

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

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 Monday, 28 November 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 -- could, please,

15 court officer call the case. My microphone.

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.

19 Good morning. I welcome Prosecution team. Could, please, the Prosecution team

20 introduce its members.

21 MR BIFWOLI: Good morning, Madam President, your Honours. On the

22 Prosecution side we have Mr Jean-Jacques Badibanga, trial lawyer; Horejah Bala-Gaye,

23 associate trial lawyer; Frédérique Besse, case manager; Justin Nari, language assistant;

24 and I am Thomas Bifwoli, associate trial lawyer. Thank you.

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

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1 representatives of victims. Maître Douzima, Maître Zarambaud. Good morning to
2 the Defence team, Mr Jean-Pierre Bemba Gombo. Good morning our interpreters,
3 court reporters.

4 We will start today with the testimony of Witness 69. Before the witness comes in, I
5 will say a few words about his testimony.

6 The Chamber received on Thursday, 24 November 2011, an assessment from VWU,
7 Victims and Witnesses Unit, regarding the witness. In its assessment, the VWU
8 recommends that the witness be afforded certain special measures to facilitate his
9 testimony. VWU explains that the witness is illiterate, has poor eyesight and has
10 difficulty understanding complex or abstract questions.

11 Let's go very briefly into private session, please.

12 *(Private session at 9.37 a.m.) Reclassified as Open session

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

14 PRESIDING JUDGE STEINER: In addition, the witness has expressed concerns that
15 he may become emotionally overwhelmed during his testimony.

16 We can turn back into open session, please.

17 (Open session at 9.38 a.m.)

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

19 PRESIDING JUDGE STEINER: The VWU therefore recommends that the witness be
20 provided with a support assistant who will sit with him in the witness box and will be
21 able to point out who is taking the floor at any given time.

22 The VWU also recommends that the parties and participants use simple, open-ended
23 questions, put in a non-confrontational manner.

24 Finally, the VWU recommends that the witness should not be asked to read or write
25 anything due to his illiteracy and if need be should be provided with reading

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1 assistance.

2 Under Rule 88 of the Rules of Procedure and Evidence the Chamber may order

3 special measures to facilitate the testimony of a vulnerable witness. In light of the

4 VWU's assessments and due to the extremely traumatic nature of the crimes allegedly

5 suffered by the witness, the Chamber orders the following special measures: First, a

6 support assistant will be permitted to sit next to the witness during his testimony.

7 The support assistant will be permitted to point out to the witness who is taking the

8 floor, which should help with the witness's poor eyesight.

9 Second, because of the witness's poor eyesight, the parties and participants are to

10 identify themselves clearly when they take the floor. At this stage of the case this

11 should be second nature, but the parties are asked to make a particular effort to be as

12 clear as possible.

13 Third, the parties and participants are not to ask the witness to read or write anything.

14 He is illiterate and, as said above, has eyesight problems, so this would be a fruitless

15 exercise.

16 Fourth, the parties and participants are to take extra care in forming their questions.

17 Questions should be as simple and straightforward as possible. They are to be posed

18 in a neutral manner.

19 Let's turn briefly into private session, please.

20 *(Private session at 9.42 a.m.) Reclassified as Open session

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

22 PRESIDING JUDGE STEINER: Fifth and finally, the parties and participants are to

23 take special care when questioning the witness about the sexual violence he allegedly

24 suffered. For obvious reasons, testifying about such matters is likely to prove

25 distressing and embarrassing for the witness. The parties and participants are

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1 therefore instructed to avoid unnecessary intrusive questions and to try to formulate
2 questions about sexual violence in the most neutral manner possible.

3 The Chamber appreciates that this may prove to be a difficult task, but we ask the
4 parties and participants to do their utmost to make their questions as manageable for
5 the witness as possible.

6 With those preliminary matters dealt with, we can now bring the witness in and for
7 that purpose I ask the court officer to turn briefly into closed session for the witness to
8 be brought into the courtroom.

9 *(Closed session at 9.44 a.m.) Reclassified as Open session

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

11 (The witness enters the courtroom)

12 WITNESS: CAR-OTP-PPPP-0069

13 (The witness speaks Sango)

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

15 (Open session at 9.46 a.m.)

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

17 PRESIDING JUDGE STEINER: Thank you.

18 Mr Witness, good morning. Mr Witness, good morning.

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

20 PRESIDING JUDGE STEINER: Mr Witness, I am Judge Steiner, the Presiding Judge
21 of this Chamber. On my right side we have Judge Joyce Aluoch and on my left side
22 Judge Kuniko Ozaki, so you are testifying before three Judges of Trial Chamber
23 I -- sorry, Trial Chamber III. Before anything, Mr Witness, before we start, I need
24 you to take the oath and the court officer will help you by reading to you the wording
25 of the oath and I ask you, please, to repeat the wording of the oath.

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1 Court officer, please. Sentence by sentence is better.

2 THE COURT OFFICER: "I solemnly declare".

3 THE WITNESS: (Interpretation) Thank you. I solemnly declare today that I have
4 come here before this Court to give testimony about what I saw and what I did not
5 see, so I am giving this oath today to tell the truth.

6 THE COURT OFFICER: "I solemnly declare that I will speak the truth, the whole
7 truth and nothing but the truth."

8 THE WITNESS: (Interpretation) Very well, I have come here to tell the truth. I
9 will testify about what I saw. I won't give testimony about things I didn't see. I
10 swear solemnly before this Court that I shall tell the truth, all the truth and nothing
11 but the truth before the Judges.

12 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. Now that you
13 have taken the oath, can you confirm that you understand that the oath means that
14 you must give answers to questions asked of you that are true and accurate to the best
15 of your knowledge and belief?

16 THE WITNESS: (Interpretation) Yes.

17 PRESIDING JUDGE STEINER: Mr Witness, as the staff of Victims and Witnesses
18 Unit have explained to you during your familiarisation process, you will be
19 questioned first by the Prosecution. He is at your right side. Then you will be
20 asked -- you will be questioned by the legal representatives of victims. They are sat
21 close to the Prosecution. And, finally, you will be questioned by the Defence. The
22 Defence bench is at your left side.

23 You have at your side a support assistant from the Victims and Witnesses Unit that is
24 very welcome to this courtroom as well. He will be with you during your testimony.
25 He will be able to help you by for instance pointing out who is speaking at any given

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1 moment. The Chamber understands that you have some trouble with your eyesight
2 and this measure is designed to help you with that.

3 Is that okay with you, sir?

4 THE WITNESS: (Interpretation) That suits me. I entirely agree with what you
5 have just said.

6 PRESIDING JUDGE STEINER: Mr Witness, as you know, the Chamber has put in
7 place protective measures to protect your identity from the public. Therefore,
8 during your testimony you will be called "Witness 69" or "Mr Witness." Nobody will
9 mention your name. Your voice and also your image that are broadcast outside the
10 courtroom are being distorted, so the public cannot identify you by your voice and by
11 your image.

