

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 Friday, 17 June 2011
9 (The hearing starts in open session at 9.34 a.m.)
10 THE COURT USHER: All rise. The International Criminal Court is now in session.
11 Please be seated.
12 THE COURT OFFICER: Good morning, your Honours, Madam President. We are
13 in open session.
14 PRESIDING JUDGE STEINER: Good morning. Could, please, the court officer call
15 the case.
16 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
17 Prosecutor versus Jean Pierre Bemba Gombo, case reference ICC-01/05-01/08.
18 PRESIDING JUDGE STEINER: Thank you very much. Good morning. Welcome
19 the Prosecution team, legal representatives of victims. Good morning for the
20 Defence team, Mr Jean-Pierre Bemba Gombo. Good morning our interpreters, court
21 reporters. We will continue today with the questioning of Witness 112.
22 Before I bring the witness in, I would like to ask Mr Haynes whether Mr Haynes can
23 foresee finishing its questioning today or not?
24 MR HAYNES: It will be tight. If we get a full day, we have a chance. If there are
25 any significant interruptions because of the witness's comfort, then I fear it will be

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

1 impossible.

2 PRESIDING JUDGE STEINER: I'm sure the Defence will do its best, taking into
3 account that we don't have hearings next week. So whatever we can do to avoid the
4 witness staying in The Hague for one more week, I'm sure we will do.

5 Court officer, please turn into closed session in order for the witness to be brought to
6 the courtroom.

7 *(Closed session at 9.37 a.m.) Reclassified as Open session

8 (The witness enters the courtroom)

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

10 (The witness speaks Sango)

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

12 THE COURT OFFICER: Madam President, we were in closed session since 9.37.

13 (Open session at 9.39 a.m.)

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

15 PRESIDING JUDGE STEINER: Thank you very much. Good morning,

16 Mr Witness.

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

18 PRESIDING JUDGE STEINER: Good morning as well to the VWU accompanying
19 person. Mr Witness, did you manage to rest?

20 THE WITNESS: (Interpretation) Yes.

21 PRESIDING JUDGE STEINER: Have you seen the doctor yesterday?

22 THE WITNESS: (Interpretation) Yes, I had the opportunity to consult the doctor
23 yesterday.

24 PRESIDING JUDGE STEINER: Are you feeling better and ready to continue giving
25 your testimony?

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Private Session)

ICC-01/05-01/08

- 1 THE WITNESS: (Interpretation) Yes.
- 2 PRESIDING JUDGE STEINER: We will do our best in order to try to finish with
- 3 your testimony today, if it's possible of course. Mr Witness, I need to remind you
- 4 that you are still under oath. Do you understand that?
- 5 THE WITNESS: (Interpretation) It is clear, madam.
- 6 PRESIDING JUDGE STEINER: I'm not going to repeat everything again, but I want
- 7 to remind you that you are under protective measures and that in public sessions we
- 8 need to continue using the codes that were agreed upon. Do you understand that?
- 9 THE WITNESS: (Interpretation) Yes.
- 10 PRESIDING JUDGE STEINER: Thank you, Mr Witness. The Defence then will
- 11 continue questioning you and, if for any reason you need a break, just let us know.
- 12 Mr Haynes, you have the floor.
- 13 MR HAYNES: Thank you and good morning, your Honour.
- 14 QUESTIONED BY MR HAYNES: (Continuing)
- 15 Q. And good morning to you, Mr Witness.
- 16 A. Good morning.
- 17 MR HAYNES: Madam President, can we go straight into private session, please?
- 18 PRESIDING JUDGE STEINER: Court officer, please.
- 19 *(Private session at 9.42 a.m.)Reclassified as Open session
- 20 THE COURT OFFICER: We are in private session, Madam President.
- 21 MR HAYNES: Thank you.
- 22 Q. I want to ask you about some other people whom you knew at the time of the
- 23 events, (Redacted) Do you remember him?
- 24 A. Yes, I know him.
- 25 Q. Who was he?

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Private Session)

ICC-01/05-01/08

- 1 A. (Redacted)
- 2 Q. How long did you know him for?
- 3 A. I got to know him a long time ago, when he came to the neighbourhood (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 Q. Where did he come from?
- 7 A. (Redacted)
- 8 Q. And can you help us? For approximately how long he had lived in the
- 9 neighbourhood?
- 10 A. (Redacted)
- 11 Q. And when you say, "in the neighbourhood," how close to you did he live?
- 12 A. (Redacted)
- 13 (Redacted)
- 14 Q. Had he ever been to your house before the events?
- 15 A. (Redacted)
- 16 (Redacted)
- 17 Q. Had he ever been to your boss's house before the events?
- 18 A. (Redacted)
- 19 Q. Thank you. Did you know whether (Redacted)
- 20 A. (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 Q. I'm sorry, it probably wasn't a clear enough question. Do you know whether
- 24 (Redacted)
- 25 A. Concerning his -- their families, I don't know. (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Private Session)

ICC-01/05-01/08

- 1 (Redacted) I couldn't
2 answer that question.
3 Q. I don't know if you know the answer to this, (Redacted)
4 (Redacted)
5 A. In the neighbourhood, (Redacted)
6 Q. Thank you very much. (Redacted)
7 A. I know him.
8 Q. (Redacted)
9 A. Yes, I know her.
10 Q. (Redacted) Is that the same man?
11 A. (Redacted)
12 Q. Yes.
13 A. (Redacted)
14 (Redacted)
15 Q. (Redacted)
16 A. During these events -- well, I don't remember any more. We were fleeing in all
17 directions. We weren't trying to see who went in what direction. We were just
18 concerned with our own safety.
19 Q. Have you seen him since the events?
20 A. I haven't seen him since these events.
21 Q. (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Private Session)

ICC-01/05-01/08

- 1 Q. Do you know his family name?
- 2 A. No, I don't know. (Redacted)
- 3 Q. (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 Q. For what purpose?
- 7 A. (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 Q. (Redacted)
- 12 (Redacted)
- 13 Q. (Redacted)
- 14 (Redacted)
- 15 Q. Did he come to your boss's compound?
- 16 A. Yes, he came with some of his companions. He met me and I called him by his
- 17 name.
- 18 Q. Thank you. (Redacted)
- 19 (Redacted)
- 20 A. (Redacted)
- 21 Q. (Redacted)
- 22 A. No, he never came previously. I never saw him.
- 23 Q. (Redacted)
- 24 A. (Redacted)
- 25 (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Private Session)

ICC-01/05-01/08

1 (Redacted)

2 Q. And when did he first come to the compound?

3 A. The first time he came to the compound, that was when they entered; the very
4 first time that they entered.

5 Q. So was he with the first group?

6 A. The first group who broke down the door, well, I don't know if he was part of
7 that group because I was in a state which didn't allow me to clearly observe what was
8 going on. It was only the next day that I saw him.

9 Q. (Redacted)

10 (Redacted)

11 A. That is correct.

12 MR HAYNES: Thank you. Then can we deal with the first day and I think it is
13 safe now to go back into open session.

14 PRESIDING JUDGE STEINER: Court officer, please.

15 (Open session at 10.01 a.m.)

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

17 PRESIDING JUDGE STEINER: Mr Haynes, please remind the witness.

18 MR HAYNES: Yes.

19 Q. Mr Witness, the public can now hear what you and I are talking about, so please
20 remember not to say anything that reveals or might reveal your identity, and that
21 includes the names of people like those we have just been talking about. If you find
22 it necessary to mention those people then just give us the first letter of their names, so
23 that's "N" and "M." Do you understand?

24 A. Yes, I do.

25 Q. Where were you when the soldiers first arrived?

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

1 A. The first time the soldiers arrived, I told you that I was inside the compound of
2 my boss.

3 Q. Were you alone?

4 A. Yes, I was the only watchman.

5 Q. But just so that we are absolutely clear, there was no member of your boss's
6 family there, or anybody else who worked for him?

7 A. That's correct.

8 Q. Where did you go to to see the soldiers for the first time?

9 A. I did not go anywhere. I told you that I opened the small gate and I saw them
10 pass.

11 Q. Thank you, that's really what I was asking you. Is that the small gate on to the
12 main road?

13 A. Yes, that's correct.

14 Q. And did you open it wide, or did you just open it a little way to look out?

15 A. No, I did not open it wide. I just opened it a bit in order to peep through.

16 Q. And for how long did you open it?

17 A. I do not remember for how long. However, I opened the door slightly and
18 I could see them pass. I thought that there were not many of them, but since the line
19 carried on endlessly I closed the door and I went away.

20 Q. Well, do your best. How many soldiers, or how many people, do you think
21 that you saw?

22 A. I did not count them. There were so many of them and, given the opposition, I
23 could not count them. There were so many of them and they covered the entire
24 neighbourhood.

25 Q. And what did you do once you closed the gate again?

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

1 A. After closing the gate, I did nothing. I merely sat down in an armchair.

2 Q. Do I understand you correctly that, when you looked out of the gate, the line
3 was walking past your boss's house?

4 A. Yes, that is correct. On the other side of the road, they were marching in a line.

5 Q. And how long was it before you decided to hide?

6 A. I just told you that I watched them pass for a while. However, I cannot give
7 you an estimate and say how many minutes but, since they carried on marching
8 through, I estimated that the remainder of them had just closed the door.

