

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 Judge Kuniko Ozaki
6 Trial Hearing
7 Thursday, 16 June 2011
8 (The hearing starts in open session at 9.36 a.m.)
9 THE COURT USHER: All rise. The International Criminal Court is now in session.
10 Please be seated.
11 THE COURT OFFICER: Good morning, your Honours, Madam President. We are in
12 open session.
13 PRESIDING JUDGE STEINER: Good morning. Could, please, the court officer call the
14 case.
15 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
16 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
17 PRESIDING JUDGE STEINER: Thank you very much. Good morning. Welcome the
18 Prosecution team, legal representatives of victims, Defence team, Mr Jean-Pierre Bemba
19 Gombo. Good morning to our interpreters and court reporters. We will continue with
20 the questioning of Witness 112 first by legal representatives and then by Defence.
21 I must inform that we just received from VWU the information that the witness fell down
22 this morning and says that he has pain in his back. He took painkillers and VWU
23 recommends having additional breaks for the witness to relax. So we will see. I
24 requested the court officer to ask VWU to bring more precise information to the
25 Chamber, because the Chamber has no further information than the one I just mentioned.

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1 So we will try to have the one-and-a-half hour session but, if the witness says that he is
2 feeling pain, we will have to have -- to go to more frequent breaks. It's just to inform the
3 parties.

4 So please, court officer, turn into closed session in order for the witness to be brought into
5 the courtroom.

6 *(Closed session at 9.41 a.m.)Reclassified as Open session

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

8 (Pause in proceedings)

9 PRESIDING JUDGE STEINER: Just for the information of the parties and participants,
10 the witness is on his way, but walking very slowly, so we need to be patient.

11 (The witness enters the courtroom)

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

13 (The witness speaks Sango)

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

15 (Open session at 9.50 a.m.)

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

17 PRESIDING JUDGE STEINER: Thank you very much.

18 Good morning, Mr Witness.

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

20 PRESIDING JUDGE STEINER: The Chamber was informed that you fell down this
21 morning. Would you like to tell us what happened?

22 THE WITNESS: (Interpretation) Yes, it was when I was getting out of the car that I
23 fell over.

24 PRESIDING JUDGE STEINER: Have you already seen the doctor?

25 THE WITNESS: (Interpretation) No, a woman working here gave me some medicine

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1 that I was able to take.

2 PRESIDING JUDGE STEINER: The Chamber has already instructed VWU to make an
3 appointment with the Court's doctor first, probably during the break, in order to see
4 whether having painkillers is enough to make you feel better. In any case, are you in a
5 position to continue giving your testimony this morning?

6 THE WITNESS: (Interpretation) It was coming here that I fell over. I don't know if I
7 can continue, but we can try. If it's too much, then I'll let you know.

8 PRESIDING JUDGE STEINER: Please let me know, because we can suspend the hearing
9 at any time if you don't feel well, or you don't feel that you can continue.
10 I need to remind you that you are still under oath. Do you understand that, sir?

11 THE WITNESS: (Interpretation) Yes.

12 PRESIDING JUDGE STEINER: Maître Zarambaud, you can continue, please, with your
13 questioning.

14 MR ZARAMBAUD: (Interpretation) Thank you very much, your Honour, Honourable
15 Judges.

16 QUESTIONED BY MR ZARAMBAUD: (Interpretation) (Continuing)

17 Q. Good morning, Witness.

18 A. Good morning.

19 Q. Witness, I obviously would like to wish you that you get better very soon and that
20 you can continue your mission right to the end under the best possible conditions.
21 Before asking you my questions, I would like to remind you that we are in open session
22 here and as far -- and, given that we are in open session, we are going to continue to use
23 pseudonyms; the pseudonyms that we had agreed on. As such, where it concerns your
24 employer, you won't give the name if this arises. You will just say, "my boss," or "my
25 employer." Where it concerns the person who was in charge of the Banyamulenge in

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- 1 your zone, you will say, "the chief." Where it concerns the Banyamulengue, who
2 were -- who translated for the chief what you wanted to say, you will call that person
3 "Mr M." So I hope that you will be able to take that into account with a view to
4 protecting your identity.
- 5 So my first question is as follows: You stated that the chief had a portable telephone in
6 his hand and a telephone which consisted of an antenna which, according to Mr M, he
7 communicated with the president. When you asked Mr M who the President was he
8 answered that it was Bemba, and to that you stated - and here I quote you - "I was
9 astonished and I said 'No, the President of Zaire is Kabila. Why are you saying that it's
10 Bemba?' And he answered me, 'Our President is Bemba. It is he who brought us here.'"
11 The reference is CAR-OTP-0052-0227, paragraph 12. So my question is as follows:
12 Could you confirm or deny this declaration, or statement?
- 13 A. I confirm that this is my statement.
- 14 Q. Thank you very much, Witness. Next question: You stated that, when the
15 Banyamulengue entered into the house of your boss, you were hidden, he ordered you to
16 stand up and here I quote you, "They beat me when I stood up. One of them hit me and I
17 fell over. They continued to strike me and once -- they continued to strike me once I was
18 on the ground and then they asked me, or told me, to lie down on my stomach. I still
19 have pain in the bottom of my -- in the lower part of my back today; in my lower back
20 today," end of quote. The reference is CAR-OTP-0052-0230, first and fifth paragraphs
21 thereof, and the question on the basis of this quote is as follows: Do you still have pain
22 today from that; obviously not because of the fall this morning, but due to the beating you
23 took at the time?
- 24 A. Yes, after the beating I took my back is not good. I have pain in the -- in my back.
25 If I sit down and I want to stand up, I have pain. I have back pain after falling over.

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- 1 Q. Thank you very much. Now, you stated - and the reference to this is
2 CAR-OTP-0052-0231, in the pre-last paragraph - that one of the Banyamulengue even took
3 the working clothes and the hat which were used by people in the -- employed by your
4 boss and they put it on and they started dancing and they called upon -- called the others
5 (Redacted) "Now, did the -- were the Banyamulengue reprimanded by the
6 Banyamulengue for having worn these things?" Now, what you answered to that was:
7 "Nobody was punished."
8 Now, if we take the consequences of this, you stated here, "I considered that that person
9 was complicit with them because he shared their booty with them," and this is the
10 reference CAR-OTP-0052-0253, paragraph 9.
11 Now, where it concerns particularly Bemba, you stated the following that, "He was aware
12 of everything that was happening here, because he came here in person by plane. He
13 landed in Begoua stadium", and with this statement concerning Mr Bemba, the reference
14 to that is CAR-OTP-0052-0253, paragraph 15.
15 You continued to clarify, and here I quote you, "At the time, no plane was flying.
16 However, on that day a helicopter arrived, and then in the evening Mr M told me that it
17 was the president who had come." Do you confirm or deny this statement?
18 A. I confirm that it is my statement.
19 Q. Thank you. Were you able to see the helicopter yourself, with your own eyes?
20 A. Well, the helicopter flies in the sky and everybody could see it. I saw the helicopter
21 myself as well, with my own eyes.
22 Q. Thank you. What was the colour of the helicopter, if you do remember? If you
23 don't remember, it is not a problem at all?
24 A. When the helicopter was still in flight, I saw it and I could hear the droning of the
25 helicopter; and everybody was wondering what helicopter it was that was coming to our

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1 area. But when it landed, it was not easy for us civilians to go close to the helicopter
2 because some very drastic security measures had been put in place.
3 Even the neighbourhood chief, who had put on the Central African flag attempted to go to
4 the venue, where the helicopter had landed, in order to talk to the figure of authority who
5 was in the helicopter was unable to get there. So it was not possible for me either to get
6 close enough to the helicopter to see its colour.