12 In order to keep your identity protected, it is important, Mr Witness, that when we
13 are in public session, open session --

14 THE WITNESS: (No interpretation).

15 PRESIDING JUDGE STEINER: You can speak if you want.

16 THE WITNESS: (Interpretation) May I speak? I am now -- am I now allowed to
17 speak? Can I introduce myself and give my identity to you?

18 PRESIDING JUDGE STEINER: Not yet, Mr Witness. Just wait.

19 THE WITNESS: (Interpretation) Very well.

20 PRESIDING JUDGE STEINER: You will be identified soon, but in private session.
21 We don't want you to identify yourself in public session because your identity is
22 protected. So when it's time for you to identify yourself, we --

23 THE WITNESS: (No interpretation).

24 PRESIDING JUDGE STEINER: When it's time for you to identify yourself, we go
25 into private session. In private session nobody can hear what you say, only here

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1 inside the courtroom. Do you understand that, Mr Witness?

2 THE WITNESS: (Interpretation) I understand.

3 PRESIDING JUDGE STEINER: Mr Witness, because we speak different languages,

4 there is interpretation. We have interpreters here. Everything I say, everything you

5 say, it's being interpreted in Sango, French and English because we need to

6 understand each other. Because we have interpreters, Mr Witness, it is very

7 important that you speak slower than normal, very slow, and when someone finishes

8 to put a question to you you need to wait a few seconds before you start giving your

9 answer in order to allow the interpreters to complete the translation. We call that

10 "the five-seconds golden rule." Sometimes, Mr Witness, I will have to interrupt you

11 and ask you to slow down and I hope you don't take offence. This is necessary for

12 practical reasons to allow the interpreters to do their job.

13 Do you understand that, Mr Witness?

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

15 PRESIDING JUDGE STEINER: And, Mr Witness, during your testimony if at any

16 time you feel tired, or distressed, or for any reason you need a break, you just let us

17 know and we can go into a break in order for you to take some rest. Is that fine with

18 you, Mr Witness?

19 THE WITNESS: (Interpretation) That's fine with me, Madam President, because

20 I'm very shortsighted and I would like to thank you for having taken these measures.

21 PRESIDING JUDGE STEINER: Mr Witness, now I have a few important questions

22 to put to you. During your familiarisation process, did someone read your

23 statements to you?

24 THE WITNESS: (Interpretation) Yes, I did have this opportunity presented to me

25 as soon as I arrived.

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1 PRESIDING JUDGE STEINER: Mr Witness, at the time when you made the
2 statements, did you do so voluntarily?

3 THE WITNESS: (Interpretation) No, I only recounted to the investigators what
4 I had lived. Nobody forced me or obliged me to do anything. Nobody mistreated
5 me.

6 PRESIDING JUDGE STEINER: When you made these statements, is the information
7 that you provided true and accurate to the best of your knowledge and
8 understanding?

9 THE WITNESS: (Interpretation) Yes, this is what I lived, this is what I saw and
10 that is what I recounted. I cannot accuse anybody, I cannot behave like a child, and
11 God will not accept this.

12 PRESIDING JUDGE STEINER: Mr Witness, in case the parties or the Chamber
13 wants to have your statements as evidence in this case, do you have any objection?

14 THE WITNESS: (Interpretation) I have no objection to make. Why would I?
15 These are the statements I made and I am here before you and I have this opportunity
16 today to live the proceedings, or live through the proceedings, or to experience the
17 proceedings.

18 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. Now I will
19 give the floor to the Prosecutor. He's going to introduce himself and start making
20 some questions, putting some questions to you. You have the support assistant at
21 your side and, if need be, I remind you that we go into private session. We are in
22 public session, so don't say anything that can identify you when we are in public
23 session. Bear this in mind during the -- during your whole testimony.

24 Mr Bifwoli, you have the floor. The Prosecution now will start questioning you.

25 MR BIFWOLI: Thank you, your Honours.

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1 QUESTIONED BY MR BIFWOLI:

2 Q. Good morning, Mr Witness.

3 A. Merci.

4 Q. Mr Witness, my names are Thomas Bifwoli and I represent the Office of the
5 Prosecutor. I will be asking you questions about the experiences which you have
6 already discussed with the investigators from the Office of the Prosecutor before. In
7 order to understand each other, and for Judges to hear you well, it is very important
8 that you speak slowly and clearly into the microphone and address the Judges. Do
9 you understand?

10 A. Yes, I do understand.

11 Q. I also request that, whenever a question is posed to you, at least take five
12 seconds. You can quietly count up to five before you give the answer. The reason
13 for doing this is to allow the interpreters time to be able to interpret what me and you
14 are saying. You understand that?

15 A. I understand.

16 Q. You may feel that I am asking repetitive or obvious questions, but it is crucial
17 for the Court to understand the basis of your knowledge of the facts, meaning what,
18 when, how and why you experienced the events that you are testifying. If you do
19 not understand any question that is asked to you, it is very important that you say so.
20 Is that right with you?

21 A. Yes, that's fine.

22 Q. If you don't know the answer to any question, just say "I don't know." It is
23 okay if there are some things that you do not remember. There are no good and bad
24 answers. Just testify to what you know, or to what you can inform the Court what
25 your sources of information are. Do you understand?

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1 A. Yes, I have understood you correctly.

2 Q. And finally before we get into private session, I remind you that if you want to
3 have a break, as Madam President has already informed you, please do not hesitate.
4 Say so and you will be given as many breaks as you need.

5 Your Honours, I request that we get into private session so that I can pose questions
6 about the personal (Overlapping speakers).

7 THE WITNESS: (Interpretation) I have understood.

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

9 *(Private session at 10.11 a.m.) Reclassified as Open session

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

11 (Pause in proceedings)

12 PRESIDING JUDGE STEINER: Mr Witness, we are in private session. You can see
13 that the green light is on, which means that you can speak freely because nobody
14 outside the courtroom can hear what you say. Do you understand this proceeding,
15 Mr Witness?

16 THE WITNESS: (Interpretation) Yes, I understand it very well.

17 PRESIDING JUDGE STEINER: Mr Bifwoli, you have the floor.

18 MR BIFWOLI: Thank you, your Honours.

19 Q. Mr Witness, as Madam President has stated, we are in private session and what
20 you will say will only be heard within this Court, so feel free to state as much -- many
21 details as you think are necessary and do not fear that this information will be heard
22 or known by anyone who is out of this courtroom. You understand?

23 A. Yes, I understand that.

24 Q. Sir, could you tell the Court your full names, please?

25 A. My name is (Redacted). I am (Redacted)

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1 (Redacted)

2 Q. When were you born?

3 A. I am (Redacted) years of age. I was born in (Redacted) and then (Redacted)

4 (Redacted).

5 Q. What is your nationality?

6 A. I hail from Bangui and I am of Central African nationality.

7 Q. Are you married?

8 A. Yes, (Redacted).

9 Q. What languages do you speak and understand?

10 A. The Sango language.

11 Q. Apart from Sango, do you speak or understand any other language?

12 A. Not at all. I only know Sango.

13 Q. Do you know a language called Banda?

14 A. Of course. As you have just said, yes, you are right. In fact, in the Central
15 African Republic I am of (Redacted) ethnicity and I also speak the (Redacted) language.

