

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and
6 Judge Kuniko Ozaki
7 Trial Hearing
8 Wednesday, 15 June 2011
9 (The hearing starts in open session at 9.36 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, call
15 the case.
16 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
17 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you very much. Good morning. Welcome,
19 the Prosecution team, legal representatives of victims. Welcome, Defence team,
20 Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters and court
21 reporters.
22 We will continue today with the questioning of Witness 112 by the Prosecution. For
23 that purpose I ask, please, the court officer to turn briefly into closed session in order
24 for the witness to be brought into the courtroom.
25 *(Closed session at 9.37 a.m.) Reclassified as Open session

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

2 (The witness enters the courtroom)

3 WITNESS: CAR-OTP-PPPP-0112 (On former oath)

4 (The witness speaks Sango)

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

6 (Open session at 9.39 a.m.)

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

8 PRESIDING JUDGE STEINER: Thank you.

9 Good morning, Mr Witness.

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

11 PRESIDING JUDGE STEINER: Did you manage to take some rest during the night?

12 THE WITNESS: (Interpretation) Yes.

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

14 THE WITNESS: (Interpretation) Yes.

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

16 oath. Do you understand that?

17 THE WITNESS: (Interpretation) Yes, I know that.

18 PRESIDING JUDGE STEINER: I also want to remind you that you are under

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

20 being distorted, meaning that the public cannot identify you, but in order to keep

21 your identity concealed from the public it's important, sir, that when we are in open

22 sessions that you don't mention names of family members, of neighbours, of

23 your -- don't mention your activities, who was or who is your boss. If you need to

24 give this kind of information, we go into private session. In private session the

25 public cannot hear you, which means that you can speak freely. Do you understand

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1 that, sir?

2 THE WITNESS: (Interpretation) Yes, I understand.

3 PRESIDING JUDGE STEINER: You still remember some of the codes that we
4 established yesterday, do you?

5 THE WITNESS: (Interpretation) Yes.

6 PRESIDING JUDGE STEINER: Finally, Mr Witness, if for any reason you feel tired,
7 or distressed, or you need a break, you just let us know and you will have as many
8 breaks as you need. Is that fine with you, sir?

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

10 PRESIDING JUDGE STEINER: So I will give the floor to the Prosecution,
11 Mr Scaliotti. He will continue questioning you, but please remember, sir, that you
12 need to speak very, very slowly and, after a question is put to you, please wait five
13 seconds before starting with your answer in order to give the interpreters some time
14 to complete the interpretation. Do you understand that, sir?

15 THE WITNESS: (Interpretation) Yes, I've understood.

16 PRESIDING JUDGE STEINER: Thank you very much.

17 Mr Scaliotti, you have the floor.

18 MR SCALIOTTI: Thank you, Madam President, your Honours. Good morning.

19 QUESTIONED BY MR SCALIOTTI: (Continuing)

20 Q. Good morning, Mr Witness.

21 A. Good morning, sir.

22 Q. Mr Witness, I would like to start this morning by asking you some clarification
23 with regard to the evidence that you gave yesterday. First of all, I would like to
24 make reference to transcript 128, real-time, page 56, lines 15 to 17, where you said that
25 the Central African Republic soldiers were not involved in the conflict, but I would

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1 like to ask you were the Central African soldiers at any point in time during the
2 conflict in Begoua?

3 A. In Begoua there was a checkpoint and the soldiers who were at that checkpoint
4 were always present there. They were Banyamulengue soldiers. They were the
5 ones who were moving around, who were going about the locality. They went as far
6 as my home.

7 Q. Mr Witness, I understand this, but I would like to ask you whether Central
8 African soldiers were at any point in time in Begoua.

9 A. No, there were only Banyamulengue soldiers.

10 Q. You also said yesterday - and I'm referring to the same page, lines 12 to 13 - that
11 Bozizé's soldiers had fled and then the Banyamulengue soldiers arrived. My
12 question is: Did Bozizé's soldiers at any point in time during the conflict come back
13 in Begoua?

14 A. When they fled, they no longer returned.

15 Q. One more clarification, Mr Witness, and this time I'm referring to again
16 transcript 128, real-time, page 61, lines 4 to 7, and I'm reading, I'm quoting from the
17 transcript. Question: "They started firing shots, and then after that what
18 happened?" Answer: "Then they started to break down doors and to loot houses.
19 All the houses of persons who had fled were looted." Can you please be more
20 precise and say who were these persons who had fled?

21 A. The ones who fled were the civilians, in particular, the residents of the
22 neighbourhood. After that, the Banyamulengue began to break down doors so that
23 they could loot houses.

24 Q. And do you know what goods the Banyamulengue soldiers take from those
25 houses?

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1 A. Well, I wasn't in a position to know everything that was in the private homes of
2 people. I've had an idea of what was to be found in the house of my boss. I can
3 only know what was in my boss's house.

4 Q. You said yesterday that when the Banyamulengue soldiers arrived on that
5 Friday at Begoua, you were at your boss's house. Can you explain what happened at
6 your boss's house after the Banyamulengue arrived in Begoua?

7 A. Well, what happened to me in my boss's compound was that they began to
8 break down the gate. They were able to break the lock and they burst into the
9 compound. I was inside. Since I was inside, the door was closed and I hid behind
10 the toilets. I was lying down and I saw five people come in, and they were looking
11 inside the house and they brandished a weapon at me.

12 After, one said to the other ones that he had found someone and they started to beat
13 me. And when I was tired, one held me and, since the door was closed and there
14 was a protective grid, they used the part of their rifle to break the lock. And then
15 they took off the chain. There was only some stones in the concession, and they
16 started to break down the door, and they threw the stones against the door and they
17 were able to open it.

18 When they went in, they started to take various items. Each one would take
19 whatever came to his hand. One came out and called out, he called out, he said,
20 (Redacted) And when he said that to his fellow soldiers outside, about a
21 dozen of them -- more specifically, ten came in. They started to steal things, quarrel
22 over the various items, and there were a lot of them in the house. They started to
23 take out everything that was to be found in the house. (Redacted)

24 (Redacted)

25 Another group then came. Because (Redacted) and, you see, the

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1 people from Zaire, since they lighten their skin, they also like (Redacted). So they
2 started to unwrap all the various boxes in the children's rooms and these boxes
3 contained creams. Another group came and I saw what they were doing and I could
4 really say nothing. Shortly thereafter, one of them said that (Redacted) was
5 going to be living in the house, and they thought that the house could only be
6 occupied by (Redacted).

7 Q. Mr Witness, you said that you were beaten by these Banyamulengue soldiers.
8 What, if anything, did they use to beat you?

9 A. They used the butt of their rifles.

10 Q. What part of your body did they beat?

11 A. When they used the butt of the rifle, well, some of them continued to kick me
12 when I was down on the ground, and I believe their intent was to smother me which
13 would have allowed them to do whatever they wanted to do.

14 Q. Do you remember what part of your body they beat?

15 A. My back, they hit my back. Because, you see, I was down on the ground.
16 They continued to kick me, mostly in the back.

17 Q. Were you able to see a doctor after you suffered these injuries in your back?

18 A. At that time it was not possible to go to the hospital. Everyone was afraid, and
19 no one was going to work there.

20 Q. Did you have the chance to see a doctor at a later stage?

21 A. I explained that to a doctor and he asked me to go -- have some x-rays taken of
22 my back. But since I didn't have any money, I was not able to go and have those
23 x-rays taken.

24 Q. I would like you to clarify this: When the Banyamulengue entered the house
25 of your boss, was it the same day, that Friday, that they arrived in Begoua?

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1 A. I told you that they didn't wait until the next day. They started the same day;
2 and at 5 in the afternoon, since (Redacted), others occupied other
3 houses in the area. The next day, they continued. Apparently, their purpose or
4 their aim was to get more -- to loot more goods.

5 Q. I would like from you another clarification. You stated earlier that, while the
6 Banyamulengue soldiers were taking things out of your boss's house, another group
7 came. Just for the sake of clarity, can you please clarify what this other group was,
8 what soldiers was it composed of?

9 A. It was not another group. There was only one group that had come into the
10 neighbourhood, and they occupied houses in the neighbourhood. They had not left.
11 They were still in various houses in the neighbourhood, which they used as their
12 homes, or residences.

13 MR SCALIOTTI: Madam President, just to make sure, I would go into private
14 session really for a very short time, just a few questions. Thank you.

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

16 *(Private session at 10.02 a.m.) Reclassified as Open session

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

18 MR SCALIOTTI:

19 Q. Mr Witness, can you please describe the conditions of your boss's house right
20 before the Banyamulengue arrived?

21 A. You know, (Redacted).

22 (Redacted)

23 (Redacted) That is why they referred to it (Redacted)

24 (Redacted).

25 Q. You just said a sentence in a language which I think should be Lingala, and you

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1 said something like, I'm reading in the transcripts, (Redacted) I think. What is
2 the meaning of this sentence?

3 A. (Redacted)

4 (Redacted)

5 Q. How do you know that this is the meaning of this sentence?

6 A. I knew because one of the soldiers in (Redacted) had

7 occupied the house, was there, and he was within the house and he spoke Sango. I

8 was a house help at the time and I talked with him in Sango, and I asked him what

9 (Redacted) means in Lingala, so he looked at me and laughed and asked me

10 what I really wanted to know and I said, "Yes, since you understand Lingala and

11 Sango and I want to know what that means in that language." So he told me (Redacted)

12 (Redacted)

13 (Redacted) That is the answer he gave me, and it is for that reason that I

14 came to understand that the house -- that the expression meant (Redacted)

15 (Redacted).