7 Q. Thank you, Mr Witness. You stated at CAR-OTP-0052-0242, paragraph 4 as follows,
8 and I quote: "I remained with them in the house. I used to work for the boss, and then I
9 left when they told me they were going to kill me."
10 I had a number of questions to put to you regarding that quotation, but you have already
11 provided answers to them to the Prosecutor so I will drop most of the questions but I will
12 still put one to you which may appear to be insignificant, but which I will put to you after
13 all because you worked for the boss. The question is as follows: Did your boss pay
14 you?

15 A. I was held as a prisoner, and so he used me for whatever purpose he wanted to.
16 You know, when you ask prisoners to work, do you pay them? I don't think so, so my
17 work for him was free of charge. He never gave me a penny, and so this amounted to
18 forced labour.

19 Q. Thank you, Mr Witness. Reference CAR-OTP-0052-0280, last paragraph, you stated
20 as follows: "The FACA were there, but they did not cooperate with the Banyamulengue
21 because they did not understand each other." Question: "If the Banyamulengue were
22 foreigners in your country, how would they have known where to go?" Your answer
23 was: "I don't know how that was possible, but I never saw the FACA and the
24 Banyamulengue together." Can you confirm that statement, Mr Witness, or deny it?

25 A. I confirm the statement.

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- 1 Q. Thank you Mr Witness. Reference 0052-0245, paragraph 5, you stated as follows:
- 2 "Sometimes he -" that is the boss - "would gather the troops and talk to them briefly and
- 3 then, all armed, they would move towards Damara and come back at around 5 p.m." Let
- 4 me once again put the question to you: When they moved towards Damara, were the
- 5 Banyamulengue accompanied or led by Central African soldiers?
- 6 A. There were no Central African soldiers.
- 7 Q. Thank you. Reference CAR-OTP-0052-0248, last paragraph, you stated as follows,
- 8 and I quote: "Sometimes he -" that is the boss "- would go to Bangui and sometimes he
- 9 went with some of the troops, and when he returned some of the troops would be
- 10 wounded while others would have died." Question -- well, there's another quote as
- 11 follows: "As for the wounded --" you stated at CAR-OTP-0052-0252, paragraph, 14 as
- 12 follows: "The boss knew my house because he had gone there. (Redacted)
- 13 (Redacted) Where did they bury
- 14 their dead?
- 15 A. Their dead remained in the vehicles and they took the dead bodies towards PK12.
- 16 Q. Thank you. You stated at CAR-OTP-0052-0272, paragraph 2, that following the
- 17 departure of the Banyamulengue from his house your boss found, quote-unquote, (Redacted)
- 18 (Redacted) which they had left behind." How much time after the departure of the
- 19 Banyamulengue did your boss give you that information about (Redacted)
- 20 (Redacted)
- 21 A. After they left, I was at PK35. When they left PK12 to go towards Boali, I saw them
- 22 passing by; and it is only four days later that I returned to PK12, and it is then that friends
- 23 told me that my boss had been looking for me, and that he wanted me to return to work to
- 24 guard the house, for what was remaining of it, and that he was going to contact the banks
- 25 to seek a loan in order to refurbish the house.

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1 So I asked my friends whether my boss was still in his former home, and he said, "yes."
2 So I went to his house to see him and he advised me or told me to return to work and to
3 guard the house. So I told him I couldn't do so because I had suffered tremendously, and
4 that I was not able to return to work as a guard at the former residence. It is at that time
5 that he told me (Redacted) but I told him that I was not in a position to return to
6 work.

7 Q. Thank you. During the (Redacted) that you worked with the boss, were you able
8 to see (Redacted) yourself?

9 A. When I was still living in the compound with him there were a number of (Redacted)
10 (Redacted) but I was not used to those types of things. (Redacted)
11 (Redacted) However, I knew that there
12 were a number of documents on the table, including (Redacted)
13 (Redacted)

14 Q. Thank you, Mr Witness. My penultimate question is in relation to page
15 CAR-OTP-0052-0273, paragraphs 2 and 8, regarding the injury and damage you suffered
16 as well as forced labour. You stated as follows: "I did not see what -- rather, they used
17 the doors and the wood as firewood, and after the damages the state of the house was so
18 poor that it collapsed." Now, in relation to that quote, this is my question: Were you
19 able to reconstruct or to rebuild your house?

20 A. No, I was not able to rebuild my house, even to this date.

21 Q. Thank you. And now my last question, my last question for you based on the
22 reference CAR-OTP-0052-0255, paragraph 2. On that page, this is what you stated:
23 "They struck me with their hands and then looted the house. This happened during the
24 events. My wife had fled and she suffered a heart attack and died." Do you know the
25 approximate date on which your wife died?

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1 A. I do not know the exact date because, when they were fleeing, I was not with them; I
2 was at my boss's house while my wife and children were at our house, so I do not know
3 the exact date. What I know, however, is that she died in the month during which the
4 events started.

5 Q. Since your wife was in the company of the children when she died, did the
6 children -- or were the children able to tell you who had buried her and where she was
7 buried?

8 A. The children were still minors at the time. It is only the boy who could have
9 known what was going on, because he was much older, and he's the one who took the
10 11-month old child with him. You may also want to know that, at that time, the
11 inhabitants of the area were taking care of women who had several children.
12 When this tragedy occurred, the children started to cry looking for where to go. And so
13 when I returned and I asked questions about the circumstances of her death, I was told
14 that she had died and she had been buried along the roadside. Her wrap was spread
15 over her grave.

16 MR ZARAMBAUD: (Interpretation) I thank you, Mr Witness. And, as I told you, that
17 was my last question. I thank you for answering all of my questions. Thank you, your
18 Honour, for giving me the opportunity to seek these clarifications. Thank you, Madam
19 President.

20 PRESIDING JUDGE STEINER: Thank you, Maître Zarambaud. Mr Witness, Maitre
21 Douzima - who is, as well, a legal representatives of victims - has some questions to put to
22 you as well. Can we continue with her questioning or would you prefer to have maybe
23 ten minutes break now?

24 THE WITNESS: (Interpretation) I think we can continue. Whenever I feel that it is
25 too much for me, I will notify you.

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- 1 PRESIDING JUDGE STEINER: Thank you, sir. Maître Douzima, you have the floor.
- 2 MS DOUZIMA-LAWSON: (Interpretation) I thank you, Madam President. Madam
- 3 President, following the Chamber's decision authorising legal representatives to question
- 4 Witness 112, you asked me to abstain from putting questions 1 to 8 to the witness.
- 5 I just wanted to point out, Madam President, that these were actually not questions,
- 6 because there was a mistake in the typing of the document, because this part actually was
- 7 referring to the witness statements which I was going to use to put a question to him and
- 8 it is by mistake that a question mark ended up appearing at the end of that sentence. So
- 9 it was not a question, as such.
- 10 PRESIDING JUDGE STEINER: Maître Douzima, you can start with your first questions
- 11 and I will consult my colleagues whether we should analyse again this topic, topic
- 12 number 8.
- 13 MS DOUZIMA-LAWSON: (Interpretation) Thank you, Madam President.
- 14 QUESTIONED BY MS DOUZIMA: (Interpretation)
- 15 Q. Good morning, Mr Witness.
- 16 A. Good morning, madam.
- 17 Q. Mr Witness, my name is Marie-Edith Douzima, legal representatives of victims in
- 18 the same capacity as Maître Zarambaud who has just questioned you. We are here
- 19 representing victims in this trial at which you are testifying. We applied to question you
- 20 so that you may provide the Court with information and clarification on a number of
- 21 issues relating to the events that happened at that time.
- 22 Mr Witness, I will be putting a number of questions to you relating to your statement to
- 23 the Prosecutor when you were interviewed in Bangui as well as relating to your answers
- 24 to questions put to you by the Prosecutor during these proceedings from 14 June going
- 25 forward. Have you understood me?

