corridor which leads to a door at this point
4 and it's a shortcut.

5 THE INTERPRETER: In fact, it is the way to the kitchen, the interpreter corrects.

6 MR KILOLO: (Interpretation)

7 Q. What does letter "K" stand for?

8 A. The letter "K" -- well, if you go from "J" to "K," there is a door leading to the back
9 of the house and to a lawn with two doors -- to a terrace, where there were two doors.

10 Q. What about letter "G"?

11 A. Letter "G" represents the bushes behind the house. It is an open space which is
12 covered in bushes.

13 Q. Do you remember testifying about a (Redacted)? Where is that (Redacted)
14 located?

15 A. Yes, there is some space and in the bush there is a (Redacted). So that
16 (Redacted) is located further on, and then there is the bush in the other open area
17 behind.

18 Q. Do you remember talking about a bush which made it impossible for the
19 Banyamulengue to see you? Is this different from the bush that you find on the road,
20 separating the two compounds?

21 A. All this area I am pointing at is a bush. You have some grass in this area.
22 Now, if you go from here to there, you would have the bushes and you would have
23 some mango trees and you have some fruit-bearing trees as well, and other trees, and
24 it is the same on this other side. You will find some fruit trees and some grass.

25 Q. Madam, are we to understand that the entire area between the small building

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0110

1 marked "F" and the borders of your compound, all around the compound, has fruit
2 trees?

3 A. Yes, there are fruit trees all around.

4 Q. Madam Witness, what does letter "F" stand for?

5 A. Letter "F" --

6 THE INTERPRETER: From the Sango booth, would the witness be kindly requested
7 to repeat her answer?

8 THE WITNESS: (Interpretation) I said that from the letter "J" -- well, that's the
9 facade of the house behind. The letter "F," that represents the toilets, the latrine.

10 MR KILOLO: (Interpretation)

11 Q. Could you now sketch your father's bedroom for us?

12 A. Yes, it's like what I'm sketching here. In front you see there is my bedroom,
13 belonging to my father. There are two windows.

14 JUDGE ALUOCH: Mr Kilolo, can I just find out whether this house - her father's
15 house - is it a double-storey house? Is it a bungalow? I just want to find out, if you
16 understand what I mean.

17 THE WITNESS: (Interpretation) I think I said in my statements that my father's
18 house is very, very tall. It is not a bungalow. It is tall enough.

19 JUDGE ALUOCH: I just wanted to understand that, yes.

20 THE INTERPRETER: Correction from the interpreter: It is not a house with
21 different levels. It is at one level.

22 MR KILOLO: (Interpretation)

23 Q. Could you please sketch all around the bedroom belonging to your father?

24 A. I don't see how I could really put the four sides of the bedroom. I said from
25 letter "J," that's the entrance to the living room. When you go along, you go along

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Private Session)

ICC-01/05-01/08

1 and you find yourself at a door that leads to my father's bedroom. A little bit closer
2 here there's a window, and you go to a living room that leads to his bedroom. In the
3 corner, when you turn around, when you turn a corner, you find the window of his
4 bedroom, and all of that constitutes the house.

5 PRESIDING JUDGE STEINER: Madam Witness, could you please put the letters
6 "FB" in your father's bedroom.

7 JUDGE ALUOCH: Madam Witness, please just confirm to me that, or to the
8 Chamber, that your father's bedroom is upstairs. It's not on the ground level.
9 Please just confirm that.

10 THE WITNESS: (Interpretation) I told you that my father's house is a bungalow. It
11 only has one level. There is a bedroom, there is an office and the room that he uses
12 as his dressing room, as his toilet.

13 MR KILOLO: (Interpretation)

14 Q. Witness, the Judge asked you to put "FB" to indicate the bedroom of your father
15 and I have the impression that you haven't done that. Witness, now the letter "F"
16 here, now this represents the outdoor toilets of your compound; is that not the case?
17 Is that correct?

18 A. Yes, that is right. Those are the outdoor toilets and there are three entrances.
19 (Defence counsel confer)

20 PRESIDING JUDGE STEINER: Maître, just to remind you that we have two minutes
21 before we have to go to the break.

22 MR KILOLO: (Interpretation) Quite so, your Honour.

23 Q. Witness, what does the letter "T" represent? It is not very far from "F," the
24 letter "T."

25 A. Is that a "T," or an "I"?

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Private Session)

ICC-01/05-01/08

1 Q. Indeed, it is more of an "I." What does the letter "I" represent, right beside the
2 letter "F."

3 A. I told you how you could go from letter "I" to get access to the front of the
4 house.

5 Q. Now, on this sketch, the place where you put the letter "I," what does that
6 depict or represent?

7 A. How you can leave the toilets to go towards the front of the house to get to "J."
8 That is the way you go from "I" to "J."

9 Q. One last question before the break. What does the letter "H" represent, not far
10 from the letter "E"? Between "E" and "D," what does that represent?

11 A. I'm sorry about the quality of this sketch, I'm not much of an artist, but here the
12 "H" represents the -- well, at the corner there is a palm tree, or a coconut tree, at the
13 corner of the concession.

14 MR KILOLO: (Interpretation) I just want to make sure that the court officer has
15 backed up this information, saved it on the computer, and we will resume after the
16 break.

17 PRESIDING JUDGE STEINER: Court officer, the document is saved, I suppose.

18 THE COURT OFFICER: Yes, Madam President, we are in the process of saving it.

19 PRESIDING JUDGE STEINER: In the meantime, turn please into open session.
20 (Open session at 11.01 a.m.)

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

22 PRESIDING JUDGE STEINER: Madam Witness, we'll have now our break,
23 half-an-hour break. You can take some rest, have a coffee, a tea. It's 11 o'clock and
24 we'll be back at 11.30. Court officer, please turn into closed session for the witness to
25 be taken outside the courtroom, and in the meantime we are going to suspend and

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Closed Session)

ICC-01/05-01/08

- 1 resume at 11.30.
- 2 *(Closed session at 11.02 a.m.) Reclassified as Open session
- 3 THE COURT OFFICER: We are in closed session, Madam President.
- 4 (The witness stands down)
- 5 THE COURT OFFICER: All rise.
- 6 (Recess taken at 11.03 a.m.)
- 7 *(Upon resuming in closed session at 11.37 a.m.) Reclassified as Open session
- 8 THE COURT USHER: All rise. Please be seated.
- 9 PRESIDING JUDGE STEINER: Welcome back. Could, please, court officer -- court
- 10 usher, bring the witness in.
- 11 (The witness enters the courtroom)
- 12 PRESIDING JUDGE STEINER: Can we turn, please, into open session.
- 13 (Open session at 11.39 a.m.)
- 14 THE COURT OFFICER: We are in open session, Madam President.
- 15 PRESIDING JUDGE STEINER: Madam Witness, welcome back.
- 16 THE WITNESS: (Interpretation) Thank you, madam.
- 17 PRESIDING JUDGE STEINER: Are you ready to continue being questioned by the
- 18 Defence?
- 19 THE WITNESS: (Interpretation) I am ready, your Honour.
- 20 PRESIDING JUDGE STEINER: Maître Kilolo.
- 21 MR KILOLO: (Interpretation) Thank you, your Honour, for having given me the
- 22 floor. If I could ask the court officer to put onto the screen document 3 of the
- 23 Defence list, and this is namely CAR-OTP-0038-0396. If I could ask you to put the
- 24 last document just before the break, with the annotations made by the witness.
- 25 Q. Witness, could you indicate with the number "1" the place where you were at

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Open Session)

ICC-01/05-01/08

1 the time of the alleged pillaging of the house of your neighbour?