16 Q. Do you know the name of that soldier that explained to you the meaning of that
17 sentence?

18 A. His name is (Redacted).

19 Q. What was his position within the Banyamulengue soldiers?

20 A. Well, I did not quite know what his position and responsibilities were. He did

21 not leave the compound. He was always in the compound. He was armed, but he

22 hardly went out, unlike the others. He didn't go out like they did, but he spent most

23 of his time within the compound, so I was under the impression that he may have

24 been (Redacted).

25 Q. Mr Witness, while we are in private session, I would like to make a proposal to

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1 you with regard of (Redacted) that you have been granted, and
2 particularly to the fact that some of the portions of your testimony can be given in
3 private session, to avoid your identification. Now, you just mentioned the name of
4 this soldier, (Redacted). And yesterday you also referred to (Redacted)
5 (Redacted). Now, the fact that
6 you were in the same compound with this (Redacted), and with this soldier
7 that you called Manda, could lead to your identification within the public; therefore,
8 to avoid to move too many times into private session I am proposing to you - and of
9 course I would like to know whether this can be fine with the Chamber - I would
10 propose to you the use of two more codes. So, if this is fine with you, and if it is
11 acceptable to the Chamber, I would propose that whenever you have to refer to
12 (Redacted) you call him simply as (Redacted) and when you have to make reference to
13 the soldier, (Redacted), you can use another code. I can propose something like, "Mr M,"
14 if it is acceptable to you, but the point is that we should avoid making reference to
15 these two individuals in public session because this may bring to your identification.
16 Did you understand what I told you?
17 JUDGE ALUOCH: While still in private session, I'm looking at the transcript, page 6,
18 I think it's lines 21, 22, where the witness said, "One of them even carried (Redacted)
19 (Redacted)." Can he just explain what he meant, "one of
20 them" -- (Redacted), yes, please. (Redacted)?
21 MR SCALIOTTI:
22 Q. Mr Witness, your Honour just asked you, when you mentioned (Redacted), you said
23 that someone took (Redacted). Can you clarify who was (Redacted)
24 (Redacted)?
25 A. I was referring (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. Mr Witness, while we are still in private session, I would like to ask you again if
5 the proposal that I made to you with regard to the use of these two codes - one
6 referring to (Redacted) - if this proposal is acceptable to you?

7 A. That's fine with me.

8 Q. Thank you.

9 PRESIDING JUDGE STEINER: Mr Scaliotti, maybe if you repeat the proposal just to
10 make it quite clear what proposal you're making.

11 MR SCALIOTTI: Absolutely, Madam President.

12 Q. And just to sum up, Mr Witness, before we move back to public session, I
13 would like to remind you once again that these are the codes that we agreed to use.

14 (Redacted)

15 (Redacted) I really kindly ask you to pay
16 as much attention as possible to this because, again, if you make reference in public
17 session to these individuals with their real name, that could easily bring to your
18 identification, and that would defeat the purpose of the in-court protective measures
19 that the Chamber granted to you. Is that clear to you, Mr Witness?

20 A. Yes.

21 Q. Do you think you are in a position to remember this recommendation
22 throughout your testimony?

23 A. Yes, it is possible. I think I will be able to remember.

24 MR SCALIOTTI: Very well, Mr Witness.

25 Madam President, we can move back to public session now.

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

2 (Open session at 10.15 a.m.)

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

4 MR SCALIOTTI:

5 Q. Mr Witness, I would like to bring you again to the day when the

6 Banyamulengue entered your boss's house and, as you said, they were taking things

7 out of the house. Where were you at that point in time?

8 A. While they were taking away the goods, I was still in the compound. I was

9 very tired, after having been beaten up, and I couldn't say a thing. I simply looked

10 at them as they looted.

11 Q. Where exactly within the compound were you?

12 A. I was in the compound while they were taking the property away. I was still

13 lying on the ground, after having been beaten up. I simply was looking at them as

14 they took the property away.

15 Q. Were you face up, or face down, to the ground?

16 A. I was lying on my stomach, my arms crossed, and I was looking.

17 Q. Mr Witness, just to be clear, can you explain if you were, as you said, lying on

18 your stomach, how could you observe what the Banyamulengue were doing?

19 A. Given that I was within the compound, you see, even if you're lying on your

20 stomach it is still possible to see what is going on. The toilets were at one angle of

21 the compound and, after they had beaten me up, they took me and dropped me in

22 front of the toilet. I was very tired after that beating and I was not able to move, so I

23 was there at that position, but I was still able to see what they were doing.

24 Q. Can you say, approximately, how many Banyamulengue soldiers at that point

25 in time were still in the compound taking things out of your boss's house?

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1 A. I told you that, when they came to break the house for the first time, there were
2 five of them. After breaking it, they entered into the compound and started taking
3 the property out. Then they went out and alerted the others and a greater number
4 then came in; about 15 of them. They took the property away and what happened
5 was that, as some took the property away, others came in to fetch what they thought
6 was good enough to be taken away, and it continued in that way until all items in the
7 house were taken out.

8 Q. Mr Witness, I'm sorry to have to keep asking you these clarifications, but we
9 really need to clarify things as much as possible. You said "others," and I'm reading,
10 "They went out and alerted the others. Others came in to fetch what they thought
11 was good enough to be taken away." Just to make things clear, who were these
12 others?

13 A. I'm referring to other Banyamulengues who were with them; their companions,
14 or their fellow soldiers.

15 Q. While you were lying on the ground and observing the Banyamulengue soldiers
16 taking things away, what were the light conditions?

17 A. From 4 p.m., it is not yet dark. Within the compound there was a streetlight
18 which was hanging from a mango tree and which lit up the compound.

19 Q. I'm not completely clear about your answer. Do you mean that to see inside
20 the compound you needed streetlight, or was the natural light enough to see inside
21 the compound?

22 A. While they were doing all that it was still daylight, and you may want to know
23 that even at 5 p.m. it was still bright outside.

24 Q. From what you could observe, where did the Banyamulengue soldiers take the
25 goods that they took out of your boss's house?

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1 A. They took the goods out of the compound and I cannot say specifically where
2 they took the items to. If I had gone out of the compound I may have been able to
3 know the destination to which the goods were taken, but since I was in the compound
4 I was not in a position to know. Maybe they took them to the places where they
5 were residing, yet I'm not able to tell you exactly where they took these items.

6 MR SCALIOTTI: Madam President, for the next set of questions we would need
7 private session, please.

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

9 *(Private session at 10.27 a.m.) Reclassified as Open session

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

11 MR SCALIOTTI:

12 Q. Mr Witness, you said that the Banyamulengue soldiers spread through the
13 neighbourhood and looted other houses. Do you know the name of any person
14 whose house was looted?

15 A. I know some names, the names of some neighbours, but I am not in a position to
16 know the names of persons whose homes were looted in other neighbourhoods. I
17 might only be able to recognise them physically, but I might not know their names.

18 Q. Mr Witness, if you don't have the names, it's not a problem. However, I was
19 asking you names of people whose houses were looted in your neighbourhood, not in
20 other neighbourhoods.

21 A. (Redacted)

22 (Redacted), and several others houses, and I do not

23 know the names of the occupants. All those whom I know were those who lived
24 around the house of my boss.

25 Q. How do you know that the houses of these people that you mentioned were

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1 looted?

2 A. I know that because it was in the surrounding area, close to where my boss
3 lived. After that, I had an opportunity to see for myself, and all the doors had been
4 broken down, all the doors of those houses, of course.

5 Q. What, if anything, happened to your property?

6 A. Are you talking about my property?

7 Q. Yes.

8 A. I believe that the events have occurred -- occurred in the same way. I believe
9 that no one -- no house was spared. (Redacted)
10 (Redacted), they looted the house.

11 Q. When did you find out that your house had been looted?

12 A. When I found out? It was after * (Redacted), which
13 was for some other soldiers on the other side. I saw that the door of my house had
14 been broken in and I realised that there was no longer much left. Everything had
15 been looted.

16 JUDGE ALUOCH: Can I find out, (Redacted)
17 (Redacted)?

18 THE WITNESS: (Interpretation) At the beginning of the events, (Redacted)
19 (Redacted)

20 (Redacted) I didn't have an opportunity (Redacted)
21 (Redacted).

22 MR SCALIOTTI:

23 Q. Mr Witness, Her Honour's question was: (Redacted)

24 (Redacted) And do not give any specific information about your
25 address, simply say (Redacted).

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1 A. (Redacted)

2 (Redacted)

3 Q. When you found out that your house had been looted, were you still at your
4 boss's compound with the Banyamulengue?

5 A. Yes, that's right.

6 MR SCALIOTTI: Madam President, I would like to bring now the witness's
7 attention to a document that I'm going to mention, so if we can have it on the screen
8 for the witness to take a look at, and the document has ERN CAR-OTP-0037-0132,
9 first redacted version.

10 THE COURT OFFICER: The document as referenced by counsel is available on your
11 screens. You can press the "PC1" button to view it. If you need assistance, please
12 let me know. This is a confidential document.

13 MR SCALIOTTI:

14 Q. Mr Witness, can you see a document on your screen?

15 A. Yes.

16 Q. Do you recognise that document?

17 A. Yes.

18 PRESIDING JUDGE STEINER: Mr Scaliotti, sorry to interrupt you. Just to remind
19 you about the recommendations given by VWU in relation to the need of assistance
20 for the witness (Redacted).

21 MR SCALIOTTI: Yes, Madam President, of course, but it was not my intention to
22 have (Redacted). Essentially, I would like the witness to take a look at the
23 document and I don't think he has necessarily (Redacted) of the
24 document.