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1 A. Yes, I have.

2 Q. Mr Witness, I would like to start by referring to one of your answers to the
3 Prosecutor during the proceedings of 14 June. And for the benefit of the parties and
4 participants, I am referring to the real-time transcript of 14 June 2011, page 60, line 2 to 8;
5 and for the edited version, page 47, lines 21 to 24.

6 Mr Witness, the Prosecutor asked you whether you knew if General Bozizé -- or you knew
7 whether General Bozizé played any role whatsoever in the conflict, and your answer was,
8 "He had already left for the province and that he had fled." My question is to find out
9 from you when did General Bozizé flee?

10 A. General Bozizé fled during the month when the Banyamulengue arrived in Bangui.

11 Q. Which month are you referring to, Mr Witness?

12 A. The Banyamulengue arrived -- what month was that? It was in November and by
13 the time they came in General Bozizé had already left.

14 Q. Do you know why General Bozizé fled?

15 A. I don't know what happened before he took flight. I do not know the specific
16 reason.

17 Q. You have just stated that the Banyamulengue entered your neighbourhood in
18 November. You provided the same answer during the hearing of 15 June, real-time
19 transcript page 15, lines 15 to 21. Your answer then was that when Bozizé's soldiers had
20 fled, they no longer returned to your neighbourhood. Does the date of 15 March 2003
21 ring a bell, Mr Witness?

22 A. 15 March 2003, that was the date on which Bozizé came in. On the 14th of that
23 month, before they arrived, they had been moving towards Damara, towards PK12.
24 Some of them went towards the centre of the town while a small group stopped at PK112.
25 The column from Boali continued to move forward, but we did not know that this

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1 situation was going to occur. Suddenly, on 15 March, Bozizé arrived. We saw them
2 fleeing and then returning to escape. It was at that time that we understood that Bozizé
3 was entering the town.

4 Q. Mr Witness, you have just restated that the Banyamulengue -- or that you saw the
5 Banyamulengue for the first time in November 2002. Why do you say so?

6 A. I say so because it is in relation to the time they arrived. And that was the first time
7 I saw them arrive.

8 Q. How do you come to the determination that it was in November and not in another
9 month?

10 A. Well, you know, these things happened a long time ago and I might not be able to
11 know the exact month. That is the only month I have in mind. It is the only month I
12 remember.

13 Q. Mr Witness, let me revisit your statement, or your testimony during the proceedings
14 of 14 June, real-time transcript, edited transcript, page 47, lines 11 to 13. The Prosecutor
15 asked you where the Banyamulengue had come from, and in your answer you stated that
16 all you knew was that they came from the centre of the town. How did you know that
17 they were coming from the centre of the town?

18 A. I know it because of the direction from which they were coming.

19 Q. Witness, in the hearing of 14 June, in the transcript real-time, page 63, lines 16 to 19,
20 edited version, it's page 50, lines 11 to 13 and line 16. You stated, Witness, that the
21 Banyamulengue were wearing military uniform. Some of them were wearing military
22 trousers with a T-shirt, with an ordinary T-shirt, others were wearing Rangers, others
23 were wearing sports shoes and in line 16 you stated that there were men and women all
24 mixed. The question is whether the women were dressed and had the same foot wear,
25 dressed and had the same foot wear as the men?

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1 A. Their clothing and shoes was identical to that of the men.

2 Q. You also said, page 64, real-time transcript, well, in the edited version, rather, page
3 51, lines 1 to 6, and you also stated that Banyamulengue soldiers were bearing rifles. The
4 women who were in this group, were they also carrying guns with them?

5 A. Yes, the women were also armed.

6 Q. On page 65, it's the same date, real-time transcript, lines 4 to 7, edited version, page
7 51, lines 18 to 28, you state that it's because the soldiers, the Banyamulengue soldiers
8 spoke a language which did not resemble the language of your country, which is Sango,
9 which meant that they were Zaireans. Why did you deduce that due to this fact they
10 were Zaireans and not people from another country?

11 A. I deduced this because those who shone, polished shoes here were their compatriots,
12 they walked around together. They spoke the same language, and another thing as well,
13 the Zaireans like a lot to lighten their skin.

14 Q. Thank you. Now, in yesterday's hearing, in the real-time transcript 42, lines 1 to 9,
15 edited version page 32, lines 27 to 28, page 33 lines 1 to 11, I am going to read it. Witness,
16 you stated that: If it was not because of Mr M you would have been killed. Were it not
17 for Mr M you would have been killed. They wanted to shoot you and luckily, he was
18 there, and that he spoke to them in Lingala so that your life would be saved. And then
19 you continued stating that they wanted to shoot you and that was certain troops who
20 were in the compound of your boss, they wanted to shoot you because (Redacted)
21 for your work and they thought that you were a rebel. Now, you stated to them that you
22 was not, you were not a rebel and that (Redacted) for your work but they
23 continued to speak in Lingala, and they dragged you along. They wanted to shoot you
24 next to the river or next to the water and it is thanks to Mr M that your life was saved.

25 The first question that I wanted to ask, with regards to this part, is: Please, could you tell

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1 me what river, what was the river to which you said you were dragged so that they could
2 shoot you, with a view to shooting you?

3 A. Perhaps it's a mistake. I didn't speak about a stream, I spoke about a canal, a large
4 hole, or a ditch.

5 Q. Thank you very much, Witness. Mr M, did he tell you if there were inhabitants of
6 your neighbourhood who had been shot because they had been taken by rebels or they
7 had been, sorry, they had been taken to be rebels, corrects the interpreter?

8 A. He did not say that to me.

9 Q. Do you know cases of such people?

10 A. No, I didn't see anything of the type; I saw civilians who had been killed and,
11 personally, I participated in burying them. That's something that I do recognise.

12 Q. Thank you very much, Witness. I am now going to a series of questions relating to
13 your testimony, or your statement to the investigators. Now, the first reference is
14 CAR-OTP-0052-0245. Witness, you stated that M informed you that the Banyamulengue
15 were in Damara before coming back. Did he tell you what they had gone to do in
16 Damara?

17 A. I asked the question and he answered me that it was a military secret. They had
18 gone there within the framework of their operations, that was all.

19 Q. Thank you. On page CAR-OTP-0052-0249 you stated, Witness, that you had seen
20 the Banyamulengue take the Boali road. Are there towns that you know prior to Boali
21 and after Boali?

22 A. Yes, I can speak about PK26, M'Poko, Nderi (phon), Burasi. You, when you get to
23 PK42, PK45 and a lot of other villages around there, these are villages that I know, but I
24 don't know the villages that are after Boali.

25 Q. Witness, I didn't ask the villages but the towns, towns such as Boali. Are there

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1 other towns after Boali? The names of other towns after Boali?

2 A. I didn't travel on the road to Boali but I heard people speak about Bossembélé,
3 Yaloke as well as others but I didn't see that. I haven't been on the road to know the
4 towns which are on it.