9 Q. Where did you hide?

10 A. After closing the gate, I sat down on the armchair on the terrace.

11 Q. I understand that, but you didn't stay in the armchair, did you? You went and
12 hid yourself somewhere?

13 A. When I decided to hide behind the toilet, it was when they were trying to break
14 down the door I realised that the situation had become difficult. I did not know how
15 to escape, and so the only option I had was to hide behind the toilet, so I crouched
16 down behind the toilet.

17 (In the absence of the accused)

18 MR HAYNES:

19 Q. Is the toilet in the house, or outside the house in the compound?

20 A. I am talking about the external toilet. The toilets are located inside the
21 compound, but outside the house. I am not talking about the toilets inside the house
22 itself, because the doors were closed.

23 Q. Thank you. And are the toilets in a separate building?

24 A. The toilets are located in the corner and separate from the main house.

25 Q. It's not desperately important, but do you mean you hid behind the building in

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

1 which the toilets are?

2 A. Yes, it was indeed inside the building which housed the toilet.

3 Q. So -- yes, okay. So you hid inside the building that housed the toilet, or
4 outside the building that housed the toilet?

5 A. I was lying down behind the toilet, on the floor.

6 Q. Okay. And I know it's a long time ago and it's difficult, but can you give us
7 some idea how long after you looked out of the door it was that you went to hide in
8 the toilet?

9 (In the presence of the accused)

10 A. I was sitting in the armchair when I heard the sound of gunfire. There
11 was -- I could hear gunfire from all sides. I heard people trying to break down the
12 door. I didn't know what to do, so I decided to hide behind the toilet. I cannot give
13 you an estimate of the number of minutes.

14 Q. Very well. How many people initially broke into the compound?

15 A. There were five persons.

16 Q. And did you take anything with you when you went to hide in the toilet?

17 A. What could I take? I didn't take anything.

18 Q. Well, you were telling us the other day about your arrow or your spear. Did
19 you take that with you?

20 A. I said if I had a spear in hand, they would have killed me. That spear was
21 there, located close to the kitchen.

22 Q. Okay. Well, I'm clearer about that now. What did these men say to you
23 when they found you?

24 A. They spoke Lingala and I did not understand. When they got in, they started
25 searching everywhere. One of them found me out, and they were speaking Lingala,

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

1 and the others came close to me. When I stood up that one assaulted me. He
2 started beating me with the butt of his gun.

3 Q. Wasn't N with them?

4 A. He was not there.

5 Q. But you saw him that day.

6 A. Well, at that time it was difficult to identify anybody's face.

7 Q. But you did see him that day, didn't you?

8 A. No. On that day, I did not see him. I told you that I saw him the next day.

9 He was living in another sector, and it was only later on that he joined the others in
10 the compound.

11 Q. Okay. I think we might be at cross-purposes. I'm talking about N, the
12 shoe-shiner. You saw him at the compound that day, didn't you?

13 A. During the events, I did not see Mr N. When the others entered the compound,
14 I did not see him. It's only after they did all of what I described to me that I saw him
15 with the others moving around in the neighbourhood.

16 Q. But wasn't it N that pointed out your boss's house?

17 A. In my opinion, yes. Was he the one who pointed out the house to the others?
18 I do not know. In any case, after the compound was looted, I saw him accompany
19 the others. I even called him by name.

20 Q. And where did you see him?

21 A. Even the bottles of oil that were falling were picked up by him.

22 Q. And where did you see him to call to?

23 A. After occupying the house, they brought in their property and they would put it
24 in the house and I saw him in the compound.

25 Q. Was that during hours of daylight?

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

1 A. Yes, it was around 5 p.m.

2 Q. And how long was that after the gate to the compound had been broken down?

3 A. After breaking down the gate, well, they did this at 3 p.m., after doing what
4 they wanted to do. Around 4 p.m., after they had occupied the place, they stopped
5 shooting. They occupied the house, they took away everything that was there and I
6 saw (Redacted) my boss's compound, with the troops.

7 Q. When you say "they took away everything," it was the first group that took
8 away everything, wasn't it?

9 A. Now, 15 people could not take away everything that was located in my boss's
10 house; some would take things and go, another group would come and take
11 whatever they liked. The five soldiers or, rather, the 15 soldiers could not take away
12 everything that was in my boss's house. They would come and they would take
13 away anything they liked.

14 Q. And where were you while this was happening?

15 A. I have told you that they beat me up. I was still inside the compound.

16 Q. Whereabouts in the compound?

17 A. I was inside the compound.

18 Q. Okay. You weren't still in the toilet building, were you?

19 A. After beating me, they did what they wanted to do. They occupied the
20 compound and (Redacted) I remained seated next
21 or close to that (Redacted) but inside the compound.

22 Q. Now, just to be clear, one thing that was not taken was your boss's bed; is that
23 right?

24 A. They ransacked the house. And when the chief came, all he found was the bed.
25 He put a mattress on that bed and that's where he would sleep.

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

1 Q. And during the time that the house was being looted, the chief was not there?

2 A. It was his subordinates who were there.

3 Q. But was he?

4 A. It was only later on that he arrived. The first time they came to retain the
5 house for their chief and when calm returned I don't know if it was they themselves
6 who went and told him but they brought him all the way to the house so that he
7 could occupy it.

8 Q. And was that that day or a later day?

9 A. It was on that same day.

10 Q. Now, can we concentrate on the first elements, as you have referred to them, the
11 first men who came into the compound, the first five. How were they dressed?

12 A. I cannot describe them. I have already answered this question. I answered, I
13 said that they were soldiers and they wore military attire, uniforms.

14 Q. Well, I'm going to remind you of something you said when you were
15 interviewed by the investigators of the ICC. I'll give an English reference for
16 anybody who wants to look it up; it's CAR-OTP-0040-0093. You said, "All of them
17 were wearing uniforms. Some had the trousers with T-shirts; others, the uniform
18 shirt and ordinary trousers. All of them had Rangers on their feet." Do you still
19 agree with that?

20 A. Yes, I can confirm that.

21 Q. And you went on to say at the next page, when you were asked, "How would
22 you describe the uniform?", and you said, "The same type of uniform militaries wear
23 here." Do you agree with that?

24 A. That's right.

25 Q. And when you said, "The same type of uniform militaries wear here," what

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0112

1 militaries were you referring to?

2 A. I wanted to speak to the FACA of our country.

3 Q. Thank you. So the militaries of your country sometimes wear trousers with
4 T-shirts, and other times, wear uniforms with ordinary shirts -- ordinary trousers?

5 A. The soldiers of our country do not usually wear civilian clothing in order to go
6 to work. Those who dress in civilian clothing, with upper clothing civilian and
7 military trousers, those are rebels.

8 THE INTERPRETER: The interpreter did not catch the last sentence of the witness.

9 MR HAYNES:

10 Q. Okay. Can you recall the last sentence you just gave in answer and, if so, can
11 you repeat it?

12 A. I wanted to speak about soldiers. You said that the soldiers of our country
13 dress in civilian clothing or mixed. I say, no, the FACA in my country, they dress
14 normally to make you understand that they dress in military uniform and Rangers,
15 but a rebel does not have the time. They can dress in civilian clothes and military
16 uniform, or in a disorderly way, but the T-shirts that they -- that the troops wore were
17 T-shirts of the FACA, but the trousers could be civilian trousers, and some of these
18 troops wore these civilian trousers, not all of them.

19 Q. I see. Well, what did you mean when you said, "The uniforms that they wore
20 were the same type of uniform that militaries wear here"?

21 PRESIDING JUDGE STEINER: Yes, Mr Scaliotti.

22 MR SCALIOTTI: Madam President, I think that the witness has already given a
23 complete answer to this and also, in light of VWU recommendations that repetitive
24 questions shouldn't be put to the witness, I think that we may move to another line of
25 questions. Thank you.

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: Mr Haynes, I think it's not only repetitive, but you
2 are trying to put in the mouth of the witness something the witness didn't say.
3 I think everyone here in this room understood perfectly what the witness meant
4 when he said that the uniforms were the same the FACA use, the part of the uniform,
5 of course. So I don't see the point on repeating and repeating and repeating this,
6 unless you have -- you can point out for the Chamber the relevance of this repetition.

7 MR HAYNES: It's not repetition, it's clarification, but I'll move on anyway.

8 Q. Where did you see the soldiers of the FACA to be able to make the comparison
9 between their uniforms?

10 A. Well, how can you not see the soldiers of another country? You can see them
11 when they go to PK12, for example, they go and buy some bread. Then you can see
12 the soldiers in their patrols, in the provinces. I think it's from there, that's my basis
13 that I would take to make a type of comparison.

14 Q. I want to ask you about something else you were asked in interview, and you
15 were asked about by Mr Zarambaud yesterday, and it's page 0150 of the interview, in
16 the English version. You were asked: "Did the FACA play any part in assisting the
17 Banyamulengue?" And you said: "The FACA were there, but they did not
18 cooperate with the Banyamulengue because they did not understand one another."
19 Do you recall saying that?

20 A. (No interpretation)

21 Q. And is that correct, in your view?

22 PRESIDING JUDGE STEINER: Mr Haynes, please wait for the translation of the
23 answer, the interpretation of the answer.