2 PRESIDING JUDGE STEINER: Just to remind, Maître Kilolo, that we are in open
3 session.

4 MR KILOLO: (Interpretation)

5 Q. Witness, I don't know if you've understood my question. I was asking you to
6 mark with the number "1" the exact place where you were at the time of the pillaging
7 that you have referred to; pillaging in the house of your closest neighbour. Where
8 were you at that time?

9 A. I was inside the house, next to this window.

10 Q. Could you indicate with the number "2" the place, the exact place, where the
11 nine so-called Banyamulengue were who broke down the gate of the house of your
12 neighbour.

13 A. It was in this place.

14 Q. I'm going to remind you of your statement before the Chamber - and here I'm
15 referring to transcript in real-time 9 June 2011, page 22, lines 6 to 11 - this is the
16 question that was put to you: "So you said that you were in your house and that you
17 were looking through the window. Were there Banyamulengue who could see
18 you?" Your answer: "No. There was some bush which was separating us."

19 Witness, could you indicate with the number "3" where this bush was which
20 prevented the so-called Banyamulengue from seeing you or finding you?

21 A. I wanted to speak of the bush which was in this place, just in the corner, when
22 you leave. The small entry, there is some bush just next to it, some fruit trees as well,
23 and all around there's bush.

24 Q. Madam, what is the height of the trees of the bush in question indicated by the
25 number "3"?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0110

1 A. I wanted to speak about the mango trees. They're quite high, and the bush is
2 too. High.

3 Q. With regards to you and me, when you speak about this fruit tree, the mango
4 tree and the bush, is it higher than me?

5 A. Yes, the mango tree is higher than you, even the bush as well. When you hide
6 in that bush area, it's difficult for somebody to see you.

7 Q. Should we understand by that that this mango tree and the bush is higher than
8 you?

9 A. The mango tree is higher. You can't compare it to a person. The bush too.
10 On the one hand, it's higher -- or on one side it's higher, and on the other side it's not
11 as high. Sometimes I ask people to come and cut it.

12 Q. Witness, what is the volume, the density of this area of bush?

13 A. Yes. Well, the bush in my -- on my compound is very dense, very dense.

14 Q. Well, how far or how much grounds does this bush take up around point "3," in
15 this area? What area, in terms of the size of it, does this bush area take up?

16 A. I said that my compound is very large, and the upkeep of this needs quite a lot
17 of money. I told you there was bush and there were mango trees as well. So you
18 can measure the size, or the density or the space that this compound occupies. You
19 have to wait for the dry season, and then it becomes -- it's no longer dry, when the
20 bush dries out.

21 Q. Was the area covered by this -- with regards to the area covered by this bush, it
22 goes from where to where? Can you mark it with the letter "X" where this bush area
23 starts and a "Y" where it finishes, so that we can see the entire size of it?

24 A. Where I put my mark, this is where the bush starts. And behind the house,
25 where the door is behind the house, there's a second foundation, the foundation of a

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0110

1 house which is not yet finished. The bush occupies this whole area right up to
2 behind the toilets, behind the toilets as well. When you go around it, there's bush as
3 well, up to there. And then there's the mango tree, on the one side, and a small path
4 which goes to the second entry point.

5 All this part that I'm indicating to you here represents the bush; and in the corner,
6 there's a mango tree and grass grows around it, all around the compound. And then
7 outside the compound, there are palm trees.

8 Q. Witness, where were you exactly when this woman was shot, this passerby?
9 Could you mark that with the number "4."

10 A. I said that I was in the toilet, the external toilet.

11 Q. Could you just mark with the figure "4" the precise place where you were at the
12 moment that the woman was shot? Witness, the toilets, are they closed, are there
13 walls around them, all around the toilets?

14 A. There are walls, but there are also openings. There are windows. There are
15 three windows.

16 Q. Madam, could you indicate with the number "5" the place where the woman
17 was who was shot? Does that correspond with letter "H" that we see on the sketch?

18 A. That's it. I told you that she was under this palm tree - when you want to go
19 around this place - so that's why I wrote the letter "H."

20 Q. Once again, can you mark with the letter "5" the precise place where the woman
21 was who was shot? Could you mark that with the letter "5." Witness, how were
22 you able, from where you were at point "4," taking into account the bush and the
23 mango tree, and their density and the height, and the fact that it was after 18.00 hours,
24 it was dark, and given the distance, how could you see this woman who was shot and
25 say that it was by the so-called Banyamulengue?

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Open Session)

ICC-01/05-01/08

- 1 A. I think it wasn't difficult to see them. I think that I said that from our toilets
2 you had a view of the environment; and I told you that around the compound of my
3 neighbour it was lit, and this lighting covered part of my compound as well.
- 4 MR KILOLO: (Interpretation) I no longer need the sketch on the screen. I would
5 just ask the court officer to keep it, to keep the document, to save the document.
- 6 PRESIDING JUDGE STEINER: Maître Kilolo, do you need this document as
7 evidence?
- 8 MR KILOLO: (Interpretation) Certainly, Madam President.
- 9 PRESIDING JUDGE STEINER: Has the Prosecution any observations in relation to
10 the submission of this document as evidence?
- 11 MR IVERSON: Yes, Madam President. No objections, just an observation, I think.
12 There are all kinds of marks all over the document that just simply aren't annotated,
13 and it's really not clear what those marks represent. We heard about mango trees, a
14 coconut tree, I believe, some bushes. I think it's clear that the bushes belong to letter
15 "G" on original sketch and I think those red dots represent bushes.
- 16 It's just we invested a lot of time in this sketch so, you know, I don't want to go back
17 and have the witness redo the sketch, or anything like that - I wouldn't propose
18 that - but it's just -- I suppose that goes to the weight of the sketch, if that helps.
- 19 Thank you.
- 20 PRESIDING JUDGE STEINER: Of course the Chamber will give to the sketch the
21 probative value that the Chamber deems appropriate and, of course, if the
22 Prosecution still needs further clarifications on the sketch, the Prosecution will have
23 opportunity to bring the sketch again if the Prosecution intends to re-direct.
- 24 I ask legal representatives, any observation in relation to the submission of this
25 document into evidence?

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Open Session)

ICC-01/05-01/08

1 MR ZARAMBAUD: (Interpretation) Your Honour, we leave it to the wisdom of
2 the Chamber.

3 PRESIDING JUDGE STEINER: Thank you very much. The Chamber will decide
4 on the admissibility of the document in due time.