5 Q. Thank you, witness. On page CAR-OTP-0052-0253, you stated that Mr Bemba had
6 come to your neighbourhood by plane, and he landed in the stadium. Was that after you
7 had (Redacted) your boss's house? Was it before that or after that?

8 A. It was when I had (Redacted) and I was (Redacted)

9 Q. Witness, here I am speaking about Bemba. Was it about him that you spoke, on
10 page CAR-OTP-0052-0258, when you said that 228, (Redacted) and two
11 days later his second, (Redacted) he had come and he'd landed at the stadium.

12 Are you talking about the same person there, that is to say Bemba?

13 A. When he called the commander, (Redacted) They
14 (Redacted) spoke for a long time on the telephone and afterwards (Redacted)
15 (Redacted) So it was only after (Redacted)
16 that he had landed.

17 PRESIDING JUDGE STEINER: Maître Douzima, I need to remind you about the codes
18 that we established since yesterday.

19 MS DOUZIMA-LAWSON: (Interpretation) Yes, your Honour.

20 Q. Witness, CAR-OTP-0052-0272 you stated that your boss had found the (Redacted)
21 that the Banyamulengue had abandoned. Did he tell you what (Redacted)
22 (Redacted)

23 A. No, he only told me that it was a (Redacted) That was it.

24 MS DOUZIMA-LAWSON: (Interpretation) Your Honour, I'm coming to the question
25 about which I had given certain clarifications. I was just wondering if I can put it?

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1 With regards to the age range. Thank you, your Honour.

2 Q. Witness, on page CAR-OTP-0052-0280, you had found out from M that the
3 Banyamulengue had received the order to kill every man aged over 15, 18 and over, and
4 that you at that time, you were within that age range, age bracket. And if you had, if you
5 weren't, if you hadn't been killed it was thanks to God. That's what you stated to the
6 investigators. So did the Banyamulengue effectively have in your neighbourhood, or did
7 they effectively kill men by carrying out this order?

8 A. There were detonations, shots, nobody could remain so, having not found the
9 persons to shoot, they then returned and they started to pillage the goods. If they'd
10 found the men within this age range, within the neighbourhood, they would certainly
11 have executed these instructions but because everybody had fled, they started pillaging
12 instead.

13 MS DOUZIMA-LAWSON: Witness, thank you for having answered the questions.

14 Your Honour, I have finished. Thank you very much.

15 PRESIDING JUDGE STEINER: Thank you very much, Maître Douzima. Mr Witness,
16 we have ten minutes until the regular time for a break. We can start with your
17 questioning by the Defence or we can anticipate the break a little bit in order for you to
18 rest or to see the doctor or take some medication. What do you prefer, sir?

19 THE WITNESS: (Interpretation) I do not feel well. I feel tired. I would prefer to go
20 to the break now so that I could have some medicine and so that I could have a massage
21 and I could have a rest.

22 PRESIDING JUDGE STEINER: Fair enough, Mr Witness. So we are going to suspend
23 to have our break. We will extend our break in ten minutes, so we'll resume at 11.30 as
24 always, so giving the witness ten more minutes, if need be, to take a medication or to see
25 the doctor. So I ask, please, the court officer to turn into closed session for the witness to

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1 be taken outside the courtroom. In the meantime, we are going to suspend and resume
2 at 11.30.

3 *(Closed session at 10.51 a.m.)Reclassified as Open session

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

5 (The witness stands down)

6 THE COURT OFFICER: All rise.

7 (Recess taken at 10.52 a.m.)

8 (Upon resuming in closed session at 11.41 a.m.) Reclassified as Open session

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

10 PRESIDING JUDGE STEINER: Welcome back. The Chamber was informed that the
11 witness has seen the doctor and is willing to continue, so I'll ask, please, the court usher to
12 bring the witness in.

13 (The witness enters the courtroom)

14 PRESIDING JUDGE STEINER: We can go into open session, please.

15 (Open session at 11.43 a.m.)

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

17 PRESIDING JUDGE STEINER: Thank you.

18 Mr Witness, welcome back.

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

20 PRESIDING JUDGE STEINER: Have you seen the doctor, Mr Witness?

21 THE WITNESS: (Interpretation) No, not yet. I took some pills and a meeting has been
22 organised between me and the doctor later on.

23 PRESIDING JUDGE STEINER: But you've been with a nurse then?

24 THE WITNESS: (Interpretation) Yes, it is the nurse who gave me the pills in question.

25 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue with your

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1 testimony?

2 THE WITNESS: (Interpretation) After taking the medication, I think it would be proper
3 for me to lie down in order to regain my strength. However, I think we can carry on.

4 PRESIDING JUDGE STEINER: So we will start. We have less than one-and-a-half
5 hours, so then you have the lunch break that you can lie down and rest, but in any case, if
6 you feel too tired or not feel well, just let us know and we will suspend. Feel free to
7 inform the Chamber if you don't feel well. Is that fine with you, sir?

8 THE WITNESS: (Interpretation) I would like us to adjourn at midday so that I can take a
9 rest.

10 PRESIDING JUDGE STEINER: Okay, then we'll have 15 minutes and we will adjourn at
11 midday and then you can take your rest.

12 Mr Haynes, you have the floor.

13 MR HAYNES: Your Honour, thank you.

14 QUESTIONED BY MR HAYNES:

15 Q. Well, my name's Peter Haynes, Mr Witness, and I come from England. Do you
16 know where that is?

17 A. I do not know.

18 Q. It's not very far from here, but do you understand that I'm going to ask you
19 questions on behalf of the accused, Mr Jean-Pierre Bemba?

20 A. Yes, I do.

21 Q. Good. And I'd just like to start off by finding out from you how you would prefer
22 me to address you. Obviously I'm not allowed to use your name, but I can call you "sir,"
23 or "Mr Witness." What would you prefer?

24 A. You can refer to me as "Mr Witness," Counsel.

25 Q. Then that is what I will do. Now, I'm going to ask you some questions about your

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- 1 boss's house in the ten or 15 minutes we have before midday, but I just want to put one
2 question to you in private session, which should mean we can stay public for the rest of
3 this session before lunch. So can we briefly go into private session?
4 PRESIDING JUDGE STEINER: Court officer, please.
5 *(Private session at 11.49 a.m.)Reclassified as Open session
6 THE COURT OFFICER: We are in private session, Madam President.
7 MR HAYNES: Thank you very much.
8 Q. (Redacted)
9 (Redacted)
10 A. Yes.
11 Q. Okay. From now on I will not say, (Redacted)
12 (Redacted) Do you understand?
13 A. I understand.
14 MR HAYNES: Thank you. Then can we go back into public session, please?
15 PRESIDING JUDGE STEINER: Court officer, please.
16 (Open session at 11.50 a.m.)
17 THE COURT OFFICER: We are in open session, Madam President.
18 MR HAYNES: Thank you.
19 Q. The house of your boss was situated on a main road, wasn't it?
20 A. That's right, a tarred road.
21 Q. Thank you. How many rooms were there in that house?
22 A. There were large rooms. There were four rooms, including -- no, as well as a
23 bathroom and a living room.
24 Q. Was the house all on one level, or was it on more than one level?
25 A. It was not a storey building.