24 MR HAYNES:

25 Q. Is it correct, in your view, that the FACA did not cooperate with the

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

- 1 Banyamulengue because they did not understand one another?
- 2 A. That is correct.
- 3 Q. And from where did you get that information?
- 4 A. Nobody gave me this information.
- 5 Q. Well, let's break it down. What did you mean when you said in the interview,
- 6 "The FACA were there?" Where were the FACA?
- 7 A. The FACA were at the checkpoint.
- 8 Q. The checkpoint in PK12?
- 9 A. Yes.
- 10 Q. How do you know they did not cooperate with the Banyamulengue because
- 11 they didn't understand one another?
- 12 A. I know that because some of the FACA who were in the neighbourhood with us
- 13 had seen their houses ransacked by the Banyamulengue. There's a case where the
- 14 Banyamulengue ransacked the house of a FACA.
- 15 Q. Who told you that they did not understand one another?
- 16 A. Nobody told me that; it was my point of view.
- 17 Q. Okay. But what was the basis for you having that point of view?
- 18 A. Yes.
- 19 Q. I'll just try one more time. Did you have any information to form the point of
- 20 view that the FACA did not understand the Banyamulengue?
- 21 A. I didn't have information. This is something that I noted myself.
- 22 (Defence counsel confer)
- 23 MR HAYNES: I understand that the French transcript is not working.
- 24 PRESIDING JUDGE STEINER: At what point did it stop?
- 25 MR HAYNES: It hasn't been working for ten minutes or so, I gather.

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

- 1 It's fine now.
- 2 PRESIDING JUDGE STEINER: It's in the correct line?
- 3 MR HAYNES: I'm told so, yes.
- 4 PRESIDING JUDGE STEINER: Mr Haynes, I was told that the French transcript, as
- 5 a rule, it takes eight to ten seconds to come to the screen. It's a little bit slower than
- 6 the English one, but please let us know if you have the same problem again.
- 7 MR HAYNES: Yes. My only concern of course is that it's in French that the
- 8 accused follows the transcript, but if it's okay now we can --
- 9 PRESIDING JUDGE STEINER: Yes, it's a technical problem. The French always
- 10 come with eight to ten seconds delay. It's the software, so it's nothing we can do.
- 11 THE WITNESS: (No interpretation)
- 12 MR HAYNES: Well, I think even I can understand that.
- 13 THE WITNESS: (Interpretation) Your Honour, I would like to go to the toilet,
- 14 please.
- 15 PRESIDING JUDGE STEINER: Yes, of course, Mr Witness, we can anticipate our
- 16 break. I'm sure the Defence will not oppose.
- 17 MR HAYNES: Of course not.
- 18 PRESIDING JUDGE STEINER: It's 10-to-11, so we are going to suspend to have a
- 19 half-an-hour break. We'll be back at 20-past-11.
- 20 Court officer, turn into closed session for the witness to be taken outside the
- 21 courtroom. In the meantime, we are going to suspend and resume at 20-past-11.
- 22 *(Closed session at 10.49 a.m.)Reclassified as Open session
- 23 THE COURT OFFICER: We are in closed session, Madam President.
- 24 (The witness stands down)
- 25 THE COURT OFFICER: All rise.

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

- 1 (Recess taken at 10.50 a.m.)
- 2 (Upon resuming in closed session at 11.25 a.m.) Reclassified as Open session
- 3 THE COURT USHER: All rise. Please be seated.
- 4 PRESIDING JUDGE STEINER: Welcome back. I'm informed that the interpreters
- 5 are indulging us in allowing us to go until 1, so let's see if we can advance as much as
- 6 possible.
- 7 Court officer, please bring the witness in.
- 8 (The witness enters the courtroom)
- 9 PRESIDING JUDGE STEINER: For the sake of the record I want to thank very much
- 10 not only our interpreters, but our court reporters because without them we could not
- 11 have these extra minutes that we need. So thank you very much for the interpreters
- 12 and court reporters.
- 13 Court officer, please let's turn into open session.
- 14 (Open session at 11.27 a.m.)
- 15 THE COURT OFFICER: We are in open session, Madam President.
- 16 PRESIDING JUDGE STEINER: Thank you very much.
- 17 Mr Witness, welcome back.
- 18 THE WITNESS: (Interpretation) Thank you, madam.
- 19 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue giving
- 20 your testimony?
- 21 THE WITNESS: (Interpretation) Yes, I am ready and available to continue.
- 22 PRESIDING JUDGE STEINER: Thank you very much.
- 23 Mr Haynes, you have the floor.
- 24 MR HAYNES: Thank you, your Honour.
- 25 Q. And welcome back, Mr Witness.

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

1 A. Thank you.

2 Q. I want to move on now to talk about the helicopter that you saw. Do you
3 remember telling us about that?

4 A. Yes.

5 Q. And do you remember telling us that when you saw it, "It was after I had left.
6 It was when I was around the area"? For everybody else's benefit, that's the English
7 transcript of 16 June, page 19, lines 3 to 8.

8 A. When I saw the helicopter, I was in the neighbourhood which was further up.

9 Q. And when you said it was after you had left, you meant it was after you had left
10 the compound? That's right, isn't it?

11 A. It is when I was in the neighbourhood that was situated further up.

12 Q. Thank you. And do you remember precisely where you were when you saw
13 the helicopter?

14 A. I was in the neighbourhood.

15 Q. And do you remember how long it was after you left the compound that you
16 saw the helicopter?

17 A. Do you want me to tell you the time in terms of hours, or days?

18 Q. Days, please.

19 A. It didn't take long and I would say it must have been two to three days.

20 Q. Thank you. And when you were living in the neighbourhood, did you go back
21 to the compound at all?

22 A. No, I walked about only in the other neighbourhood.

23 Q. And so that we're absolutely clear, after you left the compound you didn't see
24 M again?

25 A. When I left my boss's compound I no longer, or I never, returned to that

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

1 compound again.

2 Q. Thank you very much. Now, using your best estimation, when the helicopter
3 landed at the stadium, how far away were you standing from the stadium?

4 A. It was quite some distance away. From that neighbourhood to the school,
5 there is quite some distance. At the time the helicopter landed I happened to arrive
6 somewhat late, and by that time soldiers had already taken up most of the area
7 around the field. At some point the chief hoisted the national flag and he was in the
8 company of some inhabitants of the neighbourhood, but I was not part of that
9 delegation. When we arrived at the location, the soldiers started pointing their
10 weapons at us and chaos broke out.

11 Q. What do you mean by, "When we arrived at the location ..."?

12 A. What I mean is that I was late, since I was still in the neighbourhood, and at that
13 time I learnt that Mr Bemba had arrived in a helicopter. That is why I decided to go
14 see with my own eyes to see that figure of distinction, but I was not even able to see
15 him because the security measures were so stringent that no one could go close to the
16 location. Even the chief who wanted to talk to him was not able to go close enough
17 to have a conversation with him, so those of us who were civilians were very far
18 away from the place at which he was and then we subsequently decided to disperse.

19 Q. So did you go to the stadium?

20 A. I came close to the stadium, but it had already been invaded or crowded by a
21 host of people. In fact, those were soldiers. The inhabitants were kept at bay, or at
22 a distance, and many of them could not get close to that inner circle which was made
23 up of soldiers. In any event, it was not easy to get close to him.

24 Q. Did you see the chief that day?

25 A. Since it was the supreme chief -- it was his supreme chief who had arrived, he

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

1 had to be present. (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. Well, I don't want to be repetitive, but I want to know if you saw the chief that
5 day?

6 A. When his boss arrived I did not see him with my own eyes, but (Redacted)

7 (Redacted)

8 (Redacted) to assemble, and he certainly was there (Redacted) the supreme chief

9 who would then give him instructions which (Redacted)

10 So I was not close enough to the location to see.

11 THE INTERPRETER: From the Sango booth, could the witness be asked again to
12 slow down when answering questions?

13 MR HAYNES:

14 Q. Mr Witness, it's important that what you say is properly translated and, in order
15 for that to happen, you need to speak a little more slowly. Do you understand?

16 A. Yes, I have understood you.

17 Q. How did you know that the chief was there that day?

18 A. (Redacted) wasn't he? It would not have been possible for the

19 supreme chief to arrive only to see the soldiers before him. It is (Redacted)

20 who would have had (Redacted) of being there to receive instructions from the

21 supreme chief and (Redacted)

22 Q. So it wasn't because anybody told you?

23 A. I did not hear about it from anyone.

24 Q. And who was it that told you it was Mr Bemba in the helicopter?

25 A. No one. No one told me but, you see, this was common knowledge.

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

1 Everybody knew that a helicopter had landed at the school yard and a lot of people
2 were running to see. So this was common knowledge, everybody knew and
3 everybody talked about it and that is how I got to understand that Bemba was the one
4 in the helicopter.

5 Q. Now, you told us yesterday that, "When the helicopter was still in flight, I saw it
6 and I could hear the droning of the helicopter." Do you still agree with that?

7 A. Yes.

8 Q. And for how long was it in flight and were you looking at it as it descended?

9 A. I do not know the exact duration and I cannot give you any precise time.

10 Q. Well, how far had you moved towards the stadium during the time it was
11 descending?

12 JUDGE ALUOCH: Mr Haynes, how far in terms of distance, or what do you mean,
13 "How far had you moved?" Maybe you might want to make it clearer for the
14 witness.

15 MR HAYNES: Certainly.

16 Q. What distance had you covered towards the stadium while the helicopter
17 descended?

18 A. Well, the distance from where I was to the school could be about 300 metres.

19 Q. And we've used the word "stadium" before, but was it at the school that the
20 helicopter landed?

21 A. I'm talking about the stadium, the stadium which is part of the school premises.
22 The children used to play football on that field.

23 Q. And so that we're clear, the furthest distance you were from the place where the
24 helicopter landed was 350 metres; is that right?