25 Q. Anyway, Mr Witness, if you need (Redacted)

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1 (Redacted).

2 Now, my next question will be the following, and after the question, please let me

3 know (Redacted). My

4 question is: Whose handwriting is the one that you see on this document? In other

5 words, who wrote this document?

6 A. This is the writing of (Redacted)

7 (Redacted).

8 Q. Were you present when this person, (Redacted)?

9 A. I believe that I am the person who called him -- correction, who called them.

10 Q. Mr Witness, I read here in the transcript, "I am the person who called them."

11 Who are "them"?

12 A. (Redacted)

13 Q. So you said you called (Redacted)

14 A. I believe that it was the only thing that he had to do. I called him. (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. You said, (Redacted) Can you explain a bit in more details how

19 (Redacted)?

20 A. I called them. They were present. I was there myself, and I said to them that,

21 "Well, you see, here's what happened. Here's the damage that's been done. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. Mr Witness, do you see a signature at the bottom of this document?

2 A. Yes.

3 Q. Can you say whose signature is that one?

4 A. It is the signature of (Redacted)

5 JUDGE ALUOCH: Can you just find out, sorry, from the witness, (Redacted)

6 (Redacted)

7 Yes, please.

8 MR SCALIOTTI:

9 Q. Mr Witness, Her Honour would like to know who put -- (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. You just said that the signature belongs to (Redacted). Can you please
15 clarify who is (Redacted)?

16 A. I believe that stands for (Redacted).

17 MR SCALIOTTI: Madam President, the Prosecution would like to tender this
18 document into evidence.

19 PRESIDING JUDGE STEINER: Mr Haynes.

20 MR HAYNES: For the sake of the record, I wonder if the witness could actually
21 show us where he says there is a signature. I think I can work it out, but it won't be
22 clear on the transcript unless he, as it were, marks the signature.

23 And also, before this document is tendered into evidence and before I measure
24 whether I have any objection to that, could it be given some sort of temporal
25 framework, when was this document created? We just don't know that at the

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1 moment. So there are two points: One, he ought to mark this document where the
2 signature is so that we can all understand that and so that the record is clear; and two,
3 before we know whether this document is relevant and admissible, he ought to tell us
4 how and when it was created.

5 PRESIDING JUDGE STEINER: Mr Scaliotti, could you provide Defence with these
6 clarifications in relation to the document?

7 MR SCALIOTTI: Sure, Madam President. Maybe we can provide the witness with
8 the technical tools to indicate on the screen where the signature that he was making
9 reference to is actually located in the document.

10 THE WITNESS: (Interpretation) What am I supposed to do? Do you want me to
11 point out the signature, or do you want me to sign myself?

12 PRESIDING JUDGE STEINER: You just, Mr Witness, make a circle surrounding the
13 signature you are referring to.

14 MR SCALIOTTI:

15 Q. Thank you, Mr Witness. And can you also explain when this document was
16 prepared?

17 A. This document was drawn up after the events of 2002.

18 Q. Do you remember approximately when this document was created, in what
19 year?

20 A. It was in 2002.

21 Q. Do you remember what month?

22 A. No. You see, (Redacted), we can't really impose
23 anything when it comes to the date. What I remember is the year, because it was (Redacted)
24 (Redacted).

25 JUDGE ALUOCH: Mr Scaliotti, where was it drawn up? Where were they as the

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1 document was being drawn up, please?

2 MR SCALIOTTI:

3 Q. Mr Witness, can you please explain again where this document was drafted?

4 You said that you called (Redacted) came, but where was the
5 document actually prepared?

6 A. When I spoke to them about it, they came to the house. So I told them about all
7 (Redacted). Because there was no seat or a place
8 to be -- to seat someone, (Redacted) I said.

9 Q. Mr Witness, I asked you this question earlier, but you keep saying "they." So,
10 who do you mean by "they came"? I understand (Redacted), but who else was there?

11 A. Well, he couldn't come alone. He would go about with (Redacted); that is to say,
12 (Redacted).

13 Q. Mr Witness, I apologise, but I'm not completely clear. When you say "he
14 couldn't come alone," who is "he" and who is the "(Redacted)"? Can you
15 clarify who were these -- as I understand, these (Redacted) who came to your house?

16 A. I am talking about (Redacted) asked
17 him to go along with him because (Redacted)
18 (Redacted)

19 Q. If I understood you correctly, you said that a (Redacted) was
20 prepared and you went the following day. Can you explain a bit more about (Redacted)
21 (Redacted) came to your place?

22 A. That day he took note -- well, he asked me to go by the next day and pick up the
23 statement. He needed some time to prepare a fair copy, so he asked me to come by
24 the next day to get that document.

25 Q. And did you go the next day to pick up this copy?

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1 A. Yes, the next day (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. Was it on that occasion that a copy of the document was given to you?

5 A. Yes.

6 Q. Is the document that you have on your screen a copy of that document that was
7 given to you on that day?

8 A. Yes, that's right.

9 MR SCALIOTTI: Madam President, in the Prosecution's view, the witness has
10 provided sufficient information as to how the document was prepared and so he has
11 given sufficient information with regard to the author and the source of this
12 document, and so we request again that this document be tendered into evidence.

13 PRESIDING JUDGE STEINER: Let's turn, please, into open session.

14 (Open session at 11.00 a.m.)

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

16 PRESIDING JUDGE STEINER: Thank you. Mr Haynes, after the break I will turn
17 back to you in relation to the request of the Prosecution to tender such document into
18 evidence and, of course, Defence will be able to give its views, but before giving its
19 views as to the admissibility or not of the document, I would ask the Defence why the
20 procedure provided for in Decision 1470 was not followed.

21 The Prosecution informed by email on 7 June about its intention to submit this
22 document into evidence. So my question will be whether Defence has notified
23 Prosecution about any objection, but we'll come back to that after the break.

24 MR HAYNES: Thank you.

25 PRESIDING JUDGE STEINER: Mr Witness. Mr Witness, we are having now a

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1 half-an-hour -- we are having now a half-an-hour break. You can take some rest,
2 have a coffee or a tea. It's 11 o'clock. We will come back at 11, let's say, 35.

3 Please, court officer, turn into closed session in order for the witness to be taken
4 outside the courtroom. In the meantime, we are going to suspend and resume at
5 11.35.

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

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

8 (The witness stands down)

9 THE COURT OFFICER: All rise.

10 (Recess taken at 11.03 a.m.)

11 *(Upon resuming in closed session at 11.52 a.m.) Reclassified as Open session

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

13 PRESIDING JUDGE STEINER: Welcome back. Before we bring the witness in, I
14 give the floor as requested to Mr Haynes.

15 MR HAYNES: Thank you very much, your Honour.

16 PRESIDING JUDGE STEINER: Sorry, Mr Haynes, it has to be in closed session?

17 MR HAYNES: No, I would prefer it to be in open session.

18 PRESIDING JUDGE STEINER: So let's go into open session, please.

19 (Open session at 11.53 a.m.)

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

21 PRESIDING JUDGE STEINER: Mr Haynes.

22 MR HAYNES: Thank you. The witness is not here. I say that for the record. I
23 asked that he not be brought in for his own comfort, because this may take a few
24 minutes and also because it's inappropriate in our view that he hears the brief
25 arguments that we are about to make.

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1 Can I start by facing reality. In the final event, there is nothing the Defence can do to
2 stop this document being received into evidence. Its author and its signatory is a
3 Prosecution witness and ultimately he can come and he can tell you that he received
4 the information in this document, that he recorded it accurately and that he signed it
5 and it will then be undoubtedly admissible and relevant for a number of purposes.
6 Indeed, here is the deepest irony of all: If I choose to question this witness in a
7 particular way, in the course of the next day or two, I may be asking you to receive
8 the document into evidence, but I just want to pause and assess where we are and
9 what it is the Prosecution are trying to achieve.

10 I am sure that in the course of the last month or so we have all acquainted ourselves
11 with Article 69 and the principle of orality and where we are with this witness at the
12 moment is that the Prosecution are seeking to establish through him that he was a
13 victim of theft, and to do that is perfectly straightforward and the Articles of the
14 Statute of Rome make it perfectly clear how you do that. You ask him, "Were you a
15 victim of theft?", and then you ask him, "What was stolen from your house?" Why
16 the Prosecution have not done that with this witness, I don't know. It might be a
17 simple omission. It might be a tactical omission, because they don't want him to say
18 anything that is inconsistent with what is written in this document, but that is the
19 way you go about establishing that this man had certain items stolen from his house.
20 The way in which you do not go about it is to place on a computer screen a document
21 which is dated seven years after the event, is not written by him, is not signed by him
22 and which you do not ask him to attest the truth of and that is why we object to this
23 document being tendered into evidence for that purpose at this point in these
24 proceedings.

25 Now, I had no idea until about an hour ago that that was the manner in which the

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1 Prosecution were going to seek to examine this witness about this document. I had
2 no idea until about an hour ago that this witness would say that the details he gave to
3 the author of this document he gave in 2002, whereas the document appears to be
4 dated 2009. And I had no idea whose signature he was going to say appears at the
5 bottom of that document.

6 Now, the Chamber plainly envisaged that situations such as this would arise when in
7 paragraph 7(b) of its decision of 31 May it decided that the fact that, "Notice of any
8 objection is to be provided by email in advance of the hearing for preparation
9 purposes will not preclude a party from raising any issue related to the relevance or
10 admissibility of the material at the time the evidence is submitted to the Chamber in
11 accordance with the Rules," and in any event a procedural decision such as that could
12 not subvert Rule 64 of the Rules of Procedure and Evidence of the Court which states
13 that, "An issue relating to relevance or admissibility must be raised at the time when
14 the evidence is submitted to a Chamber exceptionally when those issues were not
15 known at that time when the evidence was submitted, it may be raised immediately
16 after the issue has become known."