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- 1 Q. And how many bedrooms were there in the house?
- 2 A. I told you a short while ago.
- 3 Q. I thought you told me how many rooms there were. I wanted to know how many
- 4 bedrooms there were.
- 5 A. Were you talking to me?
- 6 Q. I'm sorry, yes. How many bedrooms were there, as opposed to rooms generally?
- 7 A. There were four.
- 8 Q. Okay. And the house was inside a compound; is that correct?
- 9 A. That's right.
- 10 Q. And can you tell us how big the compound was?
- 11 A. Counsel, I am not an engineer. I know that there was -- that the compound was
- 12 fenced, but I do not know its size; its dimensions.
- 13 Q. Okay. Was it fenced on all four sides, the compound?
- 14 A. Yes, it was fenced all round on four sides.
- 15 Q. And what was the fence made of?
- 16 A. They were walls built of baked bricks.
- 17 Q. And how high were the walls?
- 18 A. Counsel, I told you a short while ago that I am not an expert in these matters.
- 19 I cannot give you an estimate. I know that the compound was fenced, but I do not know
- 20 the height of the fence, or anything of that nature.
- 21 Q. Well, were the walls taller than you?
- 22 A. Yes, they were higher than I.
- 23 Q. Thank you. So it was effectively impossible to see into the compound from outside,
- 24 wasn't it?
- 25 A. That is correct.

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1 Q. And the converse is also true, it was impossible to see out from inside?

2 A. Yes.

3 Q. Did you enter the compound from the main road?

4 A. Yes, from the tarred road you could get into the compound, go in through the main
5 gate. That's what I meant.

6 Q. I'm sorry, I'm disobeying the five-second rule. Was the entry on the main road the
7 only point of entry to the compound?

8 A. There is a main gate and a car can go in through the main gate, and there is a smaller
9 gate for individuals, and when you pass through that entrance you will just step directly
10 into the main road.

11 Q. Where is the smaller gate?

12 A. The smaller gate is located on the right and the main gate on the left.

13 Q. Are they both within the same wall to the compound?

14 A. Yes.

15 Q. And I'm sorry if this sounds repetitive, but that is the wall adjacent to the main
16 road?

17 A. Yes.

18 Q. Now --

19 PRESIDING JUDGE STEINER: Sorry. Mr Haynes, could we give the witness the break
20 the witness requested?

21 MR HAYNES: I'm sorry. I'm at a slight angle to the clock, and I can't see the clock on
22 my computer screen. Is it noon?

23 PRESIDING JUDGE STEINER: It's exactly noon.

24 MR HAYNES: Okay.

25 PRESIDING JUDGE STEINER: Mr Witness, it is mid-day and, because you said that

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1 you wanted to rest a little bit, we are going to suspend now. We'll have the lunch break
2 and we'll give you some time to recover from the painkillers you just took. It's 12 o'clock
3 now. We'll be back at the regular time, at 2.30. Is that fine with you?

4 THE WITNESS: (Interpretation) Yes.

5 PRESIDING JUDGE STEINER: Court officer, please, let's turn into closed session in
6 order for the witness to be taken outside the courtroom. In the meantime, we are going
7 to suspend and resume at 2.30, as always.

8 *(Closed session at 12.02 p.m.)Reclassified as Open session

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

10 (The witness stands down)

11 PRESIDING JUDGE STEINER: Before we suspend, we received from VWU the
12 indication that the witness would like to see Maître Zarambaud, his legal officer. I've
13 been informed that yesterday the Defence was consulted about this possibility and
14 opposed, or am I mistaken?

15 MR LIRISS: (Interpretation) If you'd be so kind, your Honour, we weren't consulted.

16 PRESIDING JUDGE STEINER: Maître Liriss, sorry. First, may I correct, it's not the
17 legal officer; it's the legal representative of the victim -- of the witness. You have the
18 floor.

19 MR LIRISS: (Interpretation) Yes, your Honour, we were not consulted. We were
20 consulted for the previous witness, and we said that it could only be the case on the
21 condition that the questions were in a language which was understandable by a member
22 of the VWU. We opposed a refusal, but taking into account the needs, the humanitarian
23 needs, we gave the condition in the previous case.

24 But in this case, we haven't had such a request; and if such a demand -- if such a request is
25 made, then we would not be opposed to that, in principle. But it would be on the

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1 condition that it's done in a language that -- that they speak in a language which is
2 understandable to the members of the Registry.

3 PRESIDING JUDGE STEINER: Has the Prosecution any comment?

4 MR SCALIOTTI: Madam President, no particular comment. We just leave the matter in
5 the hands of the Chamber.

6 PRESIDING JUDGE STEINER: Maître Liriss, the only thing the Chamber can make is a
7 recommendation for VWU, to see whether the only person that speaks Sango is available
8 at lunchtime. If not, we are going to rely on Maître Zarambaud, who already questioned
9 the witness. So the questioning by the legal representatives has come to an end, and the
10 Chamber will allow Maître Zarambaud to see the witness, because the witness wants to
11 see him, under the condition -- and we believe that Maître Zarambaud will exercise his
12 duties in a way compatible with the recommendations of the Chamber, that no exchange
13 about the trial or the evidence or the testimony is made with the witness.

14 It's only for humanitarian reasons, to see whether the witness is feeling better, is afraid of
15 going to the doctor, or such kind of information. And I think we should trust Maître
16 Zarambaud; I'm sure he will keep his conversation with the witness within such limits.

17 (Trial Chamber confers)

18 So the Chamber decides to allow the legal representative to have a short meeting during
19 lunchtime with the witness. The Chamber asks the court officer to get in touch with
20 VWU, to see whether it's possible that the accompanying person that is present during
21 this meeting speaks Sango; otherwise, the meeting can take place in any case and the
22 Chamber will trust Maître Zarambaud that no issues related to the case or to the
23 testimony will be dealt with during this meeting.

24 The Chamber would like to have from Mr Zarambaud a short report on the state of mind
25 of the witness when we resume after the lunch break.

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- 1 The hearing is suspended and we resume at 2.30.
- 2 THE COURT USHER: All rise.
- 3 (Recess taken at 12.09 p.m.)
- 4 *(Upon resuming in closed session at 2.40 p.m.)Reclassified as Open session
- 5 THE COURT USHER: All rise. Please be seated.
- 6 PRESIDING JUDGE STEINER: Good afternoon and welcome back. I apologise for
- 7 the delay. Before we bring the witness in, I was informed that Maître Zarambaud
- 8 would like to take the floor. Maître Zarambaud.
- 9 MR ZARAMBAUD: (Interpretation) Thank you, Madam President. Thank you,
- 10 your Honours. The witness asked to meet me relying on the saying that confidence
- 11 should not exclude cross-checking, and so the Chamber watched closely over this
- 12 meeting as well as the Defence, and this was in order. But as a matter of fact, this
- 13 was not necessary, not for me, not even for the witness, so I went on to meet the
- 14 witness and I realised that all he wanted had no bearing whatsoever on his health
- 15 situation.
- 16 What he told me is that, when I went to Bangui, he had learnt that there was a
- 17 meeting with the victims of his area which he was unable to attend, because he was at
- 18 a far away distance, that is he was at his farm, and was not able to return on time.
- 19 He therefore wanted to know whether he had been identified as a victim and what his
- 20 number was.
- 21 He also told me that he had learnt that the fund had planned to only provide
- 22 compensation to women, who were victims of rape, so I provided him with some
- 23 information on the special funds and issues relating to the Court and I said that all of
- 24 that would be dealt with in decisions from the Court.
- 25 So about his health, I went on to ask him how he felt and he told me that, since 2002,

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 This meeting took place in the presence of an interpreter, as is always the case with
7 familiarisation meetings between legal representatives and witnesses. It was a very
8 brief meeting, as recommended by the Court.

9 That is my report, Madam President, your Honours, regarding that meeting, and I am
10 ready to field any questions you may want to ask.