25 A. Yes, the location at which I was in the neighbourhood before coming to that

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

1 place is the distance that I have given you, by way of an approximation.

2 Q. And how close did you get to the school?

3 A. What have I just told you? I just told you an approximation of the distance
4 that I covered from my house to the school.

5 Q. Okay. Was it a big helicopter or a small helicopter?

6 A. I have told you that I did not come close enough to the aeroplane. Soldiers
7 had occupied the entire area where their president was. Even the crowd of curious
8 people who wanted to see the president were -- was unable to do so.

9 Q. But you saw it when it was in flight, and you heard the droning of its engines.
10 Help us: Was it a big helicopter or a small helicopter?

11 A. It was flying over far away from my position, and I -- I'm not able to estimate
12 the size of the helicopter.

13 Q. Then what colour was it?

14 A. Yesterday you asked me that question, and I told you that I did not come close
15 enough to the helicopter to tell you the colour. The helicopter was flying in the air,
16 far away from my position. And I already answered this question yesterday,
17 Counsel.

18 MR HAYNES: Can we, therefore, please have placed into eCourt Defence
19 document number 2, and to start off with, in English we want CAR-OTP-0040-0125.
20 This is a confidential document and should not be broadcast.

21 PRESIDING JUDGE STEINER: What is the purpose of displaying, Mr Haynes?
22 Are you asking the witness to confirm something?

23 MR HAYNES: I will read it to him, but I'd like it on the screen so everybody can see
24 it. Really for everybody else --

25 PRESIDING JUDGE STEINER: No, it's just for the convenience of having displayed

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0112

1 for the witness the French version.

2 MR HAYNES: Well, given the instructions of VWU, I wasn't going to ask him to
3 read anything himself.

4 PRESIDING JUDGE STEINER: Okay.

5 THE COURT OFFICER: Document CAR-OTP-0040-0109, first redacted version, at
6 page 0125 is available on the screens. You can press the "PC1" button to view the
7 document. This document is confidential.

8 MR HAYNES: Can we go to the bottom of the page, please.

9 Q. Sir, this is your interview. I don't expect you to read it. I will read out what it
10 says carefully, and it will be translated to you and then I will ask you some questions.

11 You were asked by the investigators: "How do you know Bemba landed at the
12 stadium of Begoua?" And you replied: "At that time no plane was flying around.
13 That day, however, a helicopter came. Then, in the evening, M told me that it was
14 the president who came." Is that what you said to the investigators of the ICC?

15 A. Further above - that is, in the first part of my statement - well, there is a part in
16 which I told them that Bemba had come. So maybe there was a mistake somewhere.

17 Q. Did you tell the investigators of the ICC that M told you it was Bemba who had
18 arrived the evening that the helicopter came?

19 A. No, I did not say that it was M who told me. They asked me a question on the
20 arrival of the helicopter, and I told them that it is M who told me that since his boss
21 (Redacted) whom he called "President" -- so
22 when the helicopter landed, people were saying that it was Bemba who had arrived,
23 and that is how I became aware of it. I can confirm the rest of my statement but I
24 don't confirm this part of the statement.

25 Q. You see, we all agree that this is an accurate record of what you said, and the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0112

1 investigators have recorded that that is what you told them. Are you saying it is
2 inaccurately recorded?

3 A. That particular segment, no. No, that person did not tell me anything, and I
4 would not appear before this Court to lie on his behalf.

5 Q. Very well. The investigator goes on to say, "Who was M referring to when he
6 mentioned the president?", and they have recorded you as saying "Bemba." Did you
7 say that?

8 A. Yes. Now, as for the point on communication between (Redacted) and someone
9 else, I put the question to M and in answer M told me that it was their president.

10 Q. So that bit is accurately recorded? It is what you said?

11 A. Yes, that is correct.

12 Q. We will have to go over the page in a minute, but the next question that the
13 investigator asked you was: "How do you know the chief was also at the stadium?",
14 and you said: "I knew it because the chief went there with (Redacted) that he used
15 to drive. I don't know if he had taken it from people. Besides, most of the elements
16 in the neighbourhood moved there to the stadium." Did you say that to the
17 investigators of the ICC?

18 A. Yes.

19 Q. How did you know about the (Redacted) that he used to drive?

20 A. When I was still with them, he used to drive in that (Redacted)

21 Q. How did you know he went to the stadium that day in the (Redacted)

22 A. Well, I know that because, in the day, he used to drive around in that (Redacted)
23 and that would have been the only possible vehicle he would have used to go to the
24 stadium.

25 Q. Thank you. The investigator next asked you: "Did you go to the stadium as

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0112

1 well?", and you replied: "No, I couldn't." Did you say that to the investigators of
2 the ICC?

3 A. Yes. They asked me the question whether I'd been able to go to see him myself.
4 I said I hadn't managed to, hadn't managed to see him with my own eyes. I hadn't
5 been able to get close to the place where he was.

6 Q. And the next question was: "So, someone told you that the chief was going to
7 the stadium?", and you said: "M told me." Did you say that?

8 A. You know, when you give a statement with interpretation, it's very difficult. If
9 there are some things that aren't communicated well, then people think we're liars.

10 Q. Did you tell the investigators of the ICC that M had told you that the chief went
11 to the stadium, or not?

12 A. When I fled from the place where M was, I didn't see him again. I couldn't
13 come across him so that he could speak to me about the stadium, no.

14 Q. Well, you've anticipated my next questions. If you did tell the investigators of
15 the ICC, as they have recorded, that M had told you that Bemba came in a helicopter,
16 that would have been quite untrue, wouldn't it?

17 A. That's right.

18 Q. And if you had told the investigators of the ICC that M had told you that the
19 chief went to (Redacted) at the stadium, that would also have been quite untrue,
20 wouldn't it?

21 A. I didn't say that.

22 Q. Well, apparently, you did. I want to know why.

23 PRESIDING JUDGE STEINER: Mr Haynes, if he is saying that he didn't, I think the
24 question you just put has no sense at all. What are you trying to obtain from the
25 witness?

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

1 MR HAYNES: Well, I don't think I'm in controversial territory by suggesting we all
2 accept that these interviews are properly recorded and properly translated and they
3 properly reflect what a witness said when interviewed by the investigators. If we're
4 going to go down the line of undermining that fundamental trust in these
5 proceedings, I don't know where we are.

6 PRESIDING JUDGE STEINER: Mr Haynes, you're being too sophisticated, in my
7 view, in the way you are putting the question to the witness. How could the witness
8 know whether his answers were well or badly translated? What you are suggesting
9 is that he said something that he had already said he didn't say. So, can you
10 rephrase, please, your question. It's in line 9, "I didn't say that," and you put the
11 question, "Well, apparently you did. I want to know why?" Why what?

12 MR HAYNES: I'll put it another way.

13 PRESIDING JUDGE STEINER: Yes.

14 MR HAYNES:

15 Q. If you did tell the investigators of the ICC that M told you that Bemba had
16 arrived in a helicopter and M told you that the chief had gone to (Redacted) why did
17 you do that?

18 A. Since I started testifying before this Court, I haven't denied my statement, but
19 it's this precise point that I do not accept. During my questioning they were
20 speaking different languages. There was Sango, there was another person speaking
21 English, and errors could come into it.

22 Q. Before you started to give evidence, did you have the opportunity to listen to
23 what you said in these interviews?

24 A. No. I saw a video recording, or heard a video recording, but I think I'm a
25 human being. We're all human beings. We can all mistakes.

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

1 Q. Are we talking about a video recording of the interview?

2 A. Well, in fact, what video are you talking about? Which video are we speaking
3 about?

4 JUDGE ALUOCH: You're certainly at different wavelengths. Maybe you come
5 down to his level. You are at different wavelengths. That's why there's a bit of a
6 problem.

7 MR HAYNES:

8 Q. What video are you telling us that you watched before you started to give
9 evidence?

10 A. I told you that my statement, which was recorded, these -- I didn't completely
11 reject them since we started this hearing, but if I have denied a part of it, that is
12 because that's justified. In fact, can we move aside from these video aspects and
13 move on to something else?

14 Q. Did you have the opportunity to review your statements before you started to
15 give evidence?

16 PRESIDING JUDGE STEINER: Mr Scaliotti.

17 MR SCALIOTTI: Thank you, Madam President. I think that the witness has
18 sufficiently clarified the point and, in my view, in keeping these questions, the only
19 result we can get is just to confusing more and more the witness and to get him
20 distressed. So I think we should probably move to another topic. Thank you.

21 PRESIDING JUDGE STEINER: Maître Liriss.

22 MR LIRISS: (Interpretation) Your Honour, I think that it has to be done, and
23 you've repeated this. We have to have a balance between the two interests. There
24 is here a statement which the witness is challenging, and this is his right. Now,
25 Counsel Haynes wants to know if, before his testimony, he had the opportunity to

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0112

1 read, to re-read this statement. He answered, "Yes," and he followed that with -- or
2 that he followed a video. Now, Counsel Haynes wanted to ask another question
3 before -- before testifying before your Chamber, and you've given an opinion with
4 regards to your statement and this is something that he was going to do. Now, how
5 would that -- how could that trouble the witness?

6 There has to be a fair balance between all the interests. I understand the concern of
7 protection of a witness, but it does seem to me that this concern also has to be
8 counterbalanced with the need that there is to discover the truth. For the moment,
9 there's no harassment. There's absolutely nothing which could cause distress or
10 cause confusion for the witness. Undoubtedly, a question as put, these are perhaps
11 overly-complicated for the witness; perhaps one could ask for much more simple
12 questions, much shorter questions rather than such academic ones.