17 To summarise, therefore, at this point in time we say this document through this
18 witness has no provenance and it has no relevance and it is not admissible for the
19 purposes which the Prosecution are seeking to tender it into evidence. It may
20 become relevant and admissible actually in very short order. The defects could be
21 cured by Mr Scaliotti in the next half-an-hour or so, but at this point in time we object
22 to it being tendered into evidence to prove (Redacted)
23 (Redacted).

24 PRESIDING JUDGE STEINER: I am of course going to give opportunity to

25 Mr Scaliotti to respond. I just wanted to remind all parties that it has been a policy

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1 of this Chamber to try as much as possible to avoid unnecessary interruptions or
2 incidents during the hearings, and that was the reason why the Chamber, when
3 issuing its Decision 1470, recommended or established - better saying - the parties that
4 objections should be raised when the parties are communicated on the items the other
5 party intends to tender into evidence, and of course at paragraph 8 of the decision
6 provides what the Chamber thought to be an exception and not used by any of the
7 parties as a rule.

8 Having said that, Mr Scaliotti, in relation to the particular objection raised by the
9 Defence?

10 MR SCALIOTTI: Madam President, your Honours, the Prosecution, of course, is
11 fully aware and mindful of the principle of orality which is enshrined in the
12 provisions and in the legal framework of this work -- of this Court. Nevertheless, we
13 also submit that the principle of orality is not an absolute rule, as it was pointed out
14 by the majority Chamber's decision concerning the conduct of proceedings and the
15 admission of evidence into the record and also considering the particular conditions
16 of this witness and the recommendations that were given by the Victims and
17 Witnesses Unit.

18 We thought that, after so many years after the events took place, in order to facilitate
19 the testimony of this witness, we thought that by putting in front of the witness the
20 (Redacted) that he had somehow authored could facilitate the testimony and would avoid a
21 situation in which he may say that, after all this time, everything was taken, (Redacted)
22 (Redacted). That was essentially the reason why I decided
23 to tender into evidence this document.

24 Concerning other objections and arguments put by the Defence, I strongly object to
25 the fact that this document was not authenticated by the witness. Now, we know

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1 that when it comes to date, especially in the Central African culture and mentality,
2 dates are not so relevant so it shouldn't be a big worry, the fact that the witness was
3 not able to put the drafting of this document in a particular time, but with regard to
4 the other circumstances, in the Prosecution's view, the witness was quite clear and he
5 explained exactly where and how the document was prepared. He said that he's (Redacted)
6 (Redacted). He explained how the document was prepared
7 based on the access that (Redacted)
8 (Redacted), and we should not forget that in the Central African Republic, (Redacted)
9 (Redacted)
10 (Redacted)
11 Therefore, I insist on the fact that this document, in the Prosecution's view, is quite
12 admissible and of course I don't even touch upon the relevance of the document,
13 which I think is out of question, but also in terms of reliability and probative value,
14 I think that the document is quite admissible.
15 In any event, I don't have any problem to ask any further question with regard to the
16 items that were pillaged from the witness, but as I said before, my first idea was to
17 avoid a question that could simply put the witness in a difficult situation when he
18 maybe have some problems to remember exactly (Redacted)
19 (Redacted). Thank you.
20 PRESIDING JUDGE STEINER: I don't think there is a need for a reply, unless the
21 Defence deems necessary. Otherwise, we will stay for one hour in debates here.
22 MR HAYNES: No, thank you.
23 PRESIDING JUDGE STEINER: Court officer, please turn briefly into closed session
24 in order for the witness to be brought inside the courtroom.
25 *(Closed session at 12.05 p.m.) Reclassified as Open session

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- 1 THE COURT OFFICER: We are in closed session, Madam President.
- 2 (The witness enters the courtroom)
- 3 PRESIDING JUDGE STEINER: We can turn back into open session, please.
- 4 (Open session at 12.08 p.m.)
- 5 THE COURT OFFICER: We are in open session, Madam President.
- 6 PRESIDING JUDGE STEINER: Mr Witness, welcome back.
- 7 THE WITNESS: (Interpretation) Good morning, again.
- 8 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony?
- 9 THE WITNESS: (Interpretation) I am ready.
- 10 PRESIDING JUDGE STEINER: So the Prosecution will continue with your
- 11 questioning. For the time being we are in public session, so please don't forget the
- 12 using of the codes agreed upon instead of mentioning names of persons in open
- 13 session. That's fine with you?
- 14 THE INTERPRETER: The Sango interpreter did not hear the reply from the witness.
- 15 PRESIDING JUDGE STEINER: Mr Witness, the Sango interpreter could not hear
- 16 what you said. Could you please repeat your answer?
- 17 THE WITNESS: (Interpretation) Yes.
- 18 PRESIDING JUDGE STEINER: Thank you.
- 19 Mr Scaliotti.
- 20 MR SCALIOTTI: Thank you, Madam President.
- 21 Q. Mr Witness, before the break, you were discussing (Redacted)
- 22 (Redacted). Now, do you -- without considering that document,
- 23 can you recollect from the top of your head the goods that were taken from your
- 24 house, or at least some of those goods?
- 25 A. I can tell you some items that were stolen. I can give you some of that

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1 information.

2 Q. Yes, please. If you can give that information, that would be good.

3 A. I had a large radio set, I had a foam mattress - 18 thickness - some clothing, my
4 bed, the frame for the bed. I had a mill for driving cassava, a sewing machine, not to
5 mention the house itself, that is to say the doors and the -- were taken away and used
6 as firewood, as well as other openings within the house, and many other items; for
7 example, plates and kitchen utensils.

8 Q. You mentioned "the house itself." How would you estimate, approximately,
9 the cost of the items taken out of the house itself?

10 A. (Redacted) The value was 1.5 million CFA francs.

11 Q. Is 1.5 million CFA francs the value of the house only, or the items taken from
12 the house or belonging to the house only, or the amount of whatever was taken from
13 you?

14 A. That was the amount -- that was the value of the items that were damaged on
15 the house; the parts of the house that had been damaged.

16 Q. When you say "parts of the house," do you mean just the doors, or other things
17 making part or being part of the house, or also the items that were stolen from you
18 inside the house, but not making part of the house?

19 A. Yes. I gave two different estimates: One estimate was for the items that had
20 been stolen and another estimate for the damage caused to the house.

21 Q. And just to make it clear, what are these two different estimates?

22 A. Yes. What difference are you talking about? What different estimates?

23 Q. I'll try to make myself clear. You just said, "I gave two different estimates:
24 One estimate was for the items that had been stolen and another for the damage
25 caused to the house," so I would like to know from you what is the estimate for the

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1 items stolen from the house and what is the estimate for the damage caused to the
2 house?

3 A. The damage caused to the house was estimated at 1,500,000 CFA francs. As for
4 the items stolen, the amount is to be found on the list; about 1,700,000 CFA francs.

5 Q. Based on your observation, what did the Banyamulengue do with the looted
6 goods?

7 A. I believe that they took the goods across to their country.

8 Q. What is the reason for you to believe that they took the goods across the
9 country?

10 A. Yes. As far as I'm concerned, I believe they took them across to the other side
11 because they were loading up the goods onto vehicles and they were going -- they
12 were crossing the various checkpoints with these things. So I believe that they took
13 them over on to the other side of the river.

14 Q. Was any of the goods stolen from you returned to you?

15 A. No, nothing was given back to me.

16 Q. Did you receive any compensation for the property that was stolen from you?

17 A. I did not receive any compensation.

18 Q. Do you know whether any stolen good was returned to anyone in Begoua?

19 A. How would it be possible for a thief to give back something that he's stolen?

20 You know, they took everything. They left the residents in a situation -- well, they
21 were -- they had nothing.

22 Q. Mr Witness, this is the last question that I will put to you of this type: Do you
23 know whether anybody received any compensation in the Begoua area for the looting
24 of their property?

25 A. No one received compensation in my neighbourhood.

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1 Q. Mr Witness, before we start with another topic, I would like to remind you once
2 again that we are in public session and, in particular, I would like to remind you of
3 the use of the codes that we have agreed. Can you tell me what part of your boss's
4 house the chief occupied?

5 A. He was living in the bedroom of my boss.

6 Q. And what about the soldiers? Where were they sleeping?

7 A. The chief was living inside. The other ones, the other soldiers, were living
8 outside but within the compound. Some of them were under the verandah, but
9 outside yet still in the compound.

10 Q. You said that there were also women among these Banyamulengue. Where
11 were these women sleeping?

12 A. Some of the women were sleeping in the living room, others were sleeping
13 under the verandah, yet others would mix with the men and they would sleep in the
14 yard of the compound.

15 Q. You stated earlier that your boss's house after the looting was practically empty.
16 How could the Banyamulengue live and sleep there if there was, as you said,
17 practically nothing left?

18 A. Yes. My boss's bed was still in the bedroom. Their chief had brought some
19 foam mattresses and put them on the slats of the bed and that is where he slept.

20 Q. What about the soldiers? What were they sleeping on?

21 A. A soldier is a soldier. He could even sleep on the ground, on raincoats, or in
22 chairs.

23 Q. How were the Banyamulengue able to eat, if there was nothing?

24 A. Well, for their meals, the chief would go towards Bangui and would bring back
25 some cassava flour, some boxes of horse mackerel, cans of sardines and they

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1 would -- correction, he would distribute it to his soldiers. In the neighbourhood,
2 * they would steal the goats and the hens of the inhabitants and I would slit the
3 animals' throats and cook them.