5 Madam Witness, before I give the floor back to Mr Kilolo, you mentioned on page 27,
6 lines 12 to 13, the dry season when the bushes dry out. When exactly does the dry
7 season take place in the area you live in?

8 THE WITNESS: (Interpretation) The dry season begins in December. Generally
9 speaking in June, or May or June, that is when the rains begin, and from December, or
10 January and March, that is the dry season.

11 PRESIDING JUDGE STEINER: Thank you very much.

12 Maître Kilolo.

13 MR KILOLO: (Interpretation)

14 Q. Witness, I'd like to make reference to the statement that you made to the OTP
15 investigator, document number 4 on the Defence list, page CAR-OTP-0046-0292.

16 You stated that soldiers of the Central African Republic also arrived at the house of
17 your closest neighbour, and you said when the Central African Republic soldiers
18 arrived at the house of the neighbour they had already taken everything. Now,
19 when did the Central African Republic soldiers arrive in the home of your closest
20 neighbour?

21 A. After the guard said to him that there was a great deal of tension and there were
22 still some goods in the house, such as shotguns, it was necessary to move them, but
23 when the soldiers arrived it was already too late.

24 Q. Approximately how many hours, or days, was it after the first arrival of the
25 so-called Banyamulengue in the compound of the closest neighbour?

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Private Session)

ICC-01/05-01/08

1 A. I no longer remember.

2 Q. When you were talking about that, did you mean that it happened during the
3 events, when tensions were still running very high?

4 A. I said that I no longer remember the time. I can't give you a specific time.

5 Q. In another statement that you made to the OTP investigators, and I refer to
6 document number 4 on the Defence's list, page CAR-OTP-0046-0287, on that page you
7 specified that at PK12 there were as many Banyamulengue as there were soldiers
8 from the Central African Republic. Can you confirm this?

9 A. I confirm that.

10 MR KILOLO: (Interpretation) Your Honour, could we go into private session,
11 please?

12 PRESIDING JUDGE STEINER: Court officer, please.

13 *(Private session at 12.06 p.m.) Reclassified as Open session

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

15 MR KILOLO: (Interpretation)

16 Q. Witness, when you speak of "the guard," whom are you speaking of exactly?
17 Could you tell us what his name was?

18 A. (Redacted)

19 MR KILOLO: (Interpretation) I have concluded my cross-examination.

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

21 (Open session at 12.07 a.m.)

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

23 PRESIDING JUDGE STEINER: Maître Kilolo, you are saying that you've finished
24 your questioning? Thank you very much. I then turn to the Prosecution and ask
25 the Prosecutor whether the Prosecution intends to re-direct?

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Open Session)

ICC-01/05-01/08

1 MR IVERSON: Yes, briefly, Madam President.

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

3 MR IVERSON: Thank you, Madam President.

4 QUESTIONED BY MR IVERSON:

5 Q. Madam Witness, I just have a few brief questions for you, and firstly the
6 questions -- the first few questions pertain to the individuals who we've commonly
7 called "the shoe polishers," or "the shoe-shiners." Now, when you refer to "shoe
8 polishers" -- let me just start with this question. To whom are you referring when
9 you say "shoe polishers"?

10 A. I am referring to the Banyamulengue. They're all from the same group.

11 Q. Okay, but earlier in your testimony you made a distinction, you said, for
12 example, there was one shoe polisher among the group of Banyamulengue you saw,
13 and so what do you mean by that? Let's just talk about that incident. What do you
14 mean by there was one shoe polisher among the Banyamulengue?

15 A. The one who I saw in civilian clothing, he was a Mono. He crossed and he was
16 a shiner of shoes, and when the others crossed over he was with them and he spoke
17 in the same language. They were all Banyamulengue.

18 Q. Okay. So when you say the word "Banyamulengue" -- actually, let me ask you
19 what does the word "Banyamulengue" mean to you? So, if you were to define, what
20 people belonged to the group of Banyamulengue? How would you define that?

21 A. They are people who come from the other side of the river. They were all on
22 the other side of the river before they crossed. I think of them all as the people who
23 come from the other side of the river.

24 Q. Okay. And when you say the word "Mono," does that have apart a different
25 and distinguished meaning from "Banyamulengue"?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0110

1 A. The ones who crossed over and were doing odd jobs in our country we called
2 them "the Mono," but after the events, when the second group of Banyamulengue
3 crossed over, we lumped the two groups together.

4 Q. Okay. The word "Mono," for you is that -- is that synonymous, or is that the
5 same as a shoe polisher?

6 A. Yes, that's right.

7 Q. Okay. Well, I would like to use your word, you say "Mono," just to avoid any
8 confusion. Now, when you saw the armed group of Banyamulengue in front of
9 your closest neighbour's gate, how many Monos were among them?

10 A. The only one that I saw in civilian clothing was that one.

11 Q. And was this one Mono armed?

12 A. Why? Did I say that those shoe-shiners were like part of the group of
13 Banyamulengue? Well, at that time they were all armed. They were all armed.

14 Q. Okay. I'd like to ask you a second group of questions that is based on some of
15 the questions that Mr Kilolo, the Defence counsel, asked you and it has to do with the
16 your ability to see the actual shooting. So my first question is a general question:
17 Was there anything in your way, in your field of vision, that obstructed your view
18 either wholly or partially from the shooting?

19 A. When we heard the gunshots, we grew frightened. You couldn't pay proper
20 attention to what was going on because you were afraid.

21 Q. So you're afraid when you hear gunshots. While being afraid, what was the
22 first thing that you were doing after hearing the gunshots?

23 A. I think that the first thing to do is to take refuge and then to try to watch what is
24 going on.

25 Q. My question wasn't just meant to be a general question about what one should

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Open Session)

ICC-01/05-01/08

1 do, but what did you do in this instance when you heard weapons being fired?

2 A. I was afraid.

3 Q. This may sound like an obvious question, but I want to ask: Of what were you
4 afraid?

5 A. If you learn in a country -- well, if you hear gunshots here and there, you
6 wonder, you wonder whether you will sleep well, whether you will wake up in the
7 morning. Those are the kinds of fears that you have.

8 Q. Okay. I'd like to just go back, just a few more questions and then I'll be
9 finished. Go back to your field of view, to the shooting. Was there anything that
10 partially or wholly or in any way obstructed your view? Did you have to change
11 your position? Let me just start with the first question. Was there anything that
12 obstructed your view at all?

13 A. When I was inside the house I could open the blinds to see what was going on
14 outside, so as not to draw attention of the people, not to draw the attention of the
15 people who were outside.

16 Q. When the shooting occurred, you just stated that you were in the toilet, or the
17 toilet house, and you also stated that there were windows. You also stated that there
18 were mango trees, there were coconut trees. I just want to be -- remember, none of
19 us have ever seen the property, know exactly what it looks like. Is there anything in
20 your field of vision that obstructed your view to the shooting?

21 A. I said that at the corner of the compound, to the front, the palm trees were to be
22 found there. And beside the outdoor toilets, there was only bush and mango trees.
23 I heard the gunshots (Redacted) but I
24 didn't know who fired the shots; but I could, indeed, know that the gunshots were
25 coming from the (Redacted)

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0110

1 THE INTERPRETER: Minor correction from the English booth: The witness made
2 reference to "opening shutters," not "opening blinds," in her previous reply.