13 It's not a matter of putting such questions but the witness has to indicate how the
14 question's put, but I don't think it's excessive. I would therefore ask you to allow us
15 to put this question, perhaps reformulating it differently.

16 Thank you, madam.

17 PRESIDING JUDGE STEINER: Maître Liriss, the Chamber is allowing, 99 per cent
18 of the time, the Defence to put whatever questions the Defence deems necessary. So
19 the Chamber will not accept any suggestion that there has been no balance on the
20 interests of protection of the witness, and the interests of the Defence.

21 What the Chamber is trying to avoid, that some words said by the witness are picked
22 and choosed (sic) in order to try to confuse the witness, to put in the witness's mouth
23 something the witness didn't say, or to take conclusions that are not the witness's
24 conclusions. And more than that, taking into account that many times it's quite
25 reasonable, but we have to recognise that we have interpretation problems.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0112

1 So I think we could make things easier for the witness and not more complicated for
2 the witness. In one point, on page 33, the witness says that "I saw video recording or
3 heard a video recording." And at one point the witness asked, "What video you are
4 talking about?" Some it could be easier to clarify if it was a video, it was a tape
5 record.

6 The witness said in the first day when he appeared before the Court that he heard his
7 statement, not that he saw a video. So let's try to clarify in that way, in a simple way,
8 not telling the witness, "So, but you say you didn't -- you didn't say that, but you did
9 and what you say that you did and if you did ..." It's not on the benefit of the parties
10 and not on the benefit of the Defence mainly, these kinds of questions that put the
11 witness under distress. So that's why, Maître Liriss, let's proceed. And I am asking
12 please, Mr Haynes, to put the questions in a more simple way, not so sophisticated
13 way trying to confuse the witness. Maître Liriss.

14 MR LIRISS: (Interpretation) If you would allow me to take your time and patience
15 here, but I think I have to rectify something that you said on the previous page, 37.

16 The Defence does not say that there is an imbalance, and perhaps you are right when
17 you speak about questions of interpretation.

18 The Defence is suggesting - and repeats - that, as you have not ceased saying yourself,
19 it is necessary to keep a balance. And here I'm only taking up again your own terms,
20 the terms of the Chamber, but the Prosecution hasn't drawn the conclusion according
21 to which there is an imbalance. Going from this concern that you have I have asked
22 that in this case, perhaps instead of putting aside the question, we see that it's put
23 differently and this is what you've just said.

24 I don't want the Chamber to think that in the minds of the Defence there is -- we are
25 convinced that there's an imbalance. No, that's not the case. I'm only referring to

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0112

1 your concern that there be balance and to ask that the questions be put differently,
2 and it was important that I state that. Thank you, madam.

3 PRESIDING JUDGE STEINER: Thank you very much, Maître Liriss, for trying to
4 make it clear what you intended to say. Could we continue, Mr Haynes?

5 MR HAYNES: Thank you, your Honour.

6 Q. When you began your evidence, Madam President asked you, "Have you been
7 given the opportunity to read, or have read to you, the statement or statements that
8 you made to the Court?", and you said, "Yes, I had the opportunity to listen to the
9 audio recording," and that is why I asked you the question I did. Did you listen to
10 your statement, or statements?

11 A. Yes. Yes, I was able to listen to the recording - an audio recording - and I saw
12 that there were some errors. I suppose it was the part in question that we are
13 currently discussing.

14 Q. In what language did you listen to the audio recordings?

15 A. Well, what language do I speak? Sango.

16 Q. Thank you. And when you listened to the recordings in Sango, you just told
17 us you were able to see that there were some errors. What errors were you able to
18 see?

19 A. I don't remember them all, but I can give you a few examples. It was said that
20 I said that the person had been transported in -- he was transported in a wheelbarrow,
21 but I didn't say that. I said that he was pushed along in a cart.

22 Q. You just told us that the errors, "I suppose it was the part in question ..." What
23 did you mean then?

24 A. In fact, either you focus on the subject, in particular the recording that we're
25 speaking about, or we speak about another subject which is very precise, but I find

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Private Session)

ICC-01/05-01/08

1 that you're confusing me and I don't feel at ease.

2 Q. Well, I will finish with this topic shortly, but I want to be clear. Could you
3 hear that there were errors in Sango?

4 A. Yes, but that's what I'm speaking about. For example, I was speaking about a
5 cart, but in the written statement they talked about a wheelbarrow. Is that not an
6 error?

7 THE INTERPRETER: The interpreter adds that in the previous answer he also
8 stated that he was suffering a bit from malaria.

9 PRESIDING JUDGE STEINER: Mr Haynes, if you will allow me? Court officer,
10 please turn into private session.

11 *(Private session at 12.23 p.m.)Reclassified as Open session

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

13 PRESIDING JUDGE STEINER: Mr Witness, in the part that Defence counsel read to
14 you, in which it's said that (Redacted) that Bemba had come in the
15 helicopter, you say that this is not what you said to the investigators. I think the
16 Defence wants to know whether, in your view, there has been a mistake when the
17 investigators mentioned that you said that (Redacted)that Mr Bemba was in the
18 stadium.

19 THE WITNESS: (Interpretation) (Redacted) when I left from my
20 boss's house. (Redacted) when I was still with them. After I left
21 the compound, (Redacted)

22 PRESIDING JUDGE STEINER: So when you heard the tape with your statement in
23 Sango, did you notice that there was this mistake in your statement, or not?

24 THE WITNESS: (Interpretation) Yes, that's one of the errors. When I listened to
25 the recording - the audio recording - I also heard it said that the person was

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0112

1 transported in a cart. It wasn't a cart. They said it was in a wheelbarrow. No, it
2 was in a cart. That was one of the errors that I wanted to mention.

3 PRESIDING JUDGE STEINER: And this reference (Redacted) is also a
4 mistake, in your view?

5 THE WITNESS: (Interpretation) Do you want to talk about when (Redacted)
6 (Redacted) I don't know. I don't know when -- when Bemba arrived I was in the
7 neighbourhood a bit further up, but when I was still with them they only spoke about
8 their boss. They gave the name of Bemba. That's all that I know.

9 PRESIDING JUDGE STEINER: Let's go back into open session, please. Mr Haynes,
10 I tried.

11 MR HAYNES: It may be simpler if we arrive at some sort of agreement as to the
12 contents of the statement in due course.

13 (Open session at 12.28 p.m.)

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

15 MR HAYNES: Thank you.

16 Q. Mr Witness, before the events, when did you ever have the opportunity to see a
17 Thuraya?

18 A. Before these events, I didn't know a Thuraya.

19 Q. When did you come to know about Thurayas?

20 A. I heard people speak about Thurayas and I saw that in the hands of the
21 commander.

22 Q. When did you hear people speak about Thurayas?

23 A. During these events, when they came to PK12.

24 Q. Who, in particular, spoke about Thurayas? And if it's a name, please just use
25 the initial.

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

- 1 A. It is M who talked to me about Thuraya.
- 2 Q. Thank you. Do you know what a Thuraya is and how it works?
- 3 A. I did not know what a Thuraya was. You see, before the events, it was very
- 4 expensive to run a telephone. It could cost 100 - to 150,000 and it was impossible for
- 5 someone like myself to buy such an instrument or such an appliance.
- 6 Q. Did, for example, your boss have a cell phone before the events?
- 7 A. He had a telephone.
- 8 Q. But so that we're clear, is that a telephone that he could walk around with and
- 9 use anywhere or a telephone in his house?
- 10 A. He had a mobile phone.
- 11 Q. Okay. Thanks. I appreciate you didn't have a mobile phone yourself but,
- 12 during the events, were you aware of any problems with the mobile phone network
- 13 in the Central African Republic?
- 14 A. During those events, the phone that worked properly was that large device that
- 15 the commander was using. You know, during that time, the inhabitants had fled;
- 16 nobody was around. And, furthermore, it is only those who had the resources who
- 17 would have been able to acquire telephone devices.
- 18 Q. Okay. Well, that's good enough for me. Did you see the chief use one or both
- 19 of the communications devices he had?
- 20 A. I often saw him use the bigger device.
- 21 Q. Did you never see him use the smaller device?
- 22 A. No, I did not see him use the small telephone to call anyone. Most of the time
- 23 he used the bigger device.
- 24 Q. Right. Now, the only time that you and he were together was before he left in
- 25 the morning and when he came back in the evening. Do you agree with that?

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

1 A. Yes.

2 Q. And when he went out in the morning, did he take the bigger device with him?

3 A. Yes, he always had it on him.

4 Q. And did you understand that it would work anywhere he was?

5 A. Yes.

6 Q. Now, when he came back in the evening, what did he do, generally?

7 A. I was not in a position to know where he went. Maybe he went about to
8 perform his duties. In the morning, before leaving, he would talk to his troops in
9 their language. Then he will drive away in the vehicle, and then the vehicle might
10 come back at around 10 a.m. to take some food away, cassava flour, some fish. And,
11 at that time, he would not be in the vehicle when it returned to the house at around
12 10 p.m. -- 10 a.m.

13 Q. Okay. But when he came back in the evening, did he stay inside your boss's
14 house?

15 A. When he would come back in the evening, he would rest for some time before
16 going out again, but usually on foot followed by his troops. Then he would go to
17 the various sites, visit his troops and go from neighbourhood to neighbourhood to
18 meet his troops.