4 Q. How long did they stay in your boss's house?

5 A. I know that they stayed there for about three months in the house.

6 Q. Do you know in what condition was the house when the Banyamulengue left?

7 A. I've told you that they left the house completely empty. After they left,
8 everything had to be rebuilt from scratch.

9 JUDGE ALUOCH: Mr Scaliotti, can I just seek a clarification, please. For the three
10 months that the Banyamulengue were in his boss's house, where was he himself, the
11 witness?

12 MR SCALIOTTI:

13 Q. Mr Witness, first of all, I would like to ask you how long did you stay in your
14 boss's house while the Banyamulengue were there?

15 A. I didn't stay for a long time. I stayed with them for ten days. Given the way
16 in which they treated me, I tried to flee. One day, when (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 JUDGE ALUOCH: I am sorry, a further clarification. And for those ten days that
21 you stayed in the house, what were you doing, please?

22 THE WITNESS: (Interpretation) (Redacted)

23 (Redacted)

24 (Redacted)

25 MR SCALIOTTI:

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1 Q. Mr Witness, you stated earlier that your boss's house had to be rebuilt after the
2 Banyamulengue left. Can you explain how do you know this, that the house had to
3 be rebuilt?

4 A. What I know is that, after the Banyamulengue left, my boss didn't get back to
5 the house quickly. Given the situation of the house, (Redacted) and
6 he asked me to come back and continue to watch over the house. As these
7 Banyamulengue were still around the Damara area, I refused to continue working
8 and (Redacted) as there was the authority, or he must have obtained
9 a loan in order to be able to refurbish his house.

10 Q. Mr Witness, you stated yesterday during your testimony that the chief had two
11 phones. I'm referring to transcript 128, English real-time, page 63, lines 15 to 18, and
12 in the French version it is page 68, lines 6 to 9. You said that one of these two phones
13 was slightly bigger than the other one. Can you describe the second phone, the one
14 that was slighter bigger?

15 A. The larger telephone had an antenna. It was black.

16 Q. How could you observe it?

17 A. I was able to see this telephone when we were all together on the compound.

18 Q. You just described this phone as a large phone, or larger phone than the other
19 one with an antenna, and you said it was black, but what type of phone was that?
20 Do you know?

21 A. I don't know this field, but it was M that told me that the chief -- well, I asked
22 the question to M, "How come the chief had two telephones?", and he told me that
23 one of them was a (Redacted) and with this type of phone you could even call into the
24 forest. You could call everywhere with a (Redacted) phone.

25 Q. Have you ever seen the chief using these phones?

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1 A. When I was still on the compound, I saw him use this telephone.

2 Q. Do you remember any occasion in particular when the chief used the phones?

3 A. In my opinion, he was called on this telephone and when he wanted to use it he
4 used the small one, but the large one -- with the large one, he just received calls.

5 Q. Do you know of anyone from whom he received phone calls?

6 A. Well, the person who called him was far away. It was only afterwards that M
7 told me that the person who had called our commander was our president. It was at
8 that time that I knew, or found out.

9 Q. You just said that you found out from M that the person who made the phone
10 call was "our president." This is what you said. What do you mean by "our
11 president"?

12 A. He said that it was "our president." I understand by that it was their chief, the
13 supreme chief, the supreme leader.

14 Q. Do you know who the supreme chief, the supreme leader, was?

15 A. M spoke about their president. That could only be the person who had sent
16 them.

17 Q. Who is the person who had sent them?

18 A. It was President Bemba who had called him on the telephone.

19 Q. Was this the only time that President Bemba called the chief?

20 A. No, it wasn't only that time. He called in the morning, in the afternoon. He
21 called several times.

22 Q. How do you know that President Bemba called the chief several times?

23 A. I found out because every time that the telephone rang he picked it up and he
24 spoke in their language, Lingala, which I didn't understand. And during that time (Redacted)
25 (Redacted)

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1 (Redacted) and it was he who spoke, or gave the reports.

2 Q. You just said that you happened to know that President Bemba had called
3 the -- at least on one occasion the chief and you happened to know this from Mr M.
4 Would you say that Mr M trusted you?

5 A. Well, if it wasn't because of M, I would have been killed. He wanted to shoot
6 me. And fortunately, M was there and they spoke to them in Lingala so that my life
7 was saved.

8 Q. You just said, "He wanted to shoot me." Who wanted to shoot you?

9 A. Those troops who were on the compound. My boss had bought an arrow and
10 when he found me with this arrow, he thought that I was a rebel. And I let them
11 know that I wasn't a rebel, I was just a night guard and I used this arrow for my work,
12 but they started -- they continued speaking in Lingala, and they wanted to drag me
13 off to shoot me, next to the river. And it's thanks to M that my life was saved,
14 because M spoke to him in Lingala, and it was because of the arrow that I had that
15 they wanted to drag me over to the canal in order to shoot me. That's everything
16 that M explained. He said that it was because of his intervention that my life was
17 saved.

18 Q. During the ten days that you spent at the boss's house with the Banyamulengue
19 soldiers, was the chief there all the time?

20 A. Well, the house was chosen for him. He left in the morning and he went back
21 in the evening and he slept in the house. He was living in the house, he used it as
22 his, and the people responsible for his security were there. They came to watch over
23 his security, they would take turns and one would leave and then another would
24 come.

25 Q. Do you know whether or not the chief was aware that the Banyamulengue

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1 soldiers had taken goods from your -- from your boss's house?

2 A. The chief was aware. Myself, I took M and I told him that the troops had come,
3 they had done this and that, and in my opinion he too was complicit in it, because
4 after the pillaging he was receiving his proportion of it; for example, a television and
5 other things.

6 Q. How were you able to talk to the chief about what had happened?

7 A. I took up the courage in order to approach him in this time, and then I said that
8 they had committed a lot of damage and I was very disappointed, and I thought that
9 at his level he could give an order which would make them take back the pillaged
10 goods, but he did nothing and then I thought certainly he, as well, was to blame for
11 this.

12 Q. What language did the chief speak?

13 A. *He spoke Lingala most of the time.

14 Q. Do you speak Lingala?

15 A. I'm not Zairean, so I don't speak Lingala. I'm Central African, I speak Sango.
16 But they, they spoke Lingala. Even the small children spoke Lingala.

17 Q. Given the fact that you speak Sango and the chief spoke Lingala, can you
18 explain how you could communicate to him?

19 A. You know, when he wanted to communicate with me, he called Mr M. They
20 spoke in their language and it was M who would translate that into Sango. M could
21 tell me that, for example, that "The chief wants you to wash that clothing," or to carry
22 out whatever domestic activity. That's how it was done.

23 Q. Were you present when Mr M translated to the chief what you wanted him to
24 know about the pillaging at your boss's house?

25 A. We were together. We were in the presence of the chief. The chief was sat in

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1 an armchair and it was like that that the chief asked me the questions in Lingala, if I
2 wanted to see him, and M replied to him that, yes, I did want to see him, and that was
3 how I spoke (Redacted) translated that into their language.

4 Q. And what was the chief's reaction to what Mr M told him?

5 PRESIDING JUDGE STEINER: Mr Scaliotti, I am sorry to interrupt you. I would
6 prefer that these last few minutes we go into private session.

7 Court officer, please turn into private session.

8 *(Private session at 12.55 p.m.) Reclassified as Open session

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

10 MR SCALIOTTI:

11 Q. Mr Witness, we are now for a few minutes in private session, so you can talk
12 freely now. And my question was, before we moved into private session: What
13 was the chief's reaction when Mr M told him what you wanted the chief to know
14 about what happened in your boss's house?

15 A. (Redacted) that he had answered that it was during the war that he had
16 ordered that I disappear from his sight.

17 Q. Do you know whether (Redacted) took any measure to punish the soldiers who had
18 taken goods from your boss's house?

19 A. No, he took no measure. He didn't even react.

20 Q. How do you know that he took no measure?

21 A. But if he had taken measures, I would have known that. Perhaps he would
22 have punished the person. He could punish the soldier, forcing that person to bring
23 back the pillaged items. He didn't do that. (Redacted) and I saw some of the
24 goods being stolen in bags which were under the verandah, on the compound. He
25 did nothing, so I can say he didn't take any measures.

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(Open Session)

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Witness: CAR-OTP-PPPP-0112

1 MR SCALIOTTI: Madam President, I don't know if we want to take the break now
2 before I start with a few more questions about the looting at the witness's house.

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

4 (Open session at 12.59 p.m.)

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

6 PRESIDING JUDGE STEINER: Thank you very much.

7 Mr Witness, we are having now our lunch break. You can take some time to
8 yourself, you can have lunch, rest a little bit. It is now 1 o'clock. We'll be back at
9 2.30.

10 I ask, please, the court officer to turn into closed session in order for the witness to be
11 taken outside the courtroom. In the meantime, we are going to suspend and resume
12 at 2.30.

13 *(Closed session at 1.00 p.m.) Reclassified as Open session

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

15 (The witness stands down)

16 THE COURT OFFICER: All rise.

17 (Recess taken at 1.01 p.m.)

18 *(Upon resuming in closed session at 2.35 p.m.) Reclassified as Open session

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

20 PRESIDING JUDGE STEINER: Good afternoon and welcome back. Could, please,
21 court usher bring the witness in.

22 (The witness enters the courtroom)

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

24 (Open session at 2.37 p.m.)