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

5 (Prosecution counsel confer)

6 MR IVERSON: Madam President, I think there may have been an interpretation
7 issue, so I just want to ask a question about it to see if we can clear it up.

8 PRESIDING JUDGE STEINER: Please, Mr Iverson.

9 MR IVERSON:

10 Q. Madam Witness, did you mention being low to the ground and then getting up
11 to get a view of what was going on? Is that something that happened?

12 PRESIDING JUDGE STEINER: There is a little bit of noise coming from the Defence
13 Bench. Maître Liriss.

14 MR LIRISS: (Interpretation) If we could have the reference number for the alleged
15 statement from the witness?

16 PRESIDING JUDGE STEINER: Mr Iverson.

17 MR IVERSON: Madam President, we believe that it was not interpreted, so that's
18 why I'm asking about it. So there is no reference point. But I can rephrase the
19 question, if that helps the Court. Just let me ask just a general question, then.

20 Q. When you heard the shots, what did you do next, right after you heard the
21 shots or as you were hearing the shots?

22 A. What gunshots are you talking about? Could you please be more specific?

23 Q. Absolutely. We're on the topic of the killing of the woman who was passing
24 by your closest neighbour's house and your house. We're asking about where you
25 were and how you were able to see what you saw. Is that clear, Madam Witness?

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Open Session)

ICC-01/05-01/08

1 A. That's clear. I said that I was in the toilets, and I was watching because I heard
2 some yelling, as well, coming from the group. The woman wanted to turn around
3 and run away. During that time, well, she'd already been hit by the bullet, but I
4 deduced that the gunshot came from the compound belonging to my neighbour. In
5 front of the compound belonging to my neighbour.

6 MR IVERSON: Thank you, Madam Witness. I have no further questions.

7 PRESIDING JUDGE STEINER: Before I give the floor to the Defence, I want a
8 clarification from the witness. So if I understood, you were in the toilets, you were
9 watching because you heard some yelling coming from the group and then you saw
10 the woman being hit by a bullet; is that correct?

11 THE WITNESS: (Interpretation) That is what I saw.

12 PRESIDING JUDGE STEINER: This woman, as you've shown in your croquis, was
13 in the footpath; is that correct?

14 THE WITNESS: (Interpretation) I said that she wanted to take the path alongside
15 the compound when she ran into this group of people.

16 PRESIDING JUDGE STEINER: And from the toilet you could see everything, in
17 spite of the distance and of the mango trees. How could you see what happened
18 with this woman? I think this is what we would like to understand.

19 THE WITNESS: (Interpretation) I said that at the time there was light in front of
20 the compound belonging to my neighbour. And beside, the lighting shed light as far
21 as the foot path and, as well, there were some lights in my compound. I'm trying to
22 give you to understand that when I was in the toilets I could, indeed, see everything
23 that was going on in front.

24 PRESIDING JUDGE STEINER: No, we understood about the lights. I think the
25 question is: The mango trees and the bush were not obstructing your view. You

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Open Session)

ICC-01/05-01/08

1 could see through the mango trees and the bush?

2 THE WITNESS: (Interpretation) I said that the bush was thick, but there was a
3 part that was lower. The vegetation was lower so I could see everything that was
4 going on in front.

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

6 JUDGE ALUOCH: Just one clarification, Madam Witness. I'm sorry to put this
7 question: Can you just confirm that the reason why you were in the toilet was
8 because you were taking cover, not for any other reason? You were taking cover in
9 the toilet; is that right?

10 THE WITNESS: (Interpretation) I went there to relieve myself.

11 PRESIDING JUDGE STEINER: Maître Kilolo.

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

13 QUESTIONED BY MR KILOLO: (Interpretation)

14 Q. Witness, do you individually know all the Mono who live in Bangui and in
15 PK12?

16 A. Counsel, I am not a neighbourhood leader who would know all those people.

17 Q. Can you confirm that you never saw the corpse of this woman after she was
18 shot?

19 A. I said that I did not draw close to the body when she was shot. I did not
20 approach the body.

21 MR KILOLO: (Interpretation) I have concluded, your Honour.

22 PRESIDING JUDGE STEINER: Thank you very much, Maître Kilolo.

23 Madam Witness, we can now release you from your duties as a witness before this
24 Court. Thank you very much for coming to this Court in order to testify before this
25 Chamber.

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Open Session)

ICC-01/05-01/08

1 Before you leave the Court, we would like to express the thanks of the Judges for the
2 time and trouble that you have taken to come to this country and to give evidence in
3 this trial.

4 In order for us, the Judges, to find the truth, it is critical that witnesses such as
5 yourself are prepared to give evidence to assist us on the relevant issues of the case.

6 We are aware that this must certainly have been inconvenient for you. You stayed
7 here for a long time.

8 You therefore leave us in order to go home with our thanks, but before you leave I
9 would like to ask you whether there is anything you would like to tell the Chamber?
10 Feel free to speak, if you so wish.

11 THE WITNESS: (Interpretation) I have practically nothing to say before the
12 Bench, the Prosecutor, the counsel of Jean-Pierre Bemba, before the legal
13 representatives of victims. I only have one thing that I would like to say. All those
14 who are present in the room today, God is above us all. Everything that you do on
15 earth, and that you think that other people have not seen, God sees everything. I
16 would also like to thank all of those who have welcomed me here. May God be with
17 you all.

18 PRESIDING JUDGE STEINER: Thank you, Madam Witness. God be with you as
19 well, and we wish you a safe trip back to your home country.

20 Court officer, please turn into closed session in order for the witness to be taken
21 outside the courtroom.

22 *(Closed session at 12.35 p.m.) Reclassified as Open session

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

24 (The witness is excused)

25 PRESIDING JUDGE STEINER: Can we turn into open session, please.

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Open Session)

ICC-01/05-01/08

- 1 (Open session at 12.36 p.m.)
- 2 THE COURT OFFICER: We are in open session, Madam President.
- 3 PRESIDING JUDGE STEINER: Thank you very much. Before we suspend for the
- 4 lunch break, the Chamber needs to amend the decision on protective measures orally
- 5 granted yesterday.
- 6 On 10 June 2011, the Chamber has received from the VWU the psychological
- 7 assessment for Witness 112 containing recommendations to assist the witness in
- 8 giving his evidence, including in-court assistance from a male VWU support
- 9 assistant, who can sit next to the witness in Court.
- 10 The assessment also makes a recommendation on the mode of questioning by
- 11 counsel. It is recommended to adapt the questioning to Witness 112's needs,
- 12 avoiding unnecessarily repetitive questions and particularly in relation to the death of
- 13 his wife. Counsel is also recommended to closely observe the witness in case of
- 14 emotional reactions.
- 15 The Chamber finally received information from the VWU psychologist regarding the
- 16 witness's level of literacy, both in French and Sango, with the recommendation that it
- 17 provides reading assistance to the witness.
- 18 The Chamber agrees that these recommendations should be followed, based on VWU
- 19 assessment. Therefore, in addition to the in-court protective measures orally granted
- 20 yesterday, the Chamber authorises these special measures for Witness 112 pursuant
- 21 to Article 68 of the Statute and Rule 88 of the Rules of Procedure and Evidence.
- 22 We are going to suspend now for the lunch break, and we will resume at 2.30 with
- 23 the questioning, starting with the Prosecution, of Witness 112. The hearing is
- 24 suspended.
- 25 (Recess taken at 12.40 p.m.)