16 Q. Thank you for that clarification, Mr Witness. What is your level of education?

17 A. I can tell you in all honesty, ladies and gentlemen of the Court, I am illiterate. I
18 have never been to school and since colonial times I have never been to school.

19 Q. Thank you, Mr Witness, for clarifying that to the Court. You told the Court
20 that you are (Redacted). For how long have you been (Redacted)?

21 A. I thank you for the question that you just put to me. (Redacted)

22 (Redacted) I have never been convicted, I have never been
23 placed in custody and I am still (Redacted). I left Bangui in
24 order to come here and I still hold (Redacted).

25 Q. Which locality or neighbourhood (Redacted)?

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1 A. Thank you very much. I believe I told you that I am (Redacted)

2 (Redacted). The name of my neighbourhood is (Redacted)

3 (Redacted). I still live in these surroundings. I still live in this location, (Redacted)

4 (Redacted).

5 THE INTERPRETER: Could the witness please be requested to speak more slowly,

6 says the Sango booth. The English interpreter did not catch the end of his answer

7 because he was speaking too rapidly.

8 MR BIFWOLI:

9 Q. Mr Witness, thank you so much. However, I wish to bring to your notice that

10 the Sango interpreters are requesting that you speak a little bit slowly. You

11 remember we requested that you try to speak slowly for them to be able to interpret.

12 A. (No interpretation).

13 Q. We'll keep on trying. We know it's difficult, but we'll keep on trying and we'll

14 keep reminding you where you forget and go a little bit faster. Thank you. So,

15 Mr Witness, did you hold this position (Redacted) between 2003 and -- 2002

16 and 2003?

17 A. Yes, during that period I was indeed (Redacted) and to date I am still (Redacted)

18 (Redacted). As I told you, I have held (Redacted) now and, as I

19 speak to you today, I am still (Redacted).

20 Q. Mr Witness, you have told the Court that you are residing in (Redacted).

21 Now, can you clarify the Court where you are residing in the period between 2002

22 and 2003?

23 A. I was living in (Redacted). During the events of 2002, I was in (Redacted). I did not

24 move away. I shall explain all of this to you in detail.

25 Q. During the period 2002 to 2003, did you have (Redacted)?

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1 A. Yes, I did have (Redacted).

2 Q. Where -- in which PK is (Redacted) located?

3 A. When you come from the centre of Bangui, you reach PK12 at the intersection
4 between Boali and Damara. (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. Is Begoua within PK12?

8 A. Begoua is to be found within PK12. You know, in Begoua there is a
9 cross-roads. There is one road that goes towards Damara and another that goes
10 towards Boali and Begoua is to be found there; that is right at the centre of PK12.

11 Q. Sir, we will go back to an open session to continue with your testimony. What
12 that means is that the public will be able to hear your testimony. However, your
13 identity will not be known and I ask you to please exercise caution when answering
14 questions so that you do not mention any fact or any names that may disclose to the
15 public who you are. It's also important for you to know that avoid mentioning the
16 names of people or victims that you may know. You can describe them using maybe
17 relationship to you or their title and so on and so forth. Do you understand?

18 A. Yes, I do understand.

19 MR BIFWOLI: Madam President, I request that we go into public session.

20 PRESIDING JUDGE STEINER: Mr Witness, we'll go now into public session. You
21 will see the red light in front of you. That small red light means that you cannot
22 speak -- you cannot give information that can lead to your identification, so don't
23 mention that you were or you (Redacted). Don't mention names of parents,
24 or relatives, or neighbours. Most important, you can talk about the events without
25 mentioning that you (Redacted). Is that fine with you, sir?

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1 THE WITNESS: (Interpretation) Yes, that's fine.

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

3 (Open session at 10.30 a.m.)

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

5 PRESIDING JUDGE STEINER: I just ask, please, the support assistant to show to the
6 witness the red light I mentioned.

7 THE WITNESS: (Interpretation) Yes, he just showed the red light to me.

8 MR BIFWOLI:

9 Q. Sir, I would like to now take you back to the time period between October 2002
10 and March 2003 and ask you some questions about events which may have taken
11 place in the Central African Republic. You have told us where you were living
12 between October 2002 to March 2003. Who were you living there with?

13 A. In 2002, I was living in my home. I was in my own home.

14 THE INTERPRETER: I was at home, repeats the witness.

15 THE WITNESS: (Interpretation) And at about 8 in the morning I saw people
16 running in all directions. I was seated on a chair, I got up and I asked what was
17 going on. I was told that the Banyamulengue had come and that is why people were
18 running away. The women who were on their way to the market were running back
19 home and some people were fleeing into the bush. The women were fleeing, taking
20 their children with them. I was at home and when I saw the situation deteriorating I
21 asked my wife to take the children and to go with them, and so my wife gathered the
22 children together and she left on the road, (Redacted), and I stayed in the
23 house with my sister whose name was (Redacted) and my sister was in the
24 compound in front of the house. She was getting her meat ready and you see the
25 people occupied the entire neighbourhood. They were wearing military uniforms.

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1 Some of these people had weapons. I was worried and I said to myself that the
2 situation had already deteriorated and I said to myself "What is this going to -- what
3 is going to happen?" This is the first time I ever saw such a thing. My wife and
4 children had already fled and I stayed with my younger sister. She just
5 wanted -- you see, my sister was a trader and she was selling items at PK12 market,
6 and the Banyamulengue entered the compound and they started to say "Yaka wa,
7 yaka wa," and they asked for something from her. She refused and so my sister had
8 about 800,000 francs on her and when they saw the money they asked her to turn the
9 money over to them. She refused and she said she wasn't going to give them the
10 money and so the Banyamulengue threatened her. They -- because she had refused
11 to give the money.

12 THE INTERPRETER: The Sango interpreter requests that the witness be requested
13 to slow down.

14 THE WITNESS: (Interpretation) The Banyamulengue attacked her, put her down
15 on the ground and took the money from her.

16 PRESIDING JUDGE STEINER: Mr Witness, I'm sorry to interrupt you. The Sango
17 interpreter is asking you, please to slow down, to speak a little bit slower. Is that
18 fine with you, sir?

19 MR BIFWOLI: Thank you.

20 THE WITNESS: (No interpretation).

21 PRESIDING JUDGE STEINER: You can continue, Mr Witness, just paying attention
22 to speak a little bit slower.

23 MR BIFWOLI:

24 Q. Thank you, Mr Witness, for the details that --

25 A. (No interpretation).

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1 Q. Thank you, Mr Witness, for the details that you have given us so far and I can
2 assure you that we are going to go through all of them so that your evidence, all of it
3 comes out very, very clearly. However, I would like to put to you certain questions
4 as we progress so that your evidence fits in with the elements of the crimes. So my
5 next question to you is this: During 2002 to 2003, who were you living with?