11 PRESIDING JUDGE STEINER: Maître Zarambaud, I thank you very much for this
12 report on your brief visit to the witness and I think the Chamber just wants to thank
13 you very much, because we know how important it is to some witnesses to feel that
14 there is something -- someone known talking to them and assisting them, so we thank
15 you very much for your cooperation. Unless the Defence has any question to put in
16 that respect?

17 MR LIRISS: (Interpretation) Madam, I was fortunate enough to hear that report
18 before you during an off-the-record discussion with my learned colleague, so the
19 Defence has absolutely nothing to say.

20 MR SCALIOTTI: No question, Madam President, thank you.

21 PRESIDING JUDGE STEINER: Thank you very much. So I will ask, please, the
22 court usher to bring the witness in, and in the meantime just to inform the parties that
23 the witness has a medical appointment for 4.30, so we can just go until 4 o'clock as
24 usual.

25 MR HAYNES: Yes. Perhaps a little earlier? I don't know where it is, the

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- 1 appointment.
- 2 PRESIDING JUDGE STEINER: I was told that 4.00, it will be fine.
- 3 (The witness enters the courtroom)
- 4 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 5 (Open session at 2.47 p.m.)
- 6 THE COURT OFFICER: We are in open session, Madam President.
- 7 PRESIDING JUDGE STEINER: Good afternoon, Mr Witness.
- 8 THE WITNESS: (Interpretation) Good afternoon.
- 9 PRESIDING JUDGE STEINER: Did you manage to rest a little bit?
- 10 THE WITNESS: (Interpretation) Yes, I was able to rest.
- 11 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue giving
- 12 your testimony?
- 13 THE WITNESS: (Interpretation) Yes, the medication I took has made me feel better
- 14 and I can now continue.
- 15 PRESIDING JUDGE STEINER: The Chamber was informed that you have a medical
- 16 appointment after today's hearing, but in any case, if you don't feel well, just let us
- 17 know and we can suspend the hearing earlier if necessary. Is that fine with you, sir?
- 18 THE WITNESS: (Interpretation) Yes.
- 19 PRESIDING JUDGE STEINER: Thank you. Mr Haynes, you have the floor.
- 20 MR HAYNES: Thank you, and good afternoon, your Honour.
- 21 Q. And good afternoon to you, Mr Witness.
- 22 A. Good afternoon.
- 23 Q. Now, before we adjourned at midday, do you recall you were helping us to
- 24 understand the lay-out of your boss's compound and house?
- 25 A. Yes, I remember.

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1 Q. And we were talking about the gate and the door on to the main road. Do you
2 recall that?

3 A. Yes.

4 Q. Was it one of those entries to the compound that was broken when the armed
5 men arrived?

6 A. It was the gate.

7 Q. Thank you. Now, if you stand on the main road and look towards the
8 compound, what stands to the left and to the right of the compound?

9 A. From the main road one can get to the gate, and then you have at that level the
10 foundation for the neighbour's compound. At that time there was no wall in place
11 yet.

12 Q. On which side of your boss's compound is the foundation to the neighbour's
13 compound?

14 A. At the gate, if one drove in in a vehicle, on the driver's side you would find the
15 foundations, and it is from there that he had access to his compound.

16 Q. Okay. And if we imagine we are looking at the compound from the road, is
17 that on the right-hand side, or on the left-hand side?

18 A. To the right.

19 Q. Thank you. Now, what would be on the other side of the compound; on the
20 left-hand side as you look at it from the road?

21 A. There was an empty piece of land, or plot, to the left.

22 Q. Thank you. Was that immediately next to your boss's compound, or was it
23 separated by anything else?

24 A. It was immediately next to my boss's compound, that empty piece of land.

25 Q. And by "empty," do you mean it had no house or building on it?

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1 A. Yes, that is correct.

2 Q. Thank you very much. Now, taking care not to give us any names or really too
3 much detail, ordinarily, how many people lived in the house when your boss was
4 living there?

5 A. There were the following in that house: My boss, his wife and their children;
6 then myself, serving as a guard, but that was usually at night.

7 Q. Did you have somewhere to sleep at the house?

8 A. My job was to be a nightwatchman. I didn't go there to sleep. If I had to sleep,
9 I would have done so at my home. So I was going to work and I would sit on a
10 chair.

11 Q. Thank you very much. How many children were there and did they all have
12 their own bedroom?

13 A. The children were still young. The oldest of them had bunk beds -- or, rather,
14 the younger ones had bunk-beds, while the older ones each had a room to
15 themselves.

16 Q. Okay. Now, after the chief arrived, how many men, or how many people,
17 stayed in your boss's house for the ten days that you were there?

18 A. When the chief took over the compound, I'm not able to tell you the exact
19 number. There was a rotation in the compound. Some came at night and provided
20 guard services, but were replaced by others in the morning, and that is how things
21 happened.

22 Q. Thank you. You've anticipated my next question, which was: Other than the
23 chief, was it different people who stayed there every night?

24 Did you hear that question, or do you want me to put it again?

25 A. I did not quite understand your question. Please, can you repeat it?

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1 Q. Absolutely. Other than the chief, were the people who stayed at the house
2 different on a day-to-day basis?

3 A. I just told you that they worked in turns.

4 Q. And what was the function of these people who stayed at the house with the
5 chief?

6 A. As far as I know, these persons were there to ensure his security. If he had to
7 go somewhere on foot, he could appoint some of them to accompany him to the
8 various neighbourhoods to visit various sites, and these people would work in turns.

9 Q. Thank you very much. During the ten days that you stayed at your boss's
10 house, did the chief go out every day?

11 A. Yes, every day.

12 Q. At what time did he leave?

13 A. In the mornings, after taking his breakfast. Between 7 and 8 a.m. he would
14 take his breakfast in the living room, in the company of his assistant, and after they
15 finished discussing with each other he would go out in his vehicle.

16 Q. What vehicle was that?

17 A. He had a vehicle which he used to go around.

18 Q. Do you know what make it was?

19 A. It was (Redacted)

20 Q. And did he drive it himself, or did one of the people responsible for his security
21 drive it?

22 A. Most of the time he would sit in the back.

23 Q. How many men generally went with him?

24 A. Well, since this was a vehicle with an extended cabin he would sit close to the
25 driver and behind him four or five persons could fit into the vehicle.

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1 Q. Thank you. And were they all persons who had stayed in your boss's house
2 the previous night?

3 A. Those who stood guard in the night could stay for about one or two days. In
4 other words, those who were on duty had to accompany him to wherever he wanted
5 to go.

6 Q. Thank you. And at about what time each day did he return?

7 A. When he went out in the morning, he would usually return at 4 p.m.

8 Q. And did he go anywhere else at 4 p.m.?

9 A. For a second time, no. When he returned in the evenings, he could go out
10 again but this time he would do so on foot.

11 Q. Now, when he was out after breakfast until 16.00 hours, who was left behind at
12 your boss's house?

13 A. Well, you had the security officers; those who ensured security in the
14 compound. They were always there.

15 Q. Did he use this compound as a residence, or as a headquarters?

16 A. He used the compound as his private property. He did whatever he wanted in
17 it. He spent the night there; he took his breakfast there. He did whatever he
18 wanted in the house. He used it as his private property, in other words.

19 Q. Were you aware of any other building that was used by the soldiers as a
20 headquarters?

21 A. To the best of my knowledge, (Redacted)

22 (Redacted) However,

23 within the neighbourhood his officers occupied other houses, other compounds, and
24 sometimes in the evenings he would go out to visit them.