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0110

1 (Upon resuming in open session at 2.35 p.m.)

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

3 PRESIDING JUDGE STEINER: Good afternoon. We will start this afternoon with
4 the questioning of Witness 112, but before that I would ask please the Prosecution
5 team to introduce themselves since we can see new faces on it.

6 MR SCALIOTTI: Good afternoon, Madam President, your Honours. The
7 Prosecution today will be represented by, from my left, Ms Sanyo Ndagire, legal
8 assistant; Ms Frédérique Besse, case manager; Ms Madeleine Somte, language
9 assistant; and myself, Massimo Scaliotti, trial lawyer. Thank you.

10 PRESIDING JUDGE STEINER: Thank you, Mr Scaliotti. I notice that the Defence
11 team is composed by Mr Haynes and Ms Gibson, of course. I'm sorry, Maître Kilolo.
12 I couldn't see you. I really apologise for that.

13 So we will ask now the court officer to turn into closed session in order for the
14 witness to be brought into the courtroom.

15 *(Closed session at 2.37 p.m.) Reclassified as Open session

16 THE COURT OFFICER: Madam President, your Honours, we are in closed session.
17 (The witness enters the courtroom)

18 WITNESS: CAR-OTP-PPPP-0112

19 (The witness speaks Sango)

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

21 (Open session at 2.39 p.m.)

22 THE COURT OFFICER: Madam President, your Honours, we're back in open
23 session.

24 PRESIDING JUDGE STEINER: Thank you very much.

25 Good afternoon, Mr Witness.

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Open Session)

ICC-01/05-01/08

- 1 THE WITNESS: (Interpretation) Good afternoon, Madam President.
- 2 PRESIDING JUDGE STEINER: Mr Witness, you are welcome to this Court.
- 3 (Pause in proceedings)
- 4 PRESIDING JUDGE STEINER: Mr Witness, are you listening to the interpreter?
- 5 THE WITNESS: (Interpretation) Yes, I can hear you very clearly.
- 6 PRESIDING JUDGE STEINER: Welcome, as well, the representative of VWU. You
- 7 are welcome.
- 8 Mr Witness, before we start, the court usher -- better said, the court officer will
- 9 facilitate you taking the oath by reading out the words of the oath for you to repeat.
- 10 Court officer, please.
- 11 THE COURT OFFICER: "I solemnly declare that I will speak the truth, the whole
- 12 truth and nothing but the truth."
- 13 THE INTERPRETER: The witness's answer was not heard in the Sango booth.
- 14 PRESIDING JUDGE STEINER: Mr Witness, the interpreter could not follow you, so
- 15 I will ask the court officer to read, please, phrase-by-phrase and wait for the witness
- 16 to speak.
- 17 THE COURT OFFICER: "I solemnly declare --"
- 18 THE WITNESS: (Interpretation) I solemnly declare --
- 19 THE COURT OFFICER: "-- that I will speak the truth, the whole truth --"
- 20 THE WITNESS: (Interpretation) -- that I will speak the truth, the whole truth --
- 21 THE COURT OFFICER: "-- and nothing but the truth."
- 22 THE WITNESS: (Interpretation) -- and nothing but the truth.
- 23 PRESIDING JUDGE STEINER: Thank you, Mr Witness. Now that you have taken
- 24 the oath, can you confirm that you understand what the oath means.
- 25 THE WITNESS: (Interpretation) Yes, I understand the meaning of the oath.

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Open Session)

ICC-01/05-01/08

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

4 THE WITNESS: (Interpretation) Yes, I understand that very well.

5 PRESIDING JUDGE STEINER: Mr Witness, as you have had explained to you by
6 the Victims and Witnesses Unit during your familiarisation process since arriving in
7 The Hague, you will be questioned first by the Prosecution, then by the legal
8 representatives of victims and finally by the Defence.
9 As you know, the Chamber has put in place measures to protect your identity from
10 the public. You will therefore be referred to during your questioning as
11 "Mr Witness," or as "Witness 112." Your voice and your image broadcast outside the
12 courtroom are being distorted, so that the public cannot identify you.
13 In order to protect your identity, it is also important that during public sessions you
14 don't mention any information that could lead to your identification. You need to
15 help us to protect your identity. So, please, any information regarding your name,
16 your activities, names of neighbours or family members, names of your boss, all this
17 information cannot be given in public session. If need be, we go into private session
18 and in private session nobody can hear you, only inside the courtroom, and then you
19 can speak freely.
20 Do you understand that, sir?

21 THE WITNESS: (Interpretation) I have understood all that.

22 PRESIDING JUDGE STEINER: You have a person sitting at your side. He is an
23 in-court assistant from the Victims and Witnesses Unit, and will support you and
24 assist you during the whole of your testimony.

25 Mr Witness, because we speak different languages, there is interpretation so that we

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Open Session)

ICC-01/05-01/08

1 can understand each other. Because of this, it is important that we speak slower
2 than normal in order to allow the interpreters to do their job. That's why I'm
3 speaking so slowly. It is just to give you an example on the pace we expect you to
4 speak.

5 Because this can be seen unnatural it may be that you start speeding up and,
6 whenever that happens, I will have to interrupt you and to ask you to slow down.
7 This is purely for practical reasons and I hope that does not discourage you from
8 speaking. Do you understand that, sir?

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

10 PRESIDING JUDGE STEINER: Thank you very much. I have some questions to
11 put to you. Have you been given the opportunity to read, or have read to you, the
12 statement or statements that you made to the Court?

13 THE WITNESS: (Interpretation) Yes, I had the opportunity to listen to the audio
14 recording.

15 PRESIDING JUDGE STEINER: At the time you made the statement, or statements,
16 did you do so voluntarily?

17 THE WITNESS: (Interpretation) Yes, I did so entirely voluntarily.

18 PRESIDING JUDGE STEINER: Is the information that you provided in your
19 statement, or statements, true and accurate to the best of your knowledge and
20 understanding?

21 THE WITNESS: (Interpretation) Yes, it is correct.

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

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

25 PRESIDING JUDGE STEINER: Thank you, Mr Witness. I will now give the floor to

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Open Session)

ICC-01/05-01/08

1 Mr Scaliotti. He is the Prosecutor. He will start questioning you. If at any time
2 you need a break, you just let us know and we can have as many breaks as you need.