6 A. I was living with my children and my wives. No one else. I think I've told
7 you that I was at my residence when it happened. I asked my wife to take refuge
8 with the children at PK22 and I stayed alone at home with my sister and that was
9 when the Banyamulengue arrived and took the money from her. She resisted and
10 they ordered me to go away and they shot her. They shot her, a bullet right into the
11 head. I started to cry when that happened and one of them slapped me in the face
12 and also hit me in the leg. They took the money and they left. They never came
13 back to the house, but I saw. I saw the brain of my sister. I saw that as if an
14 animal's skull had been hit. Some people said that there was -- that nothing
15 happened in the Central African Republic, but those people aren't telling the truth.
16 They invaded the whole neighbourhood. They dug trenches as far as PK13 and the
17 houses, the doors were broken down and if they found foam mattresses they would
18 take them away and put them into these trenches and that is where they spent most of
19 their time and their weapons were brandished, pointed at the Boka road. That is
20 what I saw, because that is what happened in my own neighbourhood and I
21 experienced these events.

22 THE INTERPRETER: "I experienced them," repeats the witness.

23 THE WITNESS: (Interpretation) When they began to dig these trenches, I knew
24 that the situation would become impossible and from 8 in the morning until 10 I dug
25 a grave right behind the house and I buried my sister's body without any wrap or

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1 shroud. I was with (Redacted). I was with him and there we buried the body. Given
2 that the situation was untenable, I decided that we would go to (Redacted) after my
3 wife and my children, and when I got there they had gone to -- in another direction
4 and I too headed in another direction. We spent five days in the bush, right in the
5 very middle of the bush. We suffered. We suffered. We were in the bush. As
6 soon as you can you take off one of your shirts so that you can spend the night, but if
7 people are coming here and saying that no one came to the Central African Republic
8 and no one committed any crimes, all of those are lies. Let me tell you I saw these
9 events. I experienced them. This is what I'm telling you today. We spent five
10 days in the bush. We came back to the town five days later, but all of that was
11 impossible to bear. We took some short-cuts in the bush to get to PK12. We stayed,
12 but you see the situation was not getting any better. I told my wife to take the
13 children and to take a short-cut in the bush because behind my house there was a hill
14 and they went by way of that hill to go to Gobongo and together with my family we
15 took this short-cut by way of the hill to get to Gobongo and we -- that was between
16 five and seven days. There was an officer from Bemba's army. His officers came to
17 the town hall in Begoua and they asked the authorities, the local leaders, to come to
18 the town hall to have a discussion, but it was actually a meeting to talk about the
19 situation. I left Gobongo on foot and I went to the town hall at about 8 in the
20 morning.

21 THE INTERPRETER: "I got to the town hall at 8 a.m.," repeats the witness.

22 THE WITNESS: (Interpretation) And at 9 a.m. the officer came with a number of
23 soldiers in a military vehicle. They were armed. They stopped at the town hall.

24 They got out of the vehicle and they surrounded the town hall, but how could that be?

25 It was just a meeting. Why were all these people being deployed? Shortly after

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1 they asked some questions and the senior officer told us that his aim, his purpose,
2 was to protect the local people, but a community leader - a notable - spoke back. He
3 said "You say that you're protecting the people, but you're committing crimes and
4 abusing people. You're killing people."

5 The officer got angry and he said "yaka wa yaka wa" and he asked the soldiers to take
6 him out. They took the vehicle and off they went. They went to the Begoua school,
7 because their camp was located at the Begoua -- their base was there. It wasn't
8 elsewhere. They were based -- or they set up their base at Begoua school. That's
9 where they were based for their deployments. That's what I saw. That's what I
10 experienced. Shortly thereafter, we came back to the house and we decided to leave
11 Gobongo and go back to the house. We saw --

12 PRESIDING JUDGE STEINER: Mr Witness, sorry to --

13 THE WITNESS: Oui.

14 PRESIDING JUDGE STEINER: Sorry to interrupt you. I don't want to be rude, but
15 now the Prosecutor needs to put some questions for clarification, so it's better if we go
16 step-by-step. So you told part of the story and now the Prosecutor needs to ask --

17 THE WITNESS: (No interpretation).

18 PRESIDING JUDGE STEINER: The Prosecutor will ask some short questions for you
19 to give short answers just for clarification and then you continue telling the story. Is
20 that fine with you, sir?

21 THE WITNESS: (Interpretation) That is just fine by me, but you see I don't know
22 the procedure. I thought you wanted me to tell you my story.

23 PRESIDING JUDGE STEINER: Yes, of course, we want you to tell your story, but
24 from times to times the Prosecutor needs to put some questions for clarification of
25 some points and that's why I interrupted you. Don't take offence, please.

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1 THE WITNESS: (Interpretation) No, no, no, I'm not offended. I didn't come here
2 to be offended. I think I'm here to give testimony about what I experienced and
3 what I suffered.

4 PRESIDING JUDGE STEINER: So now, Mr Bifwoli, you can continue with your
5 questions for clarification on this first part of the witness's report.

6 MR BIFWOLI: Thank you, your Honours.

7 Q. Mr Witness, you have given us some details of what happened and I'm going to
8 ask you questions so that you clarify and I also request that you listen carefully to the
9 questions and just try to answer the question. And I can assure you that you will
10 have an opportunity to tell the Court all your evidence, all that you underwent, all
11 that you knew. You will be given an opportunity to state everything. However,
12 we'll go step-by-step and my next question is: You -- you have told the Court that
13 your stay -- you had a sister who was killed by the Banyamulengue. Who was she
14 staying with at that time?

15 A. Quite honestly, I've told you that I was living with her as well as with my wife
16 and my children.

17 Q. You have also told the Court about the Banyamulengue. Can you explain the
18 Court who are these Banyamulengue?

19 A. The name of the person responsible for the movement is Bemba. All the
20 people knew that. Even when he came to the school, he had his soldiers come out,
21 too.

22 THE INTERPRETER: If the Sango interpreter has understood correctly.

23 MR BIFWOLI:

24 Q. How did you know that the Banyamulengue were Bemba's soldiers?

25 A. Ladies and gentlemen of the Court, I have a reason for saying this. This is

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1 what I experienced, what I saw. This is what I'm telling you today. You see, there
2 are many people in the world and I didn't mention them.

3 Q. Were the Banyamulengue known by any other name?

4 A. They were also known as the people from Zaire. The Zairois in French.

5 Q. So are you telling the Court that they came from Zaire?

6 A. Indeed. They came from Zaire. You see, when they took people's belongings,
7 they would quickly hurry to the riverside, to the shore of the river.

8 Q. Can you tell the Court when the Banyamulengue came to your neighbourhood?

9 A. It was in 2002, at about 8 in the morning. That was when they arrived in my
10 locality, which is called (Redacted).

11 Q. Do you recall the month that they came in 2002?

12 A. It was the month of November. That's what I know. Mister, you see these
13 events happened a long time ago. One must be careful and one must be strong to
14 remember all these events.