19 Q. And when -- where were you in the evening when he came back to the
20 compound?

21 A. I did not move; I was always within the compound.

22 Q. But were you inside or outside the house?

23 A. I was in the compound. I did not have access to the house or to go inside the
24 house. I would be outside on the verandah or on the grounds and whenever the
25 boss would call me, or the chief would call me, I would go up to the verandah and I

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0112

1 would do that with the interpreter. So I didn't have access to the house proper.

2 Q. Thank you. And did the chief spend any of his time outside in the compound?

3 A. He often stood on the balcony or verandah.

4 Q. How many times do you say you saw him talk into the communication device?

5 A. I don't know how to answer you. It was possible for him to use it in the
6 morning or in the evening.

7 Q. Well, I don't really know how to change the questions. How often or how
8 many times did you see him talking on the Thuraya?

9 A. When I was still within the compound, he usually talked on his Thuraya.

10 Q. So was it every day?

11 A. Yes.

12 Q. How many times a day did you see him talking on the Thuraya?

13 A. Maybe twice a day he would make calls with his Thuraya - sometimes in the
14 morning and maybe again in the evening - but I never heard that phone ring. I don't
15 know whether he is the one who called or whether he was receiving the calls. That, I
16 don't know.

17 Q. And where was he when you saw him talking on the Thuraya?

18 A. Whenever he used that phone he would move towards one part of the house,
19 within the compound.

20 Q. What part of the house was that?

21 A. Towards my boss's bedroom. There is a corridor which runs to the end, and
22 that is the position towards which he often moved in order to use the telephone.

23 Q. So just to clarify, you said whenever he used that phone he would move to this
24 part of the house, "He always made calls from inside the house," is that correct, or
25 received calls?

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

- 1 A. It was outside, on the side of the house.
- 2 Q. Okay, and where would you be?
- 3 A. I was also within the compound, either doing (Redacted) or taking care of some
- 4 household chores.
- 5 Q. Okay. Can we just clarify a few points about language. You do not speak
- 6 any Lingala, do you?
- 7 A. I do not speak Lingala.
- 8 Q. And without somebody telling you that it is Lingala, you cannot recognise it
- 9 when it is spoken; is that right?
- 10 A. If someone is speaking Lingala, I would know that it is Lingala. Even if one
- 11 doesn't know the language, one is able to recognise the language when it is spoken.
- 12 Q. Okay. And you speak some French as well; is that right?
- 13 A. I do not speak French.
- 14 Q. Can you recognise French when you hear it being spoken?
- 15 A. Yes, I would know.
- 16 Q. Did you ever hear the chief speaking French?
- 17 A. When he called his troops, he always did so in Lingala.
- 18 Q. Moving on. M was not a natural Sango speaker, was he?
- 19 A. M spoke perfect Sango.
- 20 Q. Okay. Thank you. Now, when the chief spoke into the communication
- 21 device, were you able to hear him talking?
- 22 A. Given that I am not a Zairean, how would I have been able to understand?
- 23 Q. I understand why that question didn't work. Could you actually hear the
- 24 sound of his voice?
- 25 A. Whenever he spoke on the phone, I did not pay attention to what he was doing.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0112

1 I was taking care of my own domestic work, so I wasn't paying attention to him when
2 he was talking on the phone.

3 Q. So you were unable to hear, for example, what language he was speaking on the
4 phone?

5 A. No. I simply saw him communicating through his telephone, and that is it.

6 Q. Did you know who he was talking to every time he talked into the telephone?

7 A. M had already stated a long time ago, during one of our discussions, that he
8 was talking to their boss; namely, their president. So why do you think that I would
9 pry into finding out who was on the other side of the phone?

10 Q. Well, that's really my point: Did you understand that every time he used that
11 phone, he was speaking to his boss?

12 A. That was my understanding.

13 Q. So, from your observation, that was every day, twice a day; is that correct?

14 A. Yes.

15 Q. Well, I'd just like to have a look again, please, at your interview. It's the same
16 document, document number 2 on the Defence list. Sorry, it's document number 1
17 on the Defence list, and the last four ERN numbers -- the last four numbers of the
18 ERN number on the English is 0100. And for everybody else's benefit, it is right at
19 the very bottom of the page. Of course, it's a confidential document.

20 Mr Witness, I'm going to read what you said to the investigators, apparently. You
21 were asked: "From your observation, how often did Bemba call the chief ...", and I
22 won't read the last two words, and you said: "He called him once, and what
23 convinced me (Redacted) was that he called for a second time and two
24 days later he came and landed at the stadium." Oh, I'm sorry.

25 Did you tell the investigators of the ICC that Mr Bemba called the chief once or

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0112

1 maybe twice?

2 A. Yes, that is correct. He had asked me how often, on a daily basis, he called;
3 how often did he call on a daily basis.

4 THE INTERPRETER: From the Sango booth, the interpreter was unable to grasp the
5 last segment of the witness's answer.

6 MR HAYNES:

7 Q. Sir, you might have been speaking a little bit too quickly because we didn't get
8 all of your answer. So I'll put the question again: Did you tell the investigators that
9 Bemba called the chief once and then a second time?

10 A. Yes, he called him and then called him again. That is what I know.

11 PRESIDING JUDGE STEINER: Mr Haynes, would you mind if we suspend two
12 minutes before?

13 MR HAYNES: Absolutely no problem whatsoever. We can suspend now, if you
14 like?

15 PRESIDING JUDGE STEINER: Mr Witness -- Mr Witness, we are having now our
16 lunch break. You'll have lunch, take some rest and I have already asked VWU to
17 provide you with a sweater, or something, in order for you not to feel cold. It's
18 1 o'clock now. We will resume at 2.30.

19 Court officer, please turn into closed session in order for the witness to be taken
20 outside the courtroom, and in the meantime we are going to suspend and resume at
21 2.30.

22 *(Closed session at 12.59 p.m.)Reclassified as Open session

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

24 (The witness stands down)

25 THE COURT OFFICER: All rise.

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

- 1 (Recess taken at 1.00 p.m.)
- 2 (Upon resuming in closed session at 2.40 p.m.) Reclassified as Open session
- 3 THE COURT USHER: All rise. Please be seated.
- 4 PRESIDING JUDGE STEINER: Good afternoon and welcome back. Could, please,
- 5 the court usher bring the witness in.
- 6 Mr Haynes, any hope?
- 7 MR HAYNES: Yes, there is. He answers questions very concisely and I think we'll
- 8 finish in time.
- 9 (The witness enters the courtroom)
- 10 PRESIDING JUDGE STEINER: Let's turn into open session, please.
- 11 (Open session at 2.47 p.m.)
- 12 THE COURT OFFICER: Madam President, we're in open session.
- 13 PRESIDING JUDGE STEINER: Thank you. Good afternoon, Mr Witness.
- 14 THE WITNESS: (Interpretation) Good afternoon, ma'am.
- 15 PRESIDING JUDGE STEINER: Are you feeling well and ready to continue giving
- 16 your testimony?
- 17 THE WITNESS: (Interpretation) Yes.
- 18 PRESIDING JUDGE STEINER: Mr Haynes, I'm sure that we can count again on the
- 19 indulgence of our interpreters and this 15-minutes' delay will not be discounted from
- 20 the Defence. You can take the floor.
- 21 MR HAYNES: Thank you very much, your Honour.
- 22 Q. Mr Witness, I'd like to start this afternoon by paying you a compliment. You
- 23 have plainly listened to my questions and you have answered them to the point and
- 24 concisely, and because of that your examination has gone a lot more quickly than I
- 25 thought it would. If you can just carry on doing the same for a little longer, we

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

1 should be able to finish the process of your examination this afternoon. Do you
2 understand?

3 A. Yes, it's clear.

4 Q. Okay. And you have also been very good at making sure that we stick to the
5 codes. Just try to avoid speaking too quickly, so that we get full interpretations of
6 your answers, okay?

7 A. (No audible response)

8 Q. I see you nod. I'd like to go back to M, okay? Did you ever find out what his
9 role was within his military unit?

10 A. M was a soldier.

11 Q. But did you ask him what his particular job was at any time?

12 A. No, I never asked him that.

13 Q. Well, I'm going to read you another little passage of your interview with the
14 Prosecutor. For those following the English, the last four digits of the ERN are 0146,
15 and you were asked: "Did you ever ask M what his role was amongst the
16 Banyamulengue?", and you replied: "I asked him, but he told me that it was not
17 convenient for a military to reveal such a secret to a civilian." Do you remember that
18 exchange with M?

19 A. Yes.

20 Q. And why do you think he wouldn't give you military secrets?

21 A. Because I was a civilian. He had no reason to share military secrets with me
22 because I could sell such secrets.

23 Q. Thank you very much. Generally, was his role to translate instructions to carry
24 out domestic tasks to you?

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

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0112

1 THE INTERPRETER: Correction from the English booth: "Because I could disclose
2 such secrets to the public."

3 *(Private session at 2.53 p.m.)Reclassified as Open session

4 THE COURT OFFICER: Madam President, for the record, we're in private session.

5 PRESIDING JUDGE STEINER: Let's try to continue in private session. This last
6 question could identify the interlocutor.

7 MR HAYNES: Okay, I'll put the question again.

8 Q. Generally, M translated for you instructions to carry out domestic tasks, didn't
9 he?

10 A. He was the only one who could speak Sango.

11 Q. And he was primarily a soldier; is that correct?

12 A. Yes.

13 Q. (Redacted)

14 he would come and tell you that you were required to do it, would he?