3 Mr Scaliotti, you have the floor.

4 MR SCALIOTTI: Thank you, Madam President.

5 QUESTIONED BY MR SCALIOTTI:

6 Q. Mr Witness, good afternoon. We met briefly -- (Overlapping speakers)

7 A. (No interpretation).

8 Q. We met briefly a few days ago during the familiarisation process. However, I
9 would like to introduce myself to you once again. My name is Massimo Scaliotti and
10 I am a representative of the Office of the Prosecutor and I will be leading your
11 testimony before the Chamber. You have already heard a number of
12 recommendations that Madam President gave you, so there is not so much I need to
13 add, just a few more things that I would like to tell you before we start your
14 questioning.

15 First of all, as Madam President told you, it is very important that we both speak very
16 slow to allow the interpreters to go through the interpretation process. During my
17 questioning, I will be asking you different types of questions, including how do you
18 know certain facts. The reason why I will be asking you this type of question, how
19 do you know the facts, it is because it is important for the Chamber to understand the
20 basis of your knowledge of facts.

21 Some of my questions may sound repetitive to you. However, even if this happens, I
22 would like to ask you to be patient and provide an answer to those questions if you
23 have one, because sometimes certain facts need to be further clarified.

24 It is also very important, if you can, to listen carefully to my questions and when
25 providing an answer to those questions it is important that you focus straight on the

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Private Session)

ICC-01/05-01/08

1 content of those questions. This will facilitate your testimony and would make it
2 more understandable for everyone.

3 So, again, don't take this as an offence, but please, I am kindly asking you to follow
4 possibly these suggestions that I am giving to you.

5 And, of course, during the questioning, if you don't understand one of my questions,
6 please let me know and I will repeat the question to you. Is everything I said to you
7 so far clear?

8 A. Yes, it is, sir.

9 MR SCALIOTTI: Now, Madam President, we can move into private session for the
10 questions concerning the personal information of the witness.

11 PRESIDING JUDGE STEINER: Court officer, please.

12 *(Private session at 2.57 p.m.) Reclassified as Open session

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

14 MR SCALIOTTI:

15 Q. Mr Witness, I will start asking you some questions about your personal identity
16 and background. First of all, can you please state your full name for the Chamber?

17 A. My names are (Redacted).

18 Q. What is your date of birth?

19 A. (Redacted)

20 PRESIDING JUDGE STEINER: Mr Scaliotti, maybe it would be better to remind the
21 witness that we are in private session and what private session means, at least in the
22 beginning of his testimony.

23 MR SCALIOTTI: Absolutely, Madam President. In fact, it was my plan to, right
24 before moving to private session, explain once again and give some more information,
25 if that is fine with the Chamber.

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Private Session)

ICC-01/05-01/08

1 Q. Mr Witness, my next question is where were you born?

2 A. (Redacted)

3 Q. Just for the sake of clarity, (Redacted)?

4 A. (Redacted)

5 (Redacted)

6 Q. Mr Witness, maybe there was a problem in the interpretation or a technical
7 problem, I don't know, but my question was actually: (Redacted)

8 (Redacted)

9 A. (Redacted)

10 Q. And what is your nationality?

11 A. (Redacted)

12 Q. What is your marital status?

13 A. (Redacted)

14 THE INTERPRETER: The Sango interpreter would request that the witness be
15 reminded to observe the five-second rule. Thank you very much.

16 MR SCALIOTTI:

17 Q. Mr Witness, the interpreters are kindly asking you to follow what we call the
18 "five-second rule," meaning before giving your answer you should wait a few seconds,
19 possibly five seconds or about five seconds, before you give your answer after my
20 question. Is that clear to you?

21 A. I have understood very well.

22 Q. Thank you, Mr Witness. My next question is do you have children?

23 A. (Redacted)

24 Q. My next question, Mr Witness, is where do you currently live? But before you
25 give your answer I would like to ask you, please, to simply make reference to the

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Private Session)

ICC-01/05-01/08

- 1 town, or the area, but please do not give your specific address. Is that clear to you?
- 2 A. That is clear.
- 3 Q. Thank you. So where do you currently live?
- 4 A. (Redacted)
- 5 Q. What languages do you speak?
- 6 A. I speak Sango.
- 7 Q. Any other language apart from Sango?
- 8 A. (Redacted).
- 9 Q. What is your current occupation?
- 10 A. At the present time I am a farmer and, at the same time, I work as a guard, a
- 11 watchman.
- 12 Q. What occupation did you have in the year 2002?
- 13 A. (Redacted)
- 14 Q. (Redacted)
- 15 A. (Redacted)
- 16 Q. (Redacted)
- 17 A. (Redacted)
- 18 Q. (Redacted)
- 19 A. (Redacted)
- 20 Q. How long did you work for him?
- 21 A. I worked for him for one year.
- 22 Q. Could you be a bit more precise and specify, at least approximately, the month
- 23 when you stopped working for him?
- 24 A. I stopped working for him in December 2002.
- 25 Q. Mr Witness, I have completed my questions concerning your identity and

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Private Session)

ICC-01/05-01/08

1 personal background. Now, before we move to public session, I would like to
2 remind you once again that so far, while I was asking you these questions, we were in
3 private session. This means that whatever you said up to now was only heard here,
4 inside this courtroom, but now as we will be moving into public session whatever
5 you say is going to be heard outside both by the public in the public gallery and by
6 the public at large.

7 Therefore, as Madam President explained to you, to comply with the in-court
8 protective measures that you have been granted, you should be extremely careful
9 when you talk and you shouldn't mention any piece of information that can lead to
10 your identification.

11 And when I say "information that can lead to your identification," I refer not only to
12 your name but, of course, to your place of residence, to the neighbourhood where you
13 live. And it is also extremely important, for the sake of your testimony, that
14 whenever (Redacted) - that was your boss at the time of events - you
15 never mention his name, you never mention his profession. If this is fine with you,
16 you can make reference to (Redacted) but again never mention (Redacted)
17 (Redacted).

18 I really kindly ask you to be -- to pay very much attention to this, because you
19 understand that if you in public session make reference to the fact that (Redacted)
20 (Redacted), that would easily lead to identify yourself and that would defeat the
21 purpose of the in-court protective measures that you have been granted.

22 So, in conclusion, is it fine with you (Redacted)?

23 A. Yes, that is fine by me.

24 Q. Thank you, Mr Witness. Now we can turn to the events that happened in
25 Central African Republic and particularly in Bangui in the year 2002. First of all,

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Private Session)

ICC-01/05-01/08

1 Mr Witness --

2 PRESIDING JUDGE STEINER: Sorry, Mr Scaliotti, are we continuing in private
3 session?

4 MR SCALIOTTI: I apologise. I apologise, Madam President. Yes, I had
5 anticipated, but then I forgot to say that we are actually moving to public session.

6 PRESIDING JUDGE STEINER: Mr Witness, before we move into public session, I
7 also want to ask you not to mention (Redacted)

8 (Redacted). You don't need to mention their names. Is that fine with you?

9 THE WITNESS: (Interpretation) That is fine by me.

10 PRESIDING JUDGE STEINER: So you just refer -- sorry. (Redacted)
11 (Redacted)

12 (Redacted) No names, please. Is that fine with you?

13 THE WITNESS: (Interpretation) That is fine by me.

14 PRESIDING JUDGE STEINER: Now, we will turn into public session. Court
15 officer, please.

16 (Open session at 3.15 p.m.)