15 Q. Mr Witness, we all in this Court appreciate the great efforts you are making to
16 recall these efforts and that's why at the beginning I told you that we do not expect
17 you to recall everything. You may have forgotten certain things. That's why I told
18 you that where you don't remember you say "I don't know," so we really appreciate
19 the efforts that you are making in recalling what happened. So my next question is:
20 Did you know why Bemba's Banyamulengue --

21 A. (No interpretation).

22 Q. Sorry, so my next question is did you know why Bemba's Banyamulengue had
23 come into the Central African Republic and to Begoua in 2002?

24 A. Well, what I know is their boss who gave the order to come and mistreat us, he's
25 here. Correction, it was Mr Patassé who was giving these orders for us to be

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1 mistreated and so that is how it came to be that we had to flee the neighbourhood as
2 if we were dogs.

3 Q. Can you clarify to the Court, because you've said "These Banyamulengue come
4 from Zaire" and you've mentioned "Patassé." Are you aware of someone who
5 invited them to the Central African Republic?

6 A. Him. I'm telling you the truth. Mr Bemba didn't come on his own initiative.
7 It was Mr Patassé who asked him to come, and so that is how it came to be that he
8 came and how people were mistreated and you've seen all of this.

9 MR BIFWOLI: Thank you, Mr Witness, so far. I think it's now time for a break and
10 I would like to stop at that for now. Thank you.

11 PRESIDING JUDGE STEINER: Mr Witness, it is now 11 o'clock. We'll have
12 half-an-hour break for you to take some rest. We'll be back at 11.30.

13 I ask, please, the court officer to turn into closed session for the witness to be --

14 THE WITNESS: (No interpretation).

15 PRESIDING JUDGE STEINER: Court officer, please turn into closed session for the
16 witness to be taken outside the courtroom.

17 THE WITNESS: (Interpretation) Thank you.

18 *(Closed session at 11.00 a.m.) Reclassified as Open session

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

20 (The witness stands down)

21 THE COURT OFFICER: All rise.

22 (Recess taken at 11.01 a.m.)

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

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

25 PRESIDING JUDGE STEINER: Welcome back. Could, please, court usher bring

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1 the witness in.

2 (The witness enters the courtroom)

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

4 (Open session at 11.39 a.m.)

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

6 PRESIDING JUDGE STEINER: Thank you.

7 Mr Witness, welcome back.

8 THE WITNESS: (Interpretation) Hello again, Madam President, and thank you

9 for the opportunity that you are providing me to express what I saw and what I

10 heard.

11 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. I'll give now

12 the floor back to the Prosecution. He will continue questioning you in some points

13 that need clarification. I want to remind you that we are in public session, so please

14 don't release any information that could lead to your identification as -- or your

15 functions. If need be, we go into private session. Can we continue, sir?

16 THE WITNESS: (Interpretation) Yes, we can continue. This is your job and of

17 course I can only comply with your instructions.

18 PRESIDING JUDGE STEINER: Mr Bifwoli, you have the floor.

19 MR BIFWOLI: Thank you, your Honours.

20 Q. Mr Witness, welcome back. Just before the break this morning, you told the

21 Court that the Banyamulengue arrived in November 2002. Are you able to recall the

22 date they arrived? If you are not able to recall it's also fine, but if you are able to

23 recall then please tell the Court.

24 A. Mr Prosecutor, your Honours, I do remember the date. It was 8 November

25 when they invaded the entire Begoua neighbourhood. That's what I saw.

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1 Q. In the morning, you also told the Court that President Patassé invited the
2 Banyamulengue to come into the Central African Republic. Why did Patassé invite
3 the Banyamulengue to come into the Central African Republic?

4 A. I do not know the reason why he invited them. What I can tell you is as
5 follows: Our current president, President Bozizé, was far away, he was not
6 anywhere near the town of Bangui, but I do not know why it was that Patassé invited
7 Bemba to intervene in the CAR and occupy the town of Bangui.

8 Q. You have mentioned that the current president, Mr Bozizé, was far away. Who
9 was he at that time, Mr Bozizé?

10 A. At the time he was under the authority of President Patassé. He was let go.
11 He went back to his residence and people attempted to try to arrest him. He then
12 fled and he went to Chad. He wasn't in our country when the soldiers came to his
13 residence, or visited the neighbourhood to attack the civilians.

14 Q. Which people tried to arrest Bozizé at that time?

15 A. It was Patassé who attempted to arrest Bozizé. Bozizé had a function; he was
16 then fired and then he went back to his residence. Subsequently he fled and he
17 sought refuge in Chad. He wasn't in the town of Bangui so we do not see why it was
18 that the Banyamulengue should intervene in the town because he himself was in
19 Chad.

20 Q. And before Bozizé fled to Chad, where was he at first?

21 A. He was living at PK12 at the time of the events. He fled but he wasn't in PK12.
22 He wasn't in PK12. He had fled. He was no longer in Bangui. Had he been in
23 Bangui we would have understood why the intervention took place but he was no
24 longer in Bangui.

25 Q. Sir, we will come in a short while to deal with that issue in detail. Now, my

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1 next question to you is: You have told the Court how the Banyamulengue arrived in
2 your neighbourhood. Do you recall how many Banyamulengue came into your
3 neighbourhood?

4 A. The Banyamulengue who intervened in the neighbourhood at the centre of
5 Begoua, well, there were many of them. They were numerous. I cannot give you a
6 figure but they invaded the entire neighbourhood. There weren't just two or three of
7 them. If you'd seen them, ladies and gentlemen of the Court, your Honours, you
8 would have been frightened.

9 Q. For how long did the Banyamulengue remain in Begoua?

10 A. They spent quite a lengthy time there. They were based at the Begoua school.
11 They dug trenches (Redacted) stretching to PK13,
12 and where -- the location where the Muslims were in the habit of selling livestock.

13 Q. Are you in a position to estimate the number of days or months they stayed? If
14 you're not able to recall it's also fine but if you are in a position to estimate, then
15 please tell the Court the number of days or months that they were based in Begoua?

16 A. I can tell you that from 2002 to 2003, well, that's quite a period of time between
17 those two dates, is it not?

18 THE INTERPRETER: The Sango booth requests that the witness respect the rule of
19 five-seconds, please.

20 MR BIFWOLI:

21 Q. Thank you, Mr Witness. I can see you are really, really trying your level best,
22 but our interpreters remind us again that you let five seconds pass before you answer
23 to my questions to allow them to interpret. We all know it is difficult, we know you
24 are trying but we'll keep on reminding you whenever you kind of forget; is that okay
25 with you?

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1 A. Yes, indeed.

2 Q. Sir, you have told the Court that they were based in Begoua from 2002 to 2003,
3 and you have told the Court that they arrived in November 2002. Are you in a
4 position to estimate the month they left in 2003?

5 A. Well, I can tell you that, well, as far as 2003 is concerned, of course these dates
6 are quite some time in the past now so I'm not exactly sure about the date where they
7 left but I am sure about the date of their arrival.

8 Q. Thank you, Mr Witness. It's fine not to recall some of these details. It's okay.
9 Now, can you describe to the Court how these Banyamulengue that you saw in
10 Begoua were dressed?