25 Q. Thank you. Now, can we come, during that ten-day period when you were

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1 living in your boss's house, to the jobs you had to do. What meals did you cook?

2 A. I did not cook for them. (Redacted) They were

3 afraid to have me cook for them, because they were afraid that I could poison them.

4 (Redacted) and the female soldiers were responsible for the

5 cooking.

6 Q. Thank you. And was that just for an evening meal, or did you help prepare

7 breakfast?

8 A. No, I did not prepare the breakfast. They did not want me to cook for them.

9 (Redacted)

10 (Redacted)

11 Q. (Redacted)

12 A. In the compound.

13 Q. (Redacted)

14 A. (Redacted)

15 Q. (Redacted) Where did you do that?

16 A. What leaves are you talking about?

17 Q. Well, I'll put it another way because it might have been a translation problem.

18 (Redacted)

19 (Redacted)

20 A. (Redacted)

21 Q. (Redacted)

22 A. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. What do you mean by "at the beginning"?

8 A. I am talking about the time when they just came and found me in the

9 compound. Since they did not trust me, they could not let me go out. They kept

10 me within the compound (Redacted) within the

11 compound. I was there under their supervision.

12 Q. But did there come a time when you ran errands outside the compound?

13 A. After spending some time with them they must have told themselves (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. "From time to time,(Redacted)

17 A. (Redacted)

18 (Redacted)

19 Q. Where did you sleep at night?

20 A. I was outside and for that reason I could not sleep, because there were weapons,

21 there was insecurity reigning in the neighbourhood so (Redacted)

22 (Redacted)

23 Q. The gate that we were talking about, the gate onto the main road, after it was

24 broken was it ever repaired?

25 A. The small gate was not repaired. It was finally repaired by the proprietor - the

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1 owner - after these events.

2 Q. Thank you. When you left after (Redacted) how far away did you go from the
3 compound?

4 A. Well, the place was a bit far away. (Redacted)
5 (Redacted)

6 Q. Well, perhaps you can help us in this way: How long would it take to walk
7 from the compound (Redacted)

8 A. I cannot estimate the amount of time that would take. (Redacted)
9 (Redacted)

10 Q. That's even better. (Redacted)
11 (Redacted)

12 A. That's right.

13 Q. And did the chief or any of his soldiers come after you, or try to follow you, or
14 try to find you, after you left the compound?

15 A. (Redacted)
16 (Redacted)
17 (Redacted)

18 Q. And during the (Redacted) that you were at the compound, did you go anywhere
19 else?

20 A. (Redacted)
21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. (Redacted)

25 (Redacted)

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1 A. I went to a neighbourhood. Do you want me to give you the name of that
2 neighbourhood, because there is another neighbourhood close to that neighbourhood
3 and I went to a third neighbourhood.

4 Q. While you were staying there, did you go back to your own house?

5 A. No, I could not return to my neighbourhood. This was because I considered
6 myself as an escapee.

7 Q. And just so that we are clear, while you were living in the compound, you
8 didn't go back to your own house?

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

10 *(Private session at 3.26 p.m.)Reclassified as Open session

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

12 PRESIDING JUDGE STEINER: Mr Haynes, since he has already answered this
13 question, the answer can be given only in private session. You can repeat the
14 question, please.

15 MR HAYNES: Yes.

16 Q. I wanted to confirm with you that, whilst you were living at your boss's
17 compound, you didn't go back to your own house; is that correct?

18 A. That is correct.

19 MR HAYNES: I'm about to ask him about the next place he went to, (Redacted)
20 (Redacted)

21 PRESIDING JUDGE STEINER: I thought you were going to ask why he didn't come
22 back.

23 Court officer, please turn into public session.

24 (Open session at 3.27 p.m.)

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

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(Open Session)

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- 1 MR HAYNES: Thank you very much.
- 2 Q. When you eventually left the area, (Redacted)
- 3 A. Yes.
- 4 Q. And how long did you stay there?
- 5 A. I spent one month and three weeks, approximately, (Redacted). Therefore,
- 6 approximately two months.
- 7 Q. Thank you very much. And where did you go after that?
- 8 A. After that I went nowhere else, because I remained there.
- 9 Q. Can I put it another way: When did you go back to your home?
- 10 A. After they left the entire sector, after they withdrew - I don't know whether they
- 11 had crossed over - in any case, when they left that neighbourhood, I returned home.
- 12 This was five days after the 15th that I returned home to my house.
- 13 Q. Thank you very much. And by "the 15th," do you mean 15 March 2003, when
- 14 General Bozizé's troops arrived at PK12?
- 15 A. Yes.
- 16 Q. So that we are clear, therefore, you did not set foot in your own house between
- 17 November and the 20th -- November 2002 and 20 March 2003; is that right?
- 18 A. Yes, it is only after General Bozizé took power, then five days later I went back
- 19 to my home.
- 20 Q. Thank you. Now, I don't want to distress you, but I want to ask you just a few
- 21 questions about your family. Do you mind?
- 22 A. Yes, I am.
- 23 Q. When did they leave? Was it before the column arrived, the column of armed
- 24 men, or was it during the period of ten days when you were living in the boss's
- 25 compound?

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1 A. When I was in my boss's compound, they were still in the area. They would
2 leave in the morning and come back in the evening. And then I fled, but they still
3 were in control of the neighbourhood.

4 Q. I'm sorry, Mr Witness, it's probably my fault. I was asking about when your
5 family left. Did they leave while you were at your boss's compound?

6 A. I was still in my boss's compound. Now, because of the events, it was not
7 possible for me to know what had happened to them in terms of their security. I was
8 in my boss's compound and I could not leave.

9 Q. Okay, thank you. Just this: You told us that you found your wife's grave.
10 Where was your wife's grave?

11 A. The grave was (Redacted)
12 (Redacted)

13 Q. (Redacted)

14 A. (Redacted)

15 Q. Thank you very much. (Redacted)
16 (Redacted)

17 A. (Redacted)
18 (Redacted)

19 Q. Okay. Well, it's probably not that important. As far as you understood it,
20 Mr Witness, (Redacted) that your wife had died?

21 A. Yes, she died (Redacted)

22 Q. (Redacted) Mr Witness, were there any Banyamulengue
23 there?

24 A. (Redacted) they had already moved on towards Boali.

25 Q. Okay, well, I'm done with that. I'm sorry, I just had to ask you those two or

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1 three questions. Sir, how are you feeling? We've got about 20 minutes to go. I'm
2 going to move on to something else, unless you tell us you've had enough for today.

3 A. I think we can continue.

4 Q. Thank you.

5 PRESIDING JUDGE STEINER: Mr Haynes, if you don't mind, before you change the
6 topic, I would like to ask a clarification from the witness.

7 Mr Witness, in the session this morning - and I'm referring to page 25, lines 20 to
8 22 - you mentioned, when we were talking about the compound, your boss's
9 compound, you said, "Yes, it was fenced all around on four sides." On line 22 you
10 said that "The walls were built of baked bricks," and then on page 26, line 4, when
11 answering a question of Mr Haynes, you said that the walls were taller than you; is
12 that correct?

13 THE WITNESS: (Interpretation) I told you -- or I never said that there was any
14 barbed wire around the compound. There is a grid at the main gate and there was a
15 small chain on that grid. I never testified that there was a grid all around the
16 compound. I never said that.

17 PRESIDING JUDGE STEINER: Was the compound at the time of the events
18 surrounded by a fence, or a wall, on all sides?