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

18 PRESIDING JUDGE STEINER: Mr Scaliotti.

19 MR SCALIOTTI:

20 Q. Mr Witness, as I said, I would like to ask you some questions now about the
21 events that happened in Central African Republic, and in Bangui in particular, in the
22 year 2002. First of all, I would like to ask you: Was there a conflict in Bangui in the
23 year 2002?

24 A. Yes, there was a conflict in 2002.

25 Q. Do you remember in what month this conflict started?

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Open Session)

ICC-01/05-01/08

- 1 A. It was in November.
- 2 Q. Where were you during the conflict? And, once again, I would like to remind
3 you to give simply the area, the town, but please don't mention your neighbourhood.
- 4 A. I was in Begoua.
- 5 Q. Can you please explain where is Begoua in relation to Bangui downtown?
- 6 A. * If you take the Douala road, if you are coming from Douala, first you arrive at
7 the Begoua checkpoint before you cross and then you move towards the centre of town.
- 8 Q. How many kilometres is Begoua from the centre of Bangui?
- 9 A. 12 kilometres.
- 10 Q. Do you know why a conflict started in Bangui?
- 11 A. I don't know why.
- 12 Q. You said that there was a conflict in Bangui. Can you say what armed groups
13 you have seen in your sector in Begoua?
- 14 A. The Banyamulengue.
- 15 Q. Do you know where the Banyamulengue were coming from?
- 16 A. I don't know exactly. All I do know is that they had come from the centre of
17 the town.
- 18 Q. What was their country of origin?
- 19 A. They are from Zaire.
- 20 Q. How do you know that the Banyamulengue were from Zaire?
- 21 A. Because they came from the centre of town and they went towards our sector.
- 22 Q. Do you know who the Banyamulengue were fighting against?
- 23 A. I don't know exactly what people they had come to fight against. We heard
24 gunshots. I really don't know what else to say.
- 25 Q. Does the name General Bozizé mean anything to you?

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Open Session)

ICC-01/05-01/08

- 1 A. Yes.
- 2 Q. Do you know whether he played any role during this conflict?
- 3 A. He had already gone. He had already gone to the province. He had fled.
- 4 Q. You say General Bozizé had already gone to the province. He had already fled.
- 5 Can you explain in more details what do you mean by that?
- 6 A. I don't know exactly why. A misunderstanding broke out between them and
- 7 then he went with his soldiers, and then after that the soldiers came.
- 8 Q. You just said, "A misunderstanding broke out between them." Who do you
- 9 mean by "them"; "between them"?
- 10 A. I spoke of a misunderstanding, but I don't really know what happened between
- 11 the two of them, between Bozizé and the other one. After that he fled, and after he
- 12 fled the Banyamulengue arrived.
- 13 Q. Did the armed forces of the Central African Republic play any role during the
- 14 conflict, as far as you know?
- 15 A. When the events began, our soldiers were not involved. General Bozizé had
- 16 already gone off with his soldiers, and after he fled there was nothing. The soldiers
- 17 did not withdraw. The ones who fired gunshots were the soldiers of Jean-Pierre
- 18 Bemba.
- 19 Q. Mr Witness, just for the sake of clarity, who are the soldiers of Jean-Pierre
- 20 Bemba?
- 21 A. The Banyamulengue.
- 22 THE INTERPRETER: Interpreter correction: In the previous response the witness
- 23 said, "Our soldiers did not fire."
- 24 MR SCALIOTTI:
- 25 Q. Did you see the Banyamulengue soldiers?

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Open Session)

ICC-01/05-01/08

- 1 A. I saw them with my own eyes.
- 2 Q. When did they arrive in Begoua?
- 3 A. It was in 2002.
- 4 Q. Do you remember the month when the Banyamulengue arrived at Begoua?
- 5 A. I no longer recall the month. You know, the events occurred a long time ago.
- 6 I don't exactly remember exactly which month it was.
- 7 Q. Mr Witness, of course I understand this, but if you can make just a little effort.
- 8 At least can you recall if it was the beginning of the year 2002, was it mid-year, or the
- 9 end of the year 2002?
- 10 A. It was in the course of the month of October -- no, no, it was November. That's
- 11 when I saw them.
- 12 Q. How long did the Banyamulengue soldiers stay in Begoua?
- 13 A. They spent nearly three months in Begoua.
- 14 Q. During these three months that the Banyamulengue spent at Begoua, have you
- 15 seen any other armed group at the same time?
- 16 A. It was only the Banyamulengue.
- 17 Q. Mr Witness, do you remember the first time that you saw the Banyamulengue
- 18 troops?
- 19 A. Never.
- 20 Q. Mr Witness, maybe my question was not clear, or there was some other kind of
- 21 problem, but you said that the Banyamulengue arrived in Begoua and you said that
- 22 you saw them; that you saw the Banyamulengue troops. So my question was if you
- 23 remember the first time that you saw the Banyamulengue soldiers?
- 24 A. When they arrived in our area for the first time, it was a Friday. It was on that
- 25 Friday that they entered our area.

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Open Session)

ICC-01/05-01/08

1 Q. Where were you when you saw them for the first time?

2 A. I was in my boss's compound.

3 Q. Why did you go on that occasion to your boss's house or "compound," as you
4 said?

5 A. (Redacted), and when they started firing the guns, the wife of my boss called
6 me and when I arrived she left me in the compound and then went away.

7 Q. Do you remember what time of the day it was?

8 A. It was around 2.30 or 3 p.m.

9 Q. Where exactly inside your boss's compound were you when you first saw the
10 Banyamulengue coming?

11 A. I was within the compound, and I opened a small door in the gate and it is
12 through that door that I was able to see them.

13 Q. How many Banyamulengue soldiers did you see? And, of course, I'm not
14 asking you any specific figure. I simply ask you to give a rough idea, or estimation,
15 as to how many these soldiers were?

16 A. They came in a column, walking along the road, but I'm not able to tell you how
17 many there were.

18 Q. When you saw them, how far were they from the compound?

19 A. Not very far away. I would put the distance, approximately, at about 20 to 25
20 metres.

21 Q. Mr Witness, I would like you to describe now these soldiers that you saw.
22 How were they dressed?

23 A. They were wearing military uniforms; some of them had military trousers and
24 ordinary T-shirts, while others were wearing Ranger boots and others still trainers.

25 Q. Were they all men, or men and women mixed?

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Open Session)

ICC-01/05-01/08

1 A. There were men and women. It was a mix.

2 Q. Once again, I'm not asking you any specific number but, just approximately,
3 was it a few women or many women?

4 A. There were many women among those men. There were many women.

5 Q. You stated earlier that the Banyamulengue wore military uniforms. Can you
6 describe these military uniforms?

7 A. Well, military uniforms are the same; the same as those which were worn by
8 Central African soldiers.

9 Q. Do they have -- do these military uniforms have just one colour, or many
10 colours?

11 A. One colour.

12 Q. What colour, Mr Witness?

13 A. Well, you know that it is easy to identify military fabric. It is different from
14 civilian colours, different from the colour of clothes that ordinary people wear.