11 A. Thank you. Your Honours, Mr Prosecutor, they were dressed in military garb
12 of green colour. You know there is a very clear distinction between ordinary shoes
13 and military shoes.

14 Q. During this period that the Banyamulengue were based in Begoua, were there
15 any other armed groups present in Begoua?

16 A. My brother, ladies and gentlemen, your Honours, once again I would say that
17 there weren't any other troops in the town of Begoua. There were no other troops,
18 neither in (Redacted), nor in the surrounding areas. The only troops that were present
19 were the Banyamulengue, and they were recognisable because they spoke Lingala.

20 Q. In the morning you mentioned about a meeting that you had to come and
21 attend after you had fled, and you mentioned the Banyamulengue came and one of
22 them, their leader, spoke to the representatives of the people. Now, do you recall if
23 the Banyamulengue had any commanders?

24 A. Yes, they had one commander, as I have already said. He arrived. He invited
25 (Redacted) to attend a meeting and he said that he had something

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1 to tell them. They arrived on board an army vehicle. They alighted from the
2 vehicle and said that they wanted to speak with us, but one of the dignitaries said
3 "Well, you say that you're coming to see us but you are committing violent acts. Do
4 you think that you can just come here and speak with us easily?"
5 So the commander then got angry, and he said "Yaka wa, yaka wa" and they left the
6 meeting room. They got back into their vehicles and they returned to their base.

7 Q. Do you know what that phrase "yaka wa" means?

8 A. Thank you. Your Honours, this utterance "yaka wa" is in the Lingala language.
9 When they invaded the neighbourhood they were speaking Lingala, and (Redacted)
10 (Redacted) saying "yaka wa."

11 Q. Did you come to know the name of the commander you are referring to, the one
12 who had come to address you and other dignitaries that day?

13 A. Brother, he did not spend long there. He did not introduce himself. He
14 merely came to say that he had the intention of talking about the security of civilians,
15 and one of the dignitaries with whom we were in the meeting room answered him
16 and said "Well, you've been killing everybody. Who do you expect to be able to
17 cohabit with or collaborate with or co-operate with?" So he wasn't able to introduce
18 himself to people in attendance at that meeting.

19 Q. Could you describe this person who said he was the commander of the
20 Banyamulengue, how he was dressed?

21 A. He was a tall individual. He was wearing a military uniform and he was
22 armed. That's what I could see.

23 Q. What language was he speaking in?

24 A. He was speaking Sango, but he just said the odd sentence. Then he got angry
25 and he left the room in order to leave.

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1 Q. You told the Court this morning that he came with others. Are you in a
2 position to approximate how many other people accompanied him?

3 A. Well, I would say there was about 16 of them when they got out of the vehicle.
4 The authority who was commanding them went into the town hall building in
5 Begoua and started to speak to the people who were there, saying that they had come
6 to have a discussion with some people there about the security situation in Begoua.
7 And some of us replied -- well, asked who he wanted to speak to, because they had
8 already killed everyone, and so he got all worked up. He got up, he said, "Yaka,
9 yaka" to his soldiers and he left.

10 Q. How were these 16 people who accompanied this commander dressed?

11 A. I've told you they were wearing military garb, green in colour. They were new
12 uniforms and they all had weapons. All those soldiers had weapons. I saw that
13 (Redacted)
14 (Redacted).

15 Q. You've told the Court that this commander got worked up and he said "Yaka,
16 yaka." In which language -- which language is "Yaka, yaka"?

17 A. Well, there were many of them. They had guns and they were walking about
18 the neighbourhood and they spoke amongst themselves, saying "Yaka wa, yaka wa,"
19 and we knew that it was Lingala since -- madam, your Honour.

20 Q. How were you able to recognise that the language spoken by the
21 Banyamulengue was Lingala?

22 A. Why did I know that? You see, it was the language they spoke. Now, I've
23 spoken before you and I'm speaking in Sango and you know -- you know that I'm
24 speaking in Sango. So, you see, those people who were in the neighbourhood, who
25 were walking around and speaking amongst themselves in a language that we didn't

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1 understand, we were in a position to ask questions of other people to find out what
2 language they were speaking and we were told that it was Lingala.

3 Q. Do you recall who told you that they were speaking Lingala, or where you got
4 that information from?

5 A. Well, it was the women who were living in my neighbourhood who told me
6 that. During those events they were present, so they understood the language.
7 They were the ones who told me that it was the Lingala language.

8 Q. Where do these women come from?

9 A. These women originally came from the other side of the river. They had come
10 to my neighbourhood before the events and they set up operations in my
11 neighbourhood before, and then during the events they crossed again and went over
12 to the other side of the river because they were afraid that they would be mistreated,
13 or brutalised, subsequent to the crimes that had occurred.

14 Q. Where is the other side of the river?

15 A. When you leave PK12, you go directly towards the river and that's where you
16 cross. They crossed over. They crossed the river which is in the centre of Bangui
17 town, so they crossed the river to get to the other side.

18 Q. In which country is the other side of the river you are referring to?

19 A. Well, you see, my brother, that country is Zaire. I was speaking of Zaire, the
20 country on the other side of the river. It's Zaire.

21 Q. Sir, did the Banyamulengue have any vehicles?

22 A. Could you please rephrase your question?

23 Q. Thank you, Mr Witness. I will repeat my question. The Banyamulengue who
24 were based in the Central African Republic, including your neighbourhood, did they
25 have any vehicles?

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1 A. When they came to our country they would take taxis, buses. They did
2 whatever they wanted to do. When they left PK12 to go to the centre of town, once
3 there they might take canoes and pay the people who were operating the canoes, or
4 dug-outs, to cross the river.

5 Q. I'll come back to that issue in a short while. Mr Witness, you have told the
6 Court that the Banyamulengue upon arrival dug trenches, broke into houses, took
7 mattresses and so on. Apart from being based at the Begoua base and in those
8 trenches, where else were the Banyamulengue staying?

9 A. Thank you. After they arrived in Begoua, I repeat they occupied the entire
10 neighbourhood of Begoua. They set up their base at the Begoua school. Everything
11 happened at the Begoua school. That's where they had their arms, their barracks.
12 Everything happened at the Begoua school.

13 Q. Were they staying anywhere else apart from the trenches and in the base in
14 Begoua?

15 A. No, they weren't based anywhere else. They were based at the school. Some
16 of them set up operations in my neighbourhood. They were in the trenches all the
17 way to PK13, at that place where the Muslims sell cattle.

18 Q. Were any houses - civilian houses - occupied by anyone around that time?

19 A. Really, really, I'm telling you - I'm telling you - the houses of the civilians
20 became their property. They would take the doors off and they would use the doors
21 as firewood; the windows and the bed frames.

22 Q. What happened to the owners of these houses?

23 A. Your Honour, I'm telling you the truth. What happened to them? It was a
24 very difficult situation. The inhabitants were being treated like animals. They were
25 fleeing in all directions. No one could stay at home, in their own houses. The

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1 situation was difficult. We suffered greatly because of the Banyamulengue.