19 THE WITNESS: (Interpretation) The fence around the compound was built in
20 baked bricks, so there was no grid.

21 PRESIDING JUDGE STEINER: Yes, I understand. But then this afternoon, on page
22 34, lines 1 and 2, you said that at the side of the compound, or your boss's compound,
23 there were "... the foundations of the neighbour's compound and that at that time
24 there was no wall in place yet." Which wall you were talking about?

25 THE WITNESS: (Interpretation) What do you want me to tell you? I told you

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1 about the foundation of my neighbour's compound; that is, my boss's neighbour's
2 compound. There was a boundary between the compounds which was made up of
3 a foundation which had not yet been built up, that is, no wall had been built on the
4 foundation, so the foundation was opposite my boss's house, or compound.

5 PRESIDING JUDGE STEINER: So if -- just to make it clear that I understood,
6 because sometimes we have translation problems, there were any walls separating
7 your boss's compound from your neighbour's compound -- from your boss's
8 neighbour's compound, or only the foundations?

9 THE WITNESS: (Interpretation) In front of the main gate there was an empty plot,
10 but on that side all we had was a foundation without a wall. On the side of the tar,
11 the piece of land was vacant, or empty.

12 PRESIDING JUDGE STEINER: Thank you very much.

13 Mr Haynes.

14 MR HAYNES: Let me see if I can help.

15 Q. Did your boss's compound have four walls surrounding it?

16 A. Yes. Yes, my boss's compound had a fence all around it, four walls on all four
17 sides.

18 Q. Thank you.

19 JUDGE ALUOCH: Sorry, Mr Haynes. Was this a wall that was made of bricks? I
20 just want to be very clear.

21 MR HAYNES: I will leave that question as it stands, Judge Aluoch.

22 THE WITNESS: (Interpretation) Yes, it was in brick.

23 MR HAYNES:

24 Q. But by contrast the next door neighbour's property had not yet had a wall built
25 around its compound, had it?

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- 1 A. Yes.
- 2 Q. Okay. I want to move on now, please, to some personalities that you have
3 talked about, and I want to start with the man that we will refer to as "the chief" and
4 in no other way will we refer to him. Do you understand?
- 5 A. I have understood you.
- 6 Q. What did he look like?
- 7 A. He was a Zairean.
- 8 Q. Was he short or tall?
- 9 A. He was tall.
- 10 Q. What age was he?
- 11 A. I am not in possession of his birth certificate and I cannot tell you what his age
12 was. As far as I know, he was a tall man.
- 13 Q. What would you estimate his age to have been?
- 14 A. How do you expect me to just ascribe an age to him like that? I don't have his
15 birth certificate and I have nothing further to say about this.
- 16 Q. Well, forgive me, Mr Witness. You were able to ascribe ages to the other
17 soldiers who arrived with the Banyamulengue; you told us they were 15, 16, 17, 18.
18 What age do you ascribe to the chief?
- 19 A. Well, maybe (Redacted) years old.
- 20 Q. That's quite precise. What did he wear?
- 21 A. How do soldiers generally dress up, particularly an officer? They wear -- or he
22 wore a military uniform.
- 23 Q. Did he wear anything on his head?
- 24 A. No.
- 25 Q. Not ever?

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1 A. I never saw him with a beret, but every now and then he would wear a cap, a

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 MR HAYNES: Well, I better be careful what I say.

9 Q. Did he have a beard or a moustache?

10 A. When one shaves, one must be shaving a beard. That is why I said he had
11 everything he needed for shaving. He had shaving sticks and blades, and he had
12 everything that he needed for shaving himself.

13 Q. So let's be clear, is your evidence that he was a cleanly shaven man?

14 A. Yes.

15 Q. And what sort of build was he?

16 A. He was well-built and * as tall as the lawyer.

17 Q. Where did he come from?

18 A. I was seeing him for the first time, so I do not know whether he came from Zaire
19 or from Zongo.

20 Q. What languages did he speak?

21 A. He spoke Lingala.

22 Q. Anything else?

23 A. I did not have any conversations with him. All I know is that he used to talk to
24 his troops in Lingala.

25 Q. From what you saw, did he appear to take any orders from anybody else in

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1 PK12?

2 A. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. And he was a (Redacted) year old, tall, well-built, clean shaven man who wore a
9 military uniform, but never a beret; is that right?

10 A. That is correct.

11 MR HAYNES: Madam President, I know we have four or five minutes left, but that
12 is a natural break in the sequence of these questions.

13 PRESIDING JUDGE STEINER: So I will ask again for a clarification here in this last
14 series of questions and answers. Mr Witness, you say that he, the chief -- you saw
15 the chief talking "... for extended periods on the telephone and, after the telephone
16 conversations, he would then call his deputies and have a meeting in their language
17 and thereafter they will take their vehicle and go either to Bangui, or elsewhere."

18 Were you informed by anyone from whom he received these phone calls?

19 THE WITNESS: (Interpretation) Yesterday I told you that whenever they finished
20 their conversations M would tell me that the boss had been talking with their
21 president.

22 PRESIDING JUDGE STEINER: So this was more than once that M told you that he
23 had -- the chief had received a phone call from their president?

24 THE WITNESS: (Interpretation) M may have told me once or twice, and he didn't
25 need to tell me over and over again, so whenever I saw him on the phone I thought

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1 that he was having a discussion with the supreme authority.

2 PRESIDING JUDGE STEINER: And in your view who was the supreme authority?

3 THE WITNESS: (Interpretation) Are you talking about the leader of the
4 Banyamulengue or of their president? Who are you referring to?

5 PRESIDING JUDGE STEINER: Who are you referring to? Who was calling the
6 chief on the telephone?

7 THE WITNESS: (Interpretation) As far as I know, it was Bemba. He is the one
8 who was calling the boss.

9 JUDGE ALUOCH: Just one final clarification on the same page, Mr Witness. When
10 you say, "I saw him talk for extended periods on the telephone," how long would you
11 estimate these telephones calls were? Five minutes, ten minutes, or what do you
12 mean by "extended periods"?

13 THE WITNESS: (Interpretation) I am not able to estimate the duration of the
14 conversations, but what I can tell you is that the conversations were extended because,
15 you see, a personality of distinction does not converse briefly, particularly when they
16 have to pass on all the information that needs to be passed on, so it was generally for
17 extended periods.

18 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. This hearing
19 comes to an end today. You have your medical appointment, so you have to leave.
20 We thank you very much for your efforts in coming back to the courtroom to continue
21 giving your testimony.

22 I would like to thank very much the Prosecution team, the legal representatives of
23 victims, the Defence team, Mr Jean-Pierre Bemba Gombo. I thank very much our
24 interpreters and court reporters. We are going to adjourn for today and resume
25 tomorrow morning at 9.30 in the morning.

Trial Hearing

(Closed Session)

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1 I will ask, please, court officer, to turn into closed session in order for the witness to
2 be taken outside the courtroom. In the meantime, we will adjourn and resume
3 tomorrow morning.

4 *(Closed session at 4.02 p.m.)Reclassified as Open session

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

6 (The witness stands down)

7 THE COURT OFFICER: All rise.

8 (The hearing ends in closed session at 4.03 p.m.) Reclassified as Open session

9 CORRECTION REPORT

10 The Court Interpretation and Translation Section has made the following correction
11 in the transcript:

12 *Page 40 line 16

13 "He was well-built and tall."

14 Is corrected by

15 "He was well-built and as tall as the lawyer."

16 RECLASSIFICATION REPORT

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

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

20