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

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

- 1 PRESIDING JUDGE STEINER: Thank you. Good afternoon, Mr Witness.
- 2 THE WITNESS: (Interpretation) Good afternoon, Madam President.
- 3 PRESIDING JUDGE STEINER: Are you receiving interpretation into Sango?
- 4 THE WITNESS: (Interpretation) Yes, Madam President, I have received
- 5 interpretation.
- 6 PRESIDING JUDGE STEINER: Did you have lunch and manage to rest a little bit?
- 7 THE WITNESS: (Interpretation) Yes, Madam President.
- 8 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony?
- 9 THE WITNESS: (Interpretation) I am ready.
- 10 PRESIDING JUDGE STEINER: Thank you, sir. Mr Scaliotti, you have the floor.
- 11 MR SCALIOTTI: Thank you once again, Madam President.
- 12 Q. Good afternoon, Mr Witness.
- 13 A. Good afternoon.
- 14 Q. I would like to start with one clarification about something that you said this
- 15 morning. Your evidence that I am referring to is in today's real-time transcript 129,
- 16 page 39, lines 20 to 23, and you said, "It was only afterwards that Mr M told me that
- 17 the person who had called our commander was our president." And later on, the
- 18 following page, lines 7 to 9, you said that "our president was President Bemba."
- 19 I would like to ask you, when did Mr M told you that the person who had called was
- 20 Mr Bemba?
- 21 A. When I was still with them in the compound.
- 22 Q. Why did Mr M tell you this, that the person who had called was President
- 23 Bemba?
- 24 A. There was no special reason. (Redacted)
- 25 (Redacted)

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1 (Redacted) so he trusted me. And I therefore asked him who had called him
2 and why they had taken that long. And he answered, "It was our president."

3 Q. You stated this morning that your house was located on the other side of the
4 road (Redacted).

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

6 *(Private session at 2.42 p.m.) Reclassified as Open session

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

8 PRESIDING JUDGE STEINER: Mr Scaliotti, with this kind of question, we need to
9 continue in private session. The question itself is identifying. Could you please
10 pay more attention to identifying information.

11 MR SCALIOTTI: I certainly will, Madam President.

12 Q. Now, Mr Witness, I would like to ask you what use, if any, did the
13 Banyamulengue do of your house?

14 A. Yes, they occupied the house which they used (Redacted)
15 (Redacted).

16 Q. Do you know whether (Redacted) ever went to your house?

17 A. Yes, he regularly went there to see (Redacted)
18 (Redacted).

19 Q. Do you know in what conditions was your house when (Redacted) went there?

20 A. The house was looted and the occupants (Redacted)
21 (Redacted).

22 Q. You said that you saw many Banyamulengue soldiers in your area. Apart
23 from the soldiers that were living at your boss's house, where were the other soldiers
24 living?

25 A. Those who were in my boss's compound were there (Redacted)

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1 (Redacted). As for the others, they took over the various homes that had
2 been abandoned by the inhabitants. They were dotted here and there at different
3 places and they actually lived or occupied the homes around all those areas where
4 they had set up some checkpoints.

5 PRESIDING JUDGE STEINER: Mr Scaliotti, can we turn back into open session?

6 MR SCALIOTTI: Madam President, I would prefer to complete the next few
7 questions and then we can, in a few minutes. Thank you.

8 Q. Mr Witness, how did these soldiers come to occupy the houses that you just
9 mentioned?

10 A. How did they succeed to do that? Well, they fired shots to frighten the
11 inhabitants and, after the inhabitants abandoned their homes, they then moved into
12 the homes and occupied them.

13 Q. Do you know whether these houses where the Banyamulengue soldiers lived,
14 the houses that they occupied, had been previously looted?

15 A. Yes, it was after the looting. You see, even if there had been any property in
16 those houses, the occupants took them and exported them, or took them away in
17 vehicles as the vehicles came in and left, to an unknown destination. So they
18 occupied the houses after looting the property that was in the houses.

19 Q. And do you know whether those soldiers living in those occupied houses were
20 under the command of Major?

21 A. Yes, they were under the command of Major.

22 Q. How could Major supervise those soldiers?

23 A. Supervising his troops? Well, he travelled between his place of residence and
24 Bangui, often in the afternoon, escorted by his bodyguards and he would walk
25 around, walk about in the neighbourhoods here and there, and then would return.

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1 Q. Why was he walking around in the neighbourhoods? Can you explain the
2 reason?

3 A. Moving about in the neighbourhood? Well, his troops had taken over the
4 entire neighbourhood, or all the neighbourhoods, and he went to see them to find out
5 how they were working.

6 Q. Do you know whether or not Major had the opportunity to enter those houses
7 where his soldiers were living?

8 A. Major did not enter the houses. (Redacted)

9 (Redacted) So whenever he moved about he
10 went to the various checkpoints to receive reports from those who were in charge of
11 the checkpoints, who then reported to him.

12 Q. You mentioned this morning the names of some people whose houses had been
13 looted. Were the houses of those people also occupied by the Banyamulengue
14 soldiers?

15 A. All those houses were occupied by them and they slept in those houses.

16 PRESIDING JUDGE STEINER: Mr Scaliotti, maybe it's my mistake, but has the
17 witness mentioned any names? Yes? Sorry, my mistake. I remember him saying
18 that the neighbours were -- the houses of neighbours were occupied, but not their
19 names. You can continue, please.

20 MR SCALIOTTI: Thank you, Madam President.

21 Q. Do you know whether any measure was taken by (Redacted) to punish the soldiers
22 for the looting of other houses in the neighbourhood?

23 A. If he had taken any measures, then they would have desisted from committing
24 such acts. He did not mete out any sanctions, which means that he agreed with
25 them, he consented to what they were doing, to everything they were doing.

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1 PRESIDING JUDGE STEINER: Mr Haynes.

2 MR HAYNES: I don't understand why we are excluding the public from hearing
3 this evidence, and I haven't been able to understand that for ten minutes or so now.

4 PRESIDING JUDGE STEINER: I think sometimes the fact is the unpredictability of
5 what the witness is going to say. But in any case, the Chamber can at any time can
6 lift -- can make it public, reclassify the document with the necessary redactions.

7 Mr Scaliotti.

8 MR SCALIOTTI: Madam President, in any case, I only have two more questions
9 that can involve the risk of any mentioning of names and, afterwards, we can move to
10 public session.

11 Q. Mr Witness, you stated this morning - the reference is transcript 129, real-time,
12 English, page 42, lines 3 and 4, and you stated, "After the pillaging, he," meaning
13 (Redacted) "was receiving his portion of it." Can you clarify what items (Redacted) received
14 as his portion?

15 A. The goods that (Redacted) received included particularly furniture, television sets
16 and items of value. He also received travel bags, valuable women's attires, and in
17 fact all items of significant value were set aside for (Redacted).

18 Q. How do you know this?

19 A. I know this because I was able to recognise the appliances belonging to my boss
20 which had been kept at one angle. So I asked him what they wanted to do with
21 those materials, and I was told all of that was for their boss, or their chief. Clothes
22 were kept in bags, and the next day, before leaving for Bangui, all of that property
23 was loaded into his vehicle and he took off with it.

24 MR SCALIOTTI: Madam President, we can now move into public session.

25 PRESIDING JUDGE STEINER: Court officer, please.

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(Open Session)

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1 (Open session at 2.59 p.m.)

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

3 PRESIDING JUDGE STEINER: Please, Mr Scaliotti, remind the witness about the
4 codes.

5 MR SCALIOTTI: Of course, Madam President. Sure.

6 Q. Mr Witness, now we are back into public session, so I would like to remind you
7 to be very careful what you say and especially to make use of the codes that we have
8 agreed. If, for whatever reason, you need to mention any of those names, please let
9 us know and we can in case turn back to private session. Is that clear to you?

10 A. I have understood you.

11 Q. Mr Witness, you stated this morning that you stayed ten days in the house.
12 Why did you stay in the house for ten days?

13 A. I stayed with them for ten days. Well, when they beat me up and occupied the
14 house, they kept me, asking that I stay on with them in order to take care of domestic
15 chores, and I had no possibility of fleeing.

16 Q. Why did you flee after ten days?

17 A. It wasn't for no reason that I decided to flee. It was because I could no longer
18 bear the domestic tasks that I was being asked to carry out. Not only that, I was
19 afraid; afraid of suffering bad treatment.

20 Q. This morning, Mr Witness, you said something about your escape. Can you
21 explain in some more details how were you able to escape? If you need to mention
22 any name, please either make use of the code, or let us know that we need to move
23 into private session.

24 A. The circumstances in which I managed to escape were that (Redacted)

25 (Redacted). In order to do that, I had to go to PK12. As there

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1 were checkpoints on the way, (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 THE INTERPRETER: (Redacted) corrects the

8 Sango interpreter.

9 MR SCALIOTTI: Madam President, we need private session only really for three or
10 four questions, not more.

11 PRESIDING JUDGE STEINER: Court officer, please.

12 *(Private session at 3.05 p.m.) Reclassified as Open session

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

14 MR SCALIOTTI:

15 Q. Mr Witness, where did you go after you were able to escape?

16 A. When I managed to escape, (Redacted)

17 (Redacted).

18 Q. In what area is this neighbourhood?

19 A. You have to go through this neighbourhood, then go through the (Redacted)
20 (Redacted) before you get to our house.

21 Q. Mr Witness, I cannot really understand from the transcripts. What
22 neighbourhood is the one that you are talking about (Redacted)?