15 Q. I understand this, Mr Witness, but just for the sake of clarity can you please
16 specify that colour?

17 A. Green.

18 Q. What, if anything, were these soldiers carrying in their hands?

19 A. They had guns.

20 Q. Were you able to identify what kind of guns they had?

21 A. Those whom I saw at my boss's compound were carrying the A52 guns, rocket
22 launchers, MAS 36 rifles, grenades and other types of heavy weaponry which I do not
23 know how to identify.

24 Q. And again, just to clarify your basis of knowledge, how do you know,
25 Mr Witness, about these different types of guns that you just mentioned?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0110

1 A. Well, I am used to seeing those types of weapons being carried by our soldiers
2 when they were being deployed.

3 Q. What language did the Banyamulengue soldiers speak?

4 A. They speak Lingala.

5 Q. How do you know that they spoke Lingala?

6 A. You may want to know that the language they spoke did not resemble the
7 language of our country in any way, so it pointed to the fact that those people were
8 from Zaire.

9 Q. And just to be clear, what is the language of your country?

10 A. In our country we speak Sango.

11 Q. You stated earlier that you saw the Banyamulengue soldiers walking in one
12 column. What happened next?

13 A. Thereafter, they started firing shots.

14 Q. They started firing shots and then after that what happened?

15 A. Then they started to break down doors and to loot houses. All the houses of
16 persons who had fled were looted.

17 Q. Who was the commander of these soldiers that you have seen?

18 A. (Redacted)

19 Q. (Redacted)

20 A. (Redacted)

21 Q. When did you see him for the first time?

22 A. I saw him for the first time in 2002.

23 Q. Where were you when you saw him for the first time?

24 A. I was in my boss's compound.

25 Q. What was he doing when you saw him for the first time?

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Open Session)

ICC-01/05-01/08

1 A. He was the one commanding his troops and giving them orders.

2 Q. Did you see him giving orders to his soldiers?

3 A. Yes, I saw him. You know, (Redacted)

4 (Redacted).

5 Q. The first time you saw him, you said you were at your boss's compound. On
6 that occasion, (Redacted)?

7 A. Yes.

8 Q. Where were his soldiers while he was giving orders to them?

9 A. They were in the neighbourhood. In the mornings he will call on his troops,
10 and they knew at what time to assemble, and he would issue orders and directives at
11 such assemblies before withdrawing, and sometimes it was his deputy who issued the
12 orders and instructions.

13 Q. Mr Witness, I would like to bring you back to the first time when you saw the
14 Banyamulengue troops, and I would like to ask you: On that particular occasion,
15 have you seen the commander that you called Major talking to his men?

16 A. Yes, yes. If I had not seen him, I would not testify to that. I've told you that
17 we were living in the same compound.

18 Q. And again on that day, the first time that you saw the Banyamulengue troops,
19 what did the soldiers - the Banyamulengue soldiers - (Redacted)
20 (Redacted)?

21 A. Most of the time they would disperse and go into the various neighbourhoods,
22 break down doors, loot property, steal property, take control of people's homes.

23 Q. Did this happen also the first day when the Banyamulengue troops arrived?

24 A. Yes.

25 Q. Mr Witness, I would like to ask you now to clarify how do you know that the

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Open Session)

ICC-01/05-01/08

1 Banyamulengue troops, when they arrived or after arriving in Begoua, started
2 breaking doors and looting houses, as you said?

3 A. I knew it because I was a nightwatchman and, when I went back to my house,
4 the wife of my boss called me back saying that there was a lot of gunfiring in the
5 neighbourhood and so I had to return to guard the house, because she had to flee.
6 So I was there, I was present and I saw the Banyamulengue fire shots in order to
7 frighten the population and to cause them to flee so that they would have an
8 opportunity to pillage their property.

9 Q. Let's talk, Mr Witness, just for a while about (Redacted)
10 (Redacted). How was he dressed?

11 A. He was dressed in a military uniform.

12 Q. Was he carrying anything in his hands?

13 A. Yes, he had a PA on him and two mobile telephones.

14 Q. Can you please clarify what "PA" means?

15 A. *A PA is the type of small weapon that army officers usually carry on their belt.

16 Q. Can you describe (Redacted)?

17 A. (Redacted)

18 MR SCALIOTTI: Yes, Madam President, we can stop here for today. Thank you.

19 PRESIDING JUDGE STEINER: Mr Witness, we are going to adjourn today's session.
20 We will continue tomorrow morning, starting at 9.30 in the morning. Before you
21 leave the room, I would like to thank very much the Prosecution team, the legal
22 representatives of victims, the Defence team, Mr Jean-Pierre Bemba Gombo. I would
23 like to thank very much our interpreters and court reporters, our court officer and
24 court usher.

25 We will go now into closed session for the witness to be taken outside the courtroom.

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Closed Session)

ICC-01/05-01/08

1 I just want to inform the parties and participants that tomorrow until the end of the
2 week we are sitting in Courtroom 1 as from 9.30 in the morning.

3 Court officer, please could we turn into closed session, and in the meantime we are
4 going to adjourn.

5 *(Closed session at 4.01 p.m.) Reclassified as Open session

6 THE COURT OFFICER: Madam President, we are in closed session.

7 (The witness stands down)

8 THE COURT OFFICER: All rise.

9 *(The hearing ends in closed session at 4.02 p.m.) Reclassified as Open session

10 CORRECTIONS REPORT

11 The Court Interpretation and Translation Section has made the following corrections
12 in the transcript:

13 *Page 10 line 25 to Page 11 line 4

14 "From letter A to C, I told you that there is a fence inside. And on this side you can
15 see the entrance to his compound, the entrance is located there. And there is also a
16 fence between that place and the (Redacted).

17 PRESIDING JUDGE STEINER: Mr. Iverson.

18 THE INTERPRETER: Surrounding the (Redacted).

19 MR IVERSON: I'm sorry,"

20 is corrected by

21 "From the letter A to the letter C, I told you that there is a fence inside. And on that
22 side you see the entrance to his compound, the entrance is located there. And if you
23 continue towards the (Redacted), there is also a fence. All of that within his compound.

24 PRESIDING JUDGE STEINER: Mr. Iverson.

25 MR IVERSON: I'm sorry,"

Trial Hearing
Witness: CAR-OTP-PPPP-0110

(Closed Session)

ICC-01/05-01/08

1 *Page 45 line 6 to 7

2 "If you take the doe Lwala road, if you are going that way, you arrive at the Begoua

3 checkpoint before you cross and then move towards the centre of town"

4 is corrected by

5 "If you take the Douala road, if you are coming from Douala, first you arrive at the

6 Begoua checkpoint before you cross and then you move towards the centre of town".

7 SECOND CORRECTION REPORT

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

9 in the transcript:

10 *Page 52 line 15

11 "A PA is a type of pistol."

12 is corrected by

13 "A PA is the type of small weapon that army officers usually carry on their belt."

14 RECLASSIFICATION REPORT

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

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

17 version of the transcript with its redactions becomes Public