15 A. Yes.

16 Q. When the chief went out during the day, did M go with him?

17 A. No, he did not accompany him. He would stay within the compound.

18 Q. Okay. (Redacted)

19 (Redacted)

20 A. (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. I want to remind you of another conversation you told the investigators about,
24 and it's at page 0133 of the English transcript of the interview. The investigator said
25 to you: "You said the instructions that the Banyamulengue had received was to kill

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0112

1 all the men between 15, 18 and so on. Who gave the Banyamulengue that
2 instruction?" You said: (Redacted) that the instruction was given by their
3 president." Do you remember that exchange?

4 A. Yes.

5 Q. (Redacted) who had asked the Banyamulengue to come
6 to the Central African Republic?

7 A. No, I did not discuss (Redacted)

8 Q. Do you know who did?

9 A. Did what?

10 Q. Who asked the Banyamulengue to come to the Central African Republic?

11 A. I do not know. I only saw the Banyamulengues arrive, and the information
12 (Redacted) was that their president, Bemba, had sent them.

13 Q. Do you recall the conversation you had when (Redacted) the
14 chief was speaking on the telephone?

15 A. Yes, I remember.

16 Q. Was anybody else present?

17 A. No one else was present.

18 Q. And how long was the conversation?

19 A. Well, you are questioning me on this telephone conversation which was carried
20 out by a personality, a figure of distinction. Now, if the chief wants to talk to his
21 Chief of Staff, he takes all the time he needs. They talk for as long as they need until
22 their conversation is exhausted.

23 Q. I'm sorry, Mr Witness, that was my fault. I meant how long was (Redacted)
24 (Redacted)

25 A. It was a brief -- it was a brief conversation. Their chiefs had been discussing

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0112

1 for a long time, and after that I put a very short question to him, asking him who the
2 commander had been discussing with, and he gave me a brief answer, and that was it.
3 So it was a very brief conversation.

4 Q. Thank you very much. Where did the conversation take place, and at what
5 time of day?

6 A. We never had any conversations at night. After the discussion the troops will
7 go to their various positions. Some of them went out and took up positions in front
8 of the compound, while others were playing draught or chequers within the
9 compound, and every now and then I would be close by, or near them.

10 Q. So did it appear to you that the conversation resulted in decisions being taken
11 about the combat situation?

12 A. Well, I did not seek to find out what they had been talking about and, by the
13 way, these were telephone conversations. How was I -- how would you expect me
14 to be aware of the content, or the nature of those conversations?

15 Q. Okay. And was the brief reply that (Redacted) to the effect that the chief was
16 talking to the president?

17 A. Yes, that is correct.

18 Q. And did you only have one such conversation with (Redacted) during the time
19 you were in the compound?

20 A. We did not have any discussions on any other topics. After that brief
21 discussion, he went out to do what he had to do and I also attended to my own
22 business.

23 MR HAYNES: Thank you very much indeed. We probably could have gone into
24 open session a little earlier, but it enabled me to use the word (Redacted) more freely,
25 so could we try to go into open session now, please?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0112

1 PRESIDING JUDGE STEINER: Yes, we can. Just remind the witness of the codes,
2 please.

3 (Open session at 3.07 p.m.)

4 THE COURT OFFICER: Madam President, we're back in open session.

5 MR HAYNES:

6 Q. I want to deal quite briefly, please, with a document that you have looked at
7 before. It is Defence document number 7. Can it be put on the screen for
8 identification purposes by the witness? It is a confidential document and it should
9 not be broadcast.

10 Well, Mr Witness, I can't see that very well. Can you see it?

11 Now, there is a name there of the chef du village. Please do not mention it, but I
12 wonder if you could tell me where was the chef du village during the events that we
13 have been talking about?

14 A. When the gunshots started to ring out, people were escaping and no one knew
15 where others were escaping to.

16 THE INTERPRETER: Comment from the Sango booth, the interpreters did not hear
17 the last part of the witness's answer.

18 MR HAYNES: Okay.

19 Q. Do you remember the last part of your answer and, if so, can you repeat it?

20 A. When there was firing, no one attended to anyone else. I was in the compound
21 and I was not able to see how people were fleeing and to determine in which
22 direction they were going.

23 Q. Did you see the chef du village before you left the neighbourhood and went to
24 PK35?

25 A. No, I did not have the opportunity to do so.

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

1 Q. And you told us yesterday that you didn't go into your house between the day
2 the troops arrived and 20 March 2003; do you recall?

3 PRESIDING JUDGE STEINER: Yes, Mr Scaliotti.

4 MR SCALIOTTI: Madam President, I would like the Defence to give the reference in
5 the transcript because, to my recollection, the witness didn't say "from the day that
6 the troops arrived." Just from the top of my head, I remember that he said
7 November 2002. But I don't think he said "from the day that the troops arrived." In
8 any event, if the Defence can give us the reference, I would appreciate.

9 PRESIDING JUDGE STEINER: Please, Mr Haynes.

10 MR HAYNES: I'm doing my best to get this done today. We'll give a reference in
11 due course.

12 Q. Did you set foot in your house between November 2002 and 20 March 2003?

13 A. November 2002 to 15 March? Well, five days prior to 15 March, I had spent
14 five days or some days there before returning.

15 Q. Did you see (Redacted) during the month of November?

16 A. I did not see him in November.

17 Q. When did you next see him?

18 A. It was after 15 March, when they had already left. Then, five days later, I
19 returned.

20 Q. And what state was your house in when you got back?

21 A. When I returned to my house, I was not able to recognise my house and the
22 entire neighbourhood had been -- was in ruins.

23 Q. (Redacted) the same person that it is now?

24 A. Yes, the same.

25 Q. And I just want to be clear. (Redacted) did he and you

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

1 walk around your house?

2 A. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. Now, that cannot have been in 2002, can it, because you left the area in 2002 and
8 didn't come back until 20 March 2003?

9 A. Yes, indeed. During the events -- well, on 1 November 2002, that would reflect
10 the period during which the events took place and it is for that reason that all of that
11 was included in the file.

12 MR HAYNES: Can we go to the bottom of the document, please.

13 Q. Sir, you can obviously read this from your last answer. Can you see that at the
14 bottom of this document it says, "Fait à Begoua, 5 fevrier 09"?

15 A. (Redacted) who wrote this down, so the mistake must be his.

16 Q. Well, what mistake has he made?

17 A. The mistake on the date. Did he write "2002," "2009"? That is where the
18 mistake is.

19 Q. Well, it can't have been 5 February 2002, can it, because that would be nine
20 months before the events?

21 A. It must be a mistake, because I met him after to make some corrections and then
22 he gave me the document after it had been signed and stamped.

23 Q. It can't be 5 February 2003 either, can it, because you weren't in Begoua then?

24 A. 5 February 2003? Well, I told you already that I left on 15 March to return to
25 Begoua. It's thereafter that I called on them to come and take note of what had

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

1 happened, but these events happened between 2002 and 2003.

2 Q. Okay, well let's see if we can help you in another way. Do you know how the
3 Office of the Prosecutor got in touch with you as a potential witness?

4 A. I do not know.

5 Q. Well, were you contacted by telephone, or by some other means, to go and meet
6 with investigators?

7 A. Regarding the meeting with investigators of the Office of the Prosecutor, it was
8 through my boss. I don't know when they met him. It is only subsequently that
9 my boss came and -- well, he didn't talk to me, but then one day my phone rang and I
10 heard people talking in English. The interpreter was nearby and I then tried to
11 answer them. Then we talked and took an appointment and then I got to meet them.

12 Q. How long after the telephone call was the first appointment?

13 A. They called me let's say today and then we had an appointment to meet the next
14 day.

15 Q. Okay. Do you remember the date on which you first met investigators from
16 the Office of the Prosecutor?

17 A. I no longer remember.

18 Q. Well, let's see if I can help you. This is Defence document number 1 and the
19 last four numbers of the ERN in English are 0082: "Before we start, I would like to
20 note for the record any previous meetings you have had with representatives of the
21 Office of the Prosecutor. I would like to refer to a previous meeting with you on
22 7 February 2009, where you met with ... and briefly talked about the events in CAR
23 between 2002 and 2003. Do you recall?", and you said, "Yes." Does that help you as
24 to when you first met with investigators from the Office of the Prosecutor?

25 A. I did not retain the date, but I remember the meeting.

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

1 Q. Good. (Redacted)

2 (Redacted) two days before that first meeting?

3 A. (Redacted) and during that time I did not meet them

4 again, but at the time of our meeting they asked me for documents and I gave the
5 documents to them.

6 Q. But was that a document you had only had for two days?

7 A. No, no, the documents I gave them were not just two days old. They were
8 documents I had in my files at home.

9 Q. Very well. What, according to your understanding, was the purpose of
10 making this document?

11 A. (Redacted)

12 (Redacted)

13 (Redacted) I did nothing else.

14 Q. (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. Why do you do that?

18 A. (Redacted)

19 (Redacted)

20 Q. I see. (Redacted) or did you decide to do it for
21 yourself?

22 A. (Redacted)

23 Q. How do you know Bernadette Sayo?

24 A. I know Ms Bernadette Sayo because, at that point in time, I was working on the
25 road and (Redacted) That was the

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

1 first time. The second time, it was because she was the headmistress of a school and
2 she (Redacted)

3 Q. So how long have you known her?

4 A. I cannot estimate the time in terms of number of days. I knew her several
5 years ago. We started working between 1996 and 1998 on the road. We used to go
6 to Bangui from Damara, Bangui to Sibut. That is in the provinces.