23 A. I'm speaking about the neighbourhood of Bangui.

24 Q. Did you find refuge (Redacted)?

25 A. You know, (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. How far was it (Redacted)?

5 A. It is at the level of (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 MR SCALIOTTI: Madam President, I think we can safely move now to public
11 session.

12 PRESIDING JUDGE STEINER: Court officer, please.

13 THE INTERPRETER: The interpreter corrects: (Redacted)

14 (Redacted).

15 (Open session at 3.11 p.m.)

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

17 MR SCALIOTTI:

18 Q. Afterwards, did you move anywhere else?

19 A. I stayed in this neighbourhood. I spent a month there. After that time I tried
20 to find my children, and that was how I left the neighbourhood. I took the Boali
21 road.

22 Q. Did you find your children?

23 A. Yes, when I arrived there I discovered that the mother of the children had died.
24 She was dead. She had died fleeing. As I wasn't there, she was buried. She was
25 buried and you could recognise the -- you could recognise the place of burial by her

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1 (Redacted), which had been put over it. She was buried hastily.

2 THE INTERPRETER: Loin cloth, corrects the interpreter.

3 MR SCALIOTTI:

4 Q. You said you took the road to Boali, so in what locality you found your
5 children?

6 A. (Redacted)

7 Q. How long did you stay there?

8 A. I spent a lot of time there. You know, it was a period of war. I couldn't go
9 home. I had to stay with my mother until the situation became normal before
10 coming back to the house. So I stayed with my mother. I spent two months there.

11 MR SCALIOTTI: Madam President, for the next few questions it may be that some
12 of the individuals may be mentioned. So I will leave it to you if we can try to make
13 simply use of the codes or we want to go back for a little while to private session.

14 PRESIDING JUDGE STEINER: I would suggest that we first try to go with the codes.
15 So you are taking care with the questions and reminding the witness about the use of
16 codes in the answers.

17 MR SCALIOTTI: Yes, Madam President, I'll try to do my best.

18 Q. Mr Witness, I would like to remind you again to use the codes that we have
19 agreed, if you have to make reference to certain individuals. If you think you cannot
20 do it before giving any answer that involves names of certain individuals, please let
21 us know and we can move to private session.

22 And I would like to, just for a little while, bring you back to the time when you were
23 at your boss's house and I would like to ask you, did the Banyamulengue soldiers
24 move outside of Begoua during those days?

25 A. Yes. When I spent the ten days with them in the neighbourhood, afterwards I

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1 took refuge somewhere where I spent a month still in the neighbourhood. It was
2 only when I went to my mother's house that they were redeployed to the Damara
3 road, PK and Boali.

4 Q. But during those ten days that you spent at your boss's house, did you see the
5 Banyamulengue soldiers moving outside Begoua?

6 A. Yes. When I spent the ten days with them, they came and went. Sometimes
7 they took the Damara road. They went there in the morning, and they came back in
8 the evening. It was only afterwards that M told me that they went as far as PK45 or
9 PK40, depending on each case.

10 Q. You said just earlier, "It was only when I went to my mother's house that they
11 were redeployed to the Damara road, PK and Boali." Can you provide a bit more
12 information about this point?

13 A. Yes. (Redacted), when they left PK12 to go to
14 Damara, *I saw a vehicle full of them going towards Damara, and it was only
15 afterwards that people reported that they had already liberated the PK12 road.
16 Some of the people who had left their houses wanted to go home to look at the state
17 of their property which was in the house.

18 Q. You mentioned that they went as far as PK45 or PK40. Where is Boali in
19 relation to PK45 or PK40?

20 A. When I was still with them, it was at that time that they went to and fro. They
21 went up to PK45 and they came back. But when (Redacted), they
22 redeployed on the Boali road and the Damara road.

23 Q. How do you know that they redeployed on the Boali road when (Redacted)
24 (Redacted)?

25 A. (Redacted) and this is the road that they took to

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1 go to Boali. Given that they had committed the same atrocities in Boali, and that the
2 inhabitants came back to us to tell us about the abuses that they had committed in
3 Boali, this made it possible for me to know that they had got as far as Boali.

4 Q. Mr Witness, you talked about the looting that was committed by the
5 Banyamulengue soldiers. Are you aware of any other type of crime committed by
6 the Banyamulengue? And before you give any answer, I would like to advise you
7 don't mention any name if you have names of victims. In case you have any name,
8 we should move into private session and then you can talk freely.

9 A. I know that they raped young girls, and all that was considered as crimes.

10 Q. How do you know that they raped young girls?

11 A. Concerning the case of a girl, I found out because she was courageous enough
12 to say that. Her father spoke about it as well. There are other cases as well.

13 Q. Did you speak to her father?

14 A. How could we speak? Because they lived in PK14 and given -- given the
15 situation, they complained (Redacted). And given that I knew him, I
16 asked him the question as to what had happened, and he told me, "It's your sister
17 who was raped by these attackers," and he was concerned regarding the health or the
18 state of his daughter.

19 Q. Do you know the name of this girl? Simply say "yes" or "no." In case you
20 know the name then you can move -- we can move into private session. So, for the
21 time being, please simply say "yes" or "no," if you know this name.

22 A. I know the name.

23 MR SCALIOTTI: Madam President, if we can move for just one second into private
24 session.

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

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(Private Session)

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- 1 *(Private session at 3.27 p.m.) Reclassified as Open session
- 2 THE COURT OFFICER: We are in private session, Madam President.
- 3 MR SCALIOTTI:
- 4 Q. Mr Witness, we are now in private session so you can say the name of this girl
- 5 who was raped.
- 6 A. Yes, I can give her name.
- 7 Q. Please state the name.
- 8 A. (Redacted)
- 9 Q. Who raped this girl?
- 10 A. It was the Banyamulengue.
- 11 Q. How do you know that the Banyamulengue raped her?
- 12 A. How do I know? Because she was the victim herself. That happened without
- 13 consent, and she had the courage to say that. She said that she had been raped.
- 14 MR SCALIOTTI: Madam President, I would ask two more questions and then
- 15 I think we can move back to public session.
- 16 Q. Mr Witness, I understand that this happened without consent, but my question
- 17 was: How do you know that it was the Banyamulengue who raped this girl?
- 18 A. She, herself, had the courage to talk about it. Her father also talked about it.
- 19 Q. Do you know of any other woman in particular who was raped?
- 20 A. Yes, I heard of other cases of rape committed on other women.
- 21 Q. But do you know the names of these women?
- 22 A. Yes.
- 23 Q. Can you please tell their names?
- 24 A. (Redacted)
- 25 Q. Do you know the circumstances in which they were raped?

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1 A. I know because they were forcibly taken.

2 MR SCALIOTTI: Madam President, I think that after the last answer, we can move
3 into public session.

4 PRESIDING JUDGE STEINER: Court officer, please, let's turn into open session.
5 (Open session at 3.33 p.m.)

6 MR SCALIOTTI:

7 Q. You said, Mr Witness, that you were --

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

9 MR SCALIOTTI:

10 Q. Mr Witness, we are back in open or public session, so again I have to kindly
11 remind you to pay attention to any name in case you have any name to provide.
12 You said that these women were forcibly taken. They were forcibly taken by whom?

13 A. By the Banyamulengue.

14 Q. How do you know that these women were raped? Now, to give this answer,
15 please don't mention any specific name in case you have any name. So you can
16 simply refer generally to people, like "my brother" or "my sister," but -- or just as an
17 example, but please don't give any specific name of people to give this answer.

18 A. You know, some people are ashamed of talking about what happened to them,
19 while others are more open about such things. There is a well-known case and it is
20 the case of one woman whose husband was shot, but she told the whole story in
21 detail of what had happened to them.

22 Q. Now, you talked about a number of rapes that were committed. Are you
23 aware of any civilian being killed by the Banyamulengue?

24 A. Yes, I know that they killed.

25 Q. Do you know of any victim in particular?

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1 A. There was one elderly man who was killed. They killed him because of his
2 ducks.

3 Q. Where did this man live?

4 A. That elderly man used to live on the other side of the road, in the area where
5 my boss's house is located, but his house was somewhat far away from his.

6 Q. Who killed this man?

7 A. He was obviously killed by the Banyamulengue.

8 Q. How did they kill him?

9 A. I wasn't present when he was executed. All I heard was a gunshot and
10 thereafter his son came running and crying. So when we asked him why he was
11 crying, he told us that his father had been shot simply because the Banyamulengue
12 wanted to take the other ducks away, since some of them had already been killed
13 previously, "but when my father tried to protest, they pointed their weapon at him
14 and then subsequently shot him."

15 Q. Apart from this old man, are you aware of any other civilian killed?

16 A. Yes, I know some. I actually had to bury one of them close to the heart -- to the
17 main road.

18 Q. Who was this man that you buried?

19 A. He was a civilian.

20 Q. Do you know how he was killed?

21 A. I don't know the circumstances in which that person was killed. Probably it
22 was following the uncontrolled shooting by the attackers, so he may have been struck
23 by a stray bullet.

24 Q. And do you know of anyone else who was killed?

25 A. I am only aware of the cases that occur in my area. As for the other cases

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1 which happened in other sectors or areas, I simply heard mention of them.

2 Q. Mr Witness, I only have a few more questions for you, and I will keep these
3 questions very short and concise. Now I would like to ask you, can you explain to
4 the Chamber what the effect of the Banyamulengue abuses on your life have been?

5 A. All the injury that I suffered because of those attackers is only one aspect, there
6 were several other consequences: I was impoverished, I no longer have a wife *and
7 the absence of my wife has affected me a great deal. So my children and I are
8 suffering tremendously at this time for that reason.