2 Q. Could you clarify to the Court whether anyone was staying in these houses after
3 the civilians fled?

4 A. The houses had become the property of the Banyamulengue. They forced the
5 civilians to flee. They forced the owners of the houses to go away, and they
6 occupied those houses. As soon as they came to your home you would run out.
7 You would run away. That's what happened and I saw that with my own eyes, in
8 (Redacted). I believe, indeed, God is a witness to all of this.
9 God is looking down and sees me telling you this.

10 Q. Do you know how many houses the Banyamulengue occupied in this way in
11 your neighbourhood?

12 A. My brother, I couldn't give you an exact number of the houses that were
13 occupied but there were many, many Banyamulengue. They occupied various
14 houses and they began at (Redacted). They occupied all the houses, all the way down
15 to the road that goes to (Redacted). Everything had become their property. They would
16 empty the houses. They would take all the items out, put them on vehicles and carry
17 them over to the other side of the river. That's what I saw, that's what I experienced.

18 Q. How many Banyamulengue were armed?

19 A. All the Banyamulengue had weapons, guns. They were very young. They
20 looked like school boys. A Banyamulengue might even have two guns, two guns. I
21 saw this with my own eyes, two rifles. I'm not telling you something that someone
22 else told me.

23 Q. Apart from guns were they also armed with any other kind of weapons?

24 A. Who are you talking about? Do you mean those people from Zaire? I'm
25 telling you the truth. They had different kinds of weapons in their possession. I'm

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1 not a child. It's not as if I wouldn't recognise a gun or another kind of weapon.
2 Some of them had two. I saw these things with my own eyes.
3 Q. Sir, I would like now us to talk about your sister that you mentioned in this
4 Court, that she was killed by the Banyamulengue. I would like us to talk a bit about
5 what happened to her. Today in the morning you mentioned, you told the Court
6 that your sister was killed by the Banyamulengue. Where was your sister killed?
7 A. Thank you. I think I'm still answering these questions about my sister's death.
8 She was killed like an animal, like a dog. I've told you, I was present. Those people
9 from Zaire arrived in our neighbourhood and, given the situation, I asked my wife to
10 leave, to go to PK22 and take refuge there with the children.
11 So I was alone, just with my sister, in my home, and she had 800,000 francs on her and
12 she had tied the money around her waist and they had -- you see, they saw that and
13 let me sure you they attacked her. They asked for the money and my sister said that
14 she would prefer to die and she wasn't going to give them the money. And they said
15 "Really? Okay."
16 So they started -- they -- they threw her down to the ground. One of the assailants
17 took off the belt that she had around her waist and put it into the pocket of his
18 military uniform. You see, it was a woman. She got up and grabbed one of the
19 soldiers and the others ordered me to move away. I went into the corner of the
20 house and they shot her in the head.
21 I told you that I was shattered, and I thought I -- I couldn't live through this. One of
22 the attackers asked the others not to kill me. However, one of them punched me in
23 the face and he hit me in the left eye. The situation was untenable and (Redacted)
24 (Redacted), I asked him to come, because you see we had to bury the body.
25 Since they had invaded the neighbourhood I couldn't go anywhere, so just behind the

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1 house we dug a grave and that is where we buried her.

2 Q. Sir, I know these are difficult events to recall. Are you in a position to continue
3 with giving your evidence?

4 A. I came here to give testimony. I believe that I have resigned myself. I have
5 come here to give testimony, and I can answer your questions.

6 Q. Thank you. You told the Court that the Banyamulengue arrived on
7 8 November. Do you recall the date when your sister was killed?

8 A. They came on the 8th, and it was the day after, the 9th, that was when my sister
9 was shot, and, you see, these events occurred a long time ago, but I did remember the
10 date, the date that I just gave you.

11 Q. How many Banyamulengue came to your home on that date, 9 November 2002?

12 A. At the time of the events, the number of them, well, I saw that there were two
13 people, two. There were two of them. Two of them committed this crime. They
14 were armed.

15 Q. And two of them committed this crime but what is the total number of
16 Banyamulengue that were present at that time?

17 A. Well, I'm telling you that what I remember is the two people who committed
18 this crime, who killed my sister.

19 Q. You've told the Court that they shot your sister. How many of them were
20 armed?

21 A. Both of them were armed. One had two weapons, and the other one had three.
22 They had them around, attached to their waists, and these magazines were arranged
23 in that way.

24 THE WITNESS: (Interpretation) Your Honour, could I have a break, please?

25 PRESIDING JUDGE STEINER: You want to have a break, Mr Witness?

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1 THE WITNESS: (Interpretation) Your Honour, I would like to go to the
2 washroom, to be more specific.

3 PRESIDING JUDGE STEINER: Of course, Mr Witness.

4 Court officer, please turn into closed session for the witness to be taken outside the
5 courtroom.

6 *(Closed session at 12.31 p.m.) Reclassified as Open session

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

8 (The witness stands down)

9 PRESIDING JUDGE STEINER: I think we can wait here.

10 MR HAYNES: Certainly, your Honour.

11 PRESIDING JUDGE STEINER: You did not appear happy with that, Mr Haynes.

12 (Pause in proceedings)

13 (The witness enters the courtroom)

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

15 (Open session at 12.36 p.m.)

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

17 PRESIDING JUDGE STEINER: Mr Witness, are you ready to continue?

18 THE WITNESS: (Interpretation) I am ready, Madam President. I just needed to
19 relieve myself and I am now at your disposal. I'm ready.

20 PRESIDING JUDGE STEINER: Thank you very much. I'm giving back the floor to
21 the Prosecution.

22 Mr Bifwoli.

23 MR BIFWOLI: Thank you, your Honours.

24 Q. Sir, before the break we were talking about the two Banyamulengue that killed
25 your sister. I know you've already described the Banyamulengue in your evidence,

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1 but the questions that I'm putting to you is in respect to this, specifically those who
2 killed your sister. How did you know that these people were Banyamulengue?

3 A. Thank you, Mr Prosecutor, your Honours. Why would I not have been in a
4 position to know this fact? They had invaded our neighbourhood. They weren't in
5 any other neighbourhood. They were in our neighbourhood and they were moving
6 around. In the morning, there were no inhabitants present. They had completely
7 occupied the neighbourhood, and unfortunately it was on that very day that they
8 arrived at my residence and committed that crime.

9 PRESIDING JUDGE STEINER: Mr Bifwoli, could you please wait. I'm sorry to
10 interrupt. It appears that we don't have the English transcript.

11 (Pause in proceedings)

12 PRESIDING JUDGE STEINER: I'm sorry, for some reason mine was disconnected.
13 Mr Bifwoli.

14 MR BIFWOLI: Thank you, your Honours.

15 Q. Sir, can you describe to the Court how these Banyamulengue that killed your
16 sister were dressed?

17 A. I shall say this once again. The individuals who shot my sister were wearing
18 military garb. These were the same who had invaded the neighbourhood and who
19 were present at the checkpoint. All of those individuals were wearing military
20 uniform. They were not in civilian attire, and I member -- I remember the colour of
21 this uniform. I remember what my sister lived through. I can still see the scene in
22 my head. They were not in civilian attire. They were wearing military garb and
23 they were armed.