7 Q. When and in what circumstances did she tell you she had been a victim of rape?

8 A. With Mrs Sayo, we could not discuss such a point. It was the young people of
9 PK22 who buried her husband, who told me about it, and it is this lady who gave
10 them the information; namely, that she was raped. Her daughters were also raped,
11 and her husband was killed. But she did not give me this account herself. She did
12 not tell me about what had happened to her herself.

13 Q. Are you a member of OCODEFAD?

14 A. No. *I'm hearing that name from you for the first time.

15 Q. How did you know it was an NGO?

16 A. I do not know it. I just told you that I'm hearing it here, I'm hearing about it
17 here for the first time.

18 Q. Did you continue to have contact with Mrs Sayo after the events?

19 A. No, I did not seek to meet her.

20 Q. Now, I can put it onto the screen so that you can see it if you like, but let's see if
21 we can do it without that. Have you filled in a victim's participation form in relation
22 to what happened to you?

23 A. No one gave me a form to complete.

24 MR HAYNES: Could we then just put onto the screen, please, Defence document
25 number 8? It's a confidential document.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0112

1 THE COURT OFFICER: Counsel, please for the record can you kindly read out the
2 ERN number for the document? Thank you.

3 MR HAYNES: Yes. Well, it's one of those strange documents that doesn't have a
4 standard ERN number. It's ICC-01/05-01/08-188-Conf-Anx18. I wonder if we could
5 go to the very last page of that document?

6 PRESIDING JUDGE STEINER: Sorry, Mr Haynes. The number I have here is not
7 the same. You said document number 8 of your list?

8 MR HAYNES: I did.

9 PRESIDING JUDGE STEINER: It's not this number then. It's
10 ICC-01/05-01/08-909-Conf-Anx4_R.

11 MR HAYNES: That's correct. I'm very sorry. I'm looking at a previously redacted
12 version which has a different number on it. That's the mistake.

13 Q. This is attached to a victim's application form we have. It's the same
14 procès-verbal we were just looking at, isn't it? Do you recognise that?

15 A. Yes.

16 Q. And can we go forward in the document to page number 3. I don't want to put
17 upon you unfairly, but is that your name that we see there?

18 A. Yes, that's my name.

19 Q. And are those the names of your parents?

20 A. Yes.

21 Q. And can we go to page 18 in the document, please. Can you see on the top line
22 again your name there?

23 A. Yes.

24 Q. Do you have any knowledge of the document you've just been looking at?

25 A. I know this document. I recognise it because I can see my name on it and my

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0112

1 mother's name.

2 Q. Well, did you have any help in filling it out and, if so, who from?

3 A. I do not remember having filled out a document of this nature with anyone.

4 Q. Thank you very much. Just a few more questions. Does your boss know
5 where you are at the moment?

6 A. Yes, he does.

7 Q. When did you last speak to him?

8 A. With who?

9 Q. With the man who used to be your boss.

10 A. Are you talking about my discussion with him? Well, there was indeed a
11 discussion during which he asked me to resume my work, and I said no. After that,
12 I really don't remember. I met him at the time when he asked me to resume my
13 work, and I said no. When the investigators arrived and they called me, I was a bit
14 surprised because I asked myself how did they come to know about me, to know my
15 name. That same evening I went to my boss's house to tell me -- to tell him that
16 certain individuals had called me on my phone and he said, indeed, they had called
17 him and he informed them of what had taken place in his compound and that he
18 could not provide them with any precise information and that (Redacted)
19 (Redacted)

20 Q. And have you seen him since then?

21 A. After that I was taking care of my own business. You know, the only ties I had
22 to him were, or was, the job I was doing for him. What reason did I have, therefore,
23 to go back to his home to bother him?

24 Q. I don't want there to be any misunderstanding. Does he know you are
25 currently here in The Hague as a witness in this case?

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

1 A. I do not know. I do not know, because when I was leaving, I did not discuss
2 this with anybody.

3 Q. Thank you. Then that did clear up a misunderstanding. Does the chef du
4 groupe know that you're here as a witness? Apologies, chef du village.

5 A. But when I left to come here, I did not say anything to anybody, even to my
6 own child. How then could I have given such information to a stranger?

7 MR HAYNES: Can we just finish in private session for a couple of minutes.

8 PRESIDING JUDGE STEINER: Court officer, please.

9 *(Private session at 3.52 p.m.)Reclassified as Open session

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

11 MR HAYNES: Thank you very much.

12 Q. I just want to give you three names and see if you can tell me whether they are
13 known to you. (Redacted) do you know him?

14 A. I do not know him.

15 Q. (Redacted)

16 A. You know, the neighbourhood is a big one, so I am not in a position to locate or
17 determine their homes.

18 Q. (Redacted)

19 A. Even that one, I do not know him.

20 MR HAYNES: Can we go back into open session, please.

21 PRESIDING JUDGE STEINER: Court officer, please.

22 (Open session at 3.53 p.m.)

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

24 MR HAYNES: Mr Witness, thank you for answering all my questions. I'm finished

25 PRESIDING JUDGE STEINER: Mr Haynes, I think you owe us a reference requested

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

1 by Prosecution.

2 MR HAYNES: It's T-130, the edited transcript, page 35, lines 16 to 19.

3 PRESIDING JUDGE STEINER: Thank you very much. I would like to ask whether
4 Prosecution intends to re-direct?

5 MR SCALIOTTI: No, Madam President, the Prosecution will not re-direct this
6 witness. Thank you.

7 PRESIDING JUDGE STEINER: Mr Witness, that means that you concluded your
8 testimony before this Court. And before you leave the Court, I would like to express
9 the thanks of the Judges for the time and trouble that you have taken to come to this
10 country to give evidence in this trial. In order for us, the Judges, to find the truth in
11 the case, it is critical that witnesses such as yourself are prepared to come to the Court
12 to give evidence and to assist us on the relevant issues of the case. We are aware that
13 this must certainly have been inconvenient for you. You therefore leave us in order
14 to go back home with our thanks but, before you leave Mr Witness, I would like to
15 ask you whether you would like to say something to the Court.

16 THE WITNESS: (Interpretation) I don't have much to say. I wish to particularly
17 thank the Prosecutor and all the members of the jury who took measures to ensure
18 that I come here. They watched over me, they ensured that I slept well, that I ate
19 well, and with God's help, I have been able to complete my testimony. And now
20 that I am about to return home, my prayer is that God should protect you all and
21 bless you.

22 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. And we wish
23 you a calm, a nice and safe journey back to your home country.

24 I ask, please, the court officer to turn into closed session in order for the witness to be
25 taken outside the courtroom.

Trial Hearing
Witness: CAR-OTP-PPPP-0112

(Open Session)

ICC-01/05-01/08

1 *(Closed session at 3.58 p.m.)Reclassified as Open session

2 THE COURT OFFICER: Madam President, your Honours, we're in closed session.

3 (The witness is excused)

4 PRESIDING JUDGE STEINER: I ask the court officer, please, to turn into open
5 session.

6 (Open session at 3.59 p.m.)

7 THE COURT OFFICER: Madam President, we're back in open session. Thank you.

8 PRESIDING JUDGE STEINER: Thank you, court officer. I ask, please, the
9 interpreters and court reporters just to give me five minutes for reading a very short
10 oral decision.

11 It's an oral decision on the application to question Witness 108 submitted by legal
12 representatives of victims.

13 On 1 April 2011, Maître Zarambaud filed with the Chamber an application on behalf
14 of the victims he represents to question Witness 108, filing 1342-Conf-Corr. The
15 application contains a list of seven sets of questions.

16 On 8 June 2011, Maître Douzima filed with the Chamber an application on behalf of
17 the victims she represents to question Witness 108. It's filing 1491-Conf. The
18 application contains a list of four sets of questions.

19 Having considered the reasons given by Maître Zarambaud and Maître Douzima as
20 to why the personal interests of the victims they represent are affected, the Chamber
21 by majority allows both applications in full. The majority considers each proposed
22 question to be relevant and admissible. Judge Ozaki dissents with respect to
23 question 3.1, 4, 5 and 7 of Maître Zarambaud. The Chamber notes that question 2 by
24 Maître Zarambaud pertains to the witness's security concerns and should therefore be
25 asked in private session.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0112

1 As the parties and participants are well aware, we don't have hearings next week.
2 We will adjourn today and resume on Monday, the 27th. Due to the difference in
3 time between The Hague and CAR, we will start at 10.30 in the morning instead of
4 9.30. The parties will be informed in due time whether the hearing will take place in
5 Courtroom 1, or Courtroom 2.

6 I would like to thank very much the Prosecution team, legal representatives of victims,
7 the Defence team, Mr Jean-Pierre Bemba Gombo. Again, I thank very, very much
8 our interpreters and court reporters, court officer, court usher. We will adjourn and
9 resume on Monday, 27 June. This hearing is adjourned.

10 THE COURT USHER: All rise.

11 (The hearing ends in open session at 4.03 p.m.)

12 The Court Interpretation and Translation Section has made the following correction
13 in the transcript:

14 *Page 50 line 14

15 "No. You just -- I'm hearing the name of the NGO from you for the first time."

16 Is corrected by

17 "No. I'm hearing that name from you for the first time."

18 RECLASSIFICATION REPORT

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

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

22