9 MR SCALIOTTI: Madam President, I have no further questions for this witness.

10 Thank you.

11 And before I conclude, I would like simply to thank you, the witness. Mr Witness,
12 thank you very much for your cooperation and your patience to answer all of my
13 questions. Thank you.

14 PRESIDING JUDGE STEINER: Thank you very much, Mr Scaliotti. I will now give
15 the floor to the legal representatives of victims. They also have some questions to
16 put to you. Are you ready to continue, Mr Witness?

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

18 PRESIDING JUDGE STEINER: Maître Zarambaud, you have the floor.

19 MR ZARAMBAUD: (Interpretation) I thank you, Madam President. Thank you,
20 your Honours.

21 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

22 Q. Mr Witness, good evening.

23 A. Good afternoon, sir.

24 Q. I am sorry I wasn't present during the familiarisation session, at which point
25 I would have had the opportunity to introduce myself to you, but that was purely for

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1 reasons beyond my control. So I'm going to introduce myself now. My name is
2 Maître Zarambaud Assingambi, of the Central African Bar, and here I act as the legal
3 representative of victims; victims from Bangui and surrounding areas. So in other
4 words I am also your legal representative before this Court, and then there is also my
5 learned colleague, Maître Douzima, who is a legal representative and who will have
6 an opportunity to introduce herself when her turn comes up.

7 For now I have just a few questions to put to you, but I hope to be able to be done
8 before we adjourn for today. The first question is in relation to your statement, page
9 CAR-OTP-0052-0220, paragraph 4, last paragraph. At that reference, you stated that
10 you saw the Banyamulengue for the first time in November 2002 and you saw them,
11 "... break down doors and forcibly take away people's property; things like bicycles
12 and other items," end of quote.

13 So I have three questions for you in that connection. First question: Did the
14 Banyamulengue -- when you saw them arrive, were they led by Central African
15 soldiers?

16 A. I said that, when the Banyamulengue soldiers arrived, there was not a single
17 Central African soldier with them.

18 Q. Thank you. My second question is the following: Those Banyamulengue,
19 whom you saw arriving, how were they dressed and what type of shoes were they
20 wearing?

21 A. When the Banyamulengue arrived they were wearing military uniforms, but
22 their attires were generally mixed. Some of them were wearing sports shoes and
23 they were bearing arms.

24 Q. Thank you, Mr Witness. My third question for you relating to the previous
25 quote is as follows: Those Banyamulengue soldiers, did they wear any ranks or any

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1 insignia representing or reflecting any ranks?

2 A. *No, they were not wearing any insignia. They were not wearing any
3 distinctive grades, or ranks. Even the one who was referred to as "Commandant,"
4 (Commander)," did not wear the rank of a commander. I do not know whether they
5 kept their insignia in their pockets.

6 Q. Thank you. A second series of questions would be in relation to the following
7 quotation: Question: "How do you know that it is Bemba who brought in the
8 Banyamulengue?"

9 PRESIDING JUDGE STEINER: I am sorry to interrupt you, but just to ask you to
10 pay attention that in your question you are mentioning names that cannot be
11 mentioned in public session.

12 MR ZARAMBAUD: (Interpretation) I'm obliged, Madam President.

13 Q. So the question that was put to you was the following: "How do you know
14 that it is Bemba who brought in the Banyamulengue?" This was your answer: "I do
15 know, because one of the Zaireans was speaking Sango and he is the one who told me.
16 In their group, there were also those people who had previously worked as shoe
17 polishers here," and then you went on to mention the name of one of those
18 Banyamulengues whom we have now referred to here as "M."

19 Now, the question: "How do you know that the Banyamulengue came from Zaire?"
20 This is your answer: "The language they spoke was different and I know that they
21 were from Zaire. M, himself, told me that they spoke Lingala. They were from
22 Zaire," end of quote. The reference is CAR-OTP-0052-0219, paragraph 16.

23 Now, Mr Witness, can you confirm or deny that statement?

24 A. I confirm that to be my statement.

25 Q. The shoe-shiners who used to live in the Central African Republic before the

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1 arrival of the Banyamulengue, did they continue to be civilians after the arrival of the
2 Banyamulengue, or were they incorporated into the Banyamulengue troops and
3 given uniforms and weapons?

4 A. The said shoe-shiners were scouts. That is the role they played. When their
5 fellow countrymen arrived, the shoe-shiners were with them and they went about
6 together. They even went to my boss's home. They knew me very well, because I
7 used to bring them to my boss's compound so that they may shine his shoes.

8 Q. Thank you. I have a third series of questions for you, and I'm referring to page
9 CAR-OTP-0052-0223, paragraph 20, in which you stated that, "As soon as they
10 arrived the Banyamulengue dispersed into the neighbourhood and started firing, and
11 after the firing people were frightened and fled, leaving behind their houses. Then
12 they broke into the houses and began to collect property," end of quote. You also
13 went on to state that, "Then their leader blew a whistle and they assembled around
14 him, and when he had finished talking he moved away from the circle and then all
15 the troops started to shoot and to infiltrate the neighbourhood," end of quote.

16 My question in relation to that quote is the following: During that assembly, the
17 soldiers who had dispersed into the neighbourhood and who had returned upon the
18 sounding of the whistle, after having broken down doors and looted houses, when
19 they came to that assembly point did they have in their hands any of the items that
20 they had looted from the neighbourhood?

21 A. They had stocked or deposited some of the goods that they had previously
22 looted, so they had already put down those goods. They had arms in their hands,
23 they had come together in some form of a circle and he told them what he had to tell
24 them. At the end of that meeting, he went away from the group and then they
25 immediately started firing. The inhabitants were no longer able to remain in the

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1 area and everyone attempted to flee, because the situation was one in which it was
2 every man, every woman for himself or herself, and that is how the inhabitants left
3 our neighbourhood.

4 Q. So when these troops came with the looted items in their hands and their boss
5 saw them, did he question them? Did he challenge them? Did he take any
6 measures to require that the property be returned?

7 A. I have told you that the boss - the boss himself - was involved; was implicated
8 in what was happening. He is the one who authorised his soldiers to have that
9 conduct, so that he would be able to gather property that would be sent back to his
10 country. That was my understanding of what had transpired.

11 MR ZARAMBAUD: (Interpretation) I thank you.

12 Madam President, with your leave this might be a good point to stop, but I will
13 proceed with the rest of my questions tomorrow.

14 PRESIDING JUDGE STEINER: For sure, Maître Zarambaud. Thank you very
15 much.

16 Mr Witness, we will adjourn for today. It has been a long day. You deserve to take
17 some rest. We will adjourn now and resume tomorrow morning at 9.30 in the
18 morning, when the legal representatives will continue questioning you and after that
19 the Defence will start questioning you. We wish you a very, very restful evening.

20 I would like to thank very much Prosecution team, the legal representatives of
21 victims, the Defence team, Mr Jean-Pierre Bemba Gombo. Thank you very much to
22 our interpreters, our court reporters, the accompanying person from VWU; you are
23 always welcome to this courtroom. We are going to adjourn and resume tomorrow
24 morning at 9.30 in this courtroom.

25 Court officers, please turn into closed session in order for the witness to be taken

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- 1 outside the courtroom.
- 2 *(Closed session at 4.00 p.m.) Reclassified as Open session
- 3 THE COURT OFFICER: We are in closed session, Madam President.
- 4 (The witness stands down)
- 5 THE COURT OFFICER: All rise.
- 6 *(The hearing ends in closed session at 4.01 p.m.) Reclassified as Open session
- 7 CORRECTIONS REPORT
- 8 The Court Interpretation and Translation Section has made the following corrections
- 9 in the transcript:
- 10 *Page 5 lines 23 to 24
- 11 “(Redacted), as well as a
- 12 piece of headgear”
- 13 is corrected by
- 14 “(Redacted)”
- 15 *Page 14 lines 12 to 13
- 16 (Redacted)
- 17 (Redacted)
- 18 is corrected by
- 19 (Redacted)
- 20 (Redacted)
- 21 *Page 30 lines 2 to 3
- 22 “they would loot, that is to say they would steal the goats and the hens of the
- 23 neighbours and they would slit their t their throats”
- 24 is corrected by
- 25 “they would steal the goats and the hens of the inhabitants and I would slit the

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1 animals' throats".

2 *Page 46 line 14

3 "I saw them fully in their vehicles"

4 is corrected by

5 "I saw a vehicle full of them".

6 SECOND CORRECTIONS REPORT

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

8 in the transcript:

9 *Page 51 lines 6 and 7

10 "I no longer have a wife because she was killed by them so my children..." Is

11 corrected by "I no longer have a wife and the absence of my wife has affected me a

12 great deal. So my children..."

13 *Page 48 line 24

14 (Redacted) Is corrected by (Redacted)

15 (Redacted)

16 THIRD CORRECTIONS REPORT

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

18 in the transcript:

19 *Page 34 line 13

20 "He spoke Lingala"

21 Is corrected by

22 "He spoke Lingala most of the time"

23 *Page 53 lines 2 to 5

24 "No, they were not wearing any insignia. They were not wearing any grades, or

25 ranks. There was nothing to distinguish them, as such. Even the one who was

26

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1 being referred to as "Commander," "Commander," did not wear the rank of a
2 commander"

3 Is corrected by

4 "No, they were not wearing any insignia. They were not wearing any distinctive
5 grades, or ranks. Even the one who was referred to as "Commandant,"

6 (Commander)," did not wear the rank of a commander. I do not know whether they
7 kept their insignia in their pockets"

8 RECLASSIFICATION REPORT

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

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

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