24 Q. You told the Court that the Banyamulengue were asking for money and
25 threatened your sister. In what language were they communicating?

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1 A. They spoke Lingala. They did not speak any other language. I was there, I
2 was watching them and I watched what they did to my sister.

3 Q. Was there anyone among these Banyamulengue who was in command of what
4 was happening in your house that day?

5 A. Are you speaking of the moment that they shot my sister, or precisely what
6 moment are you referring to? Could you please be more precise?

7 Q. Thank you, Witness, for seeking that clarification. I am referring to the
8 moment that they shot your sister. At the time they were at your house, was there
9 anyone among those Banyamulengue that shot your sister who was in command?

10 A. Yes, there was a portly gentleman. There were two of them. One of the
11 Banyamulengue was tall and he was portly. The other was somewhat younger.
12 Those are the two individuals who attacked my sister.

13 Q. You've told the Court that you heard them speaking Lingala. Do you recall
14 anything that they said?

15 A. Yes. As I said, they spoke a language that I did not understand, but I know
16 that they were speaking their language without being able to understand it, however.
17 They were speaking in an authoritative manner. They were using gestures. One
18 could feel the fury, the violence in the manner in which they were expressing
19 themselves.

20 Q. And do you recall any phrase that they used at that time?

21 A. No, I do not remember. They brutalised her. They made gestures with their
22 hands. She resisted. She made them understand that she was not ready to give the
23 money to them, and this is how they grabbed hold of her. They threw her to the
24 ground with a view to taking the money off her. I did not understand the language
25 they were speaking so I cannot repeat to you precisely what they said.

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1 Q. Did the Banyamulengue take anything else apart from the money from your
2 sister?

3 A. No. I have not come here to lie. There were two of them. They had found
4 quite a sum of money on my sister's person. They didn't need anything else. They
5 already had 800,000 francs in their pockets. That was enough for them. I saw with
6 my very own eyes how they took the money from my sister. They left the body of
7 my sister on the ground before taking their leave.

8 Q. Apart from the Banyamulengue who killed your sister, did any Banyamulengue
9 take anything from your house?

10 A. No. It was only at a later stage that six other Banyamulengue came to attack
11 me, and attack my wife. That happened at a later stage.

12 Q. Mr Witness, we'll be coming in a while to talk about what the six did. Now,
13 apart from the Banyamulengue killing your sister and taking her money, did they do
14 anything to you that day?

15 A. No. As I told you, they hit me. They hit me in the eye. They threw me to
16 the ground. They stepped on me with their military boots. And I find it difficult to
17 walk subsequent to this beating.

18 Q. Why did they beat you?

19 A. Why did they beat me? Well, it was because of my sister. It was my younger
20 sister, by the same father and the same mother. In view of what they had done to
21 my sister, I moved towards them and I asked them to kill me as well, to kill me after
22 my sister, and this is how one of them asked his partner not to kill me. He hit me in
23 the face. He threw me to the ground. He started stamping on me. And after the
24 beating I crawled across the floor in order to reach a wall and since that beating, since
25 that attack, I have tears streaming from my eyes on a permanent basis.

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1 Q. What did the Banyamulengue do after killing your sister and after beating you?

2 A. As I told you, well, what happened was that they stepped on me and after this
3 they left. They had a considerable sum of money in their pockets, and the six other
4 individuals who came to assault me, well, this was at a later stage and I shall give you
5 all the details on that, on that attack.

6 Q. You have told the Court that your sister was killed on 9 November 2002.

7 When was your sister buried?

8 A. As I said, the incident occurred on the 9th, and we buried her on the very same
9 day. My sister's brain matter was strewn across the floor and I could not preserve
10 the body, so on the very same day I asked (Redacted) -- we dug a grave and
11 we buried her. We couldn't do anything else but bury her, bury her (Redacted)
12 (Redacted)

13 Q. How old was your sister when she was killed?

14 A. She was 36 years of age. She was quite mature. She was a tradesperson.
15 She would go to (Redacted) in order to buy (Redacted) and also in (Redacted) she would buy
16 (Redacted), what she took to Bangui at the checkpoint and sold it at the (Redacted) market.

17 MR BIFWOLI: Madam President, your Honours, I think this would be a convenient
18 place to break for lunch.

19 PRESIDING JUDGE STEINER: Thank you, Mr Bifwoli. Mr Witness, now we
20 have --

21 THE WITNESS: Oui.

22 PRESIDING JUDGE STEINER: It's the Presiding Judge talking to you, Mr Witness.

23 We will have now our lunch-break. You can have lunch and take some time to rest.

24 It's almost 1 o'clock. We'll be back at 2.30 so you have enough time to rest a little bit.

25 THE WITNESS: (Interpretation) I thank you, Madam President.

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- 1 PRESIDING JUDGE STEINER: I ask, please, court officer to turn into closed session
2 for the witness to be taken outside the courtroom. In the meantime we will suspend
3 and resume at 2.30.
4 *(Closed session at 12.57 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 (Recess taken at 12.58 p.m.)
9 *(Upon resuming in closed session at 2.39 p.m.) Reclassified as Open session
10 THE COURT USHER: All rise. Please be seated.
11 PRESIDING JUDGE STEINER: Good afternoon and welcome back. I ask, please,
12 court usher to bring the witness in.
13 (The witness enters the courtroom)
14 PRESIDING JUDGE STEINER: We can go into open session, please.
15 THE WITNESS: (Interpretation) Fine.
16 (Open session at 2.42 p.m.)
17 THE COURT OFFICER: We are in open session, Madam President.
18 PRESIDING JUDGE STEINER: Thank you.
19 Good afternoon, Mr Witness.
20 THE WITNESS: (Interpretation) Hello again, your Honour.
21 PRESIDING JUDGE STEINER: Did you have opportunity to take some rest during
22 the lunch-break?
23 THE WITNESS: (Interpretation) Yes, I was able to take some rest.
24 PRESIDING JUDGE STEINER: Are you ready, Mr Witness, to continue giving your
25 testimony?

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1 THE WITNESS: (Interpretation) I am ready to receive questions from your

2 Honour.

3 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. The Prosecutor,

4 Mr Bifwoli, will continue putting questions to you.

5 Mr Bifwoli, you have the floor.

6 MR BIFWOLI: Thank you, your Honours.

7 Q. Good afternoon, Mr Witness.

8 A. Hello again, Mr Prosecutor.

9 Q. Mr Witness, this afternoon I'm going to ask you a few more questions about the
10 death of your sister. Then we shall move to another topic. I just have a few
11 questions left on that topic. Is that okay with you?

12 A. You know, I came from Bangui, (Redacted), to come
13 here and I came here to talk to you about the death of my younger -- youngest sister
14 and what I suffered myself.

15 Q. Thank you, Mr Witness. Just before the lunch-break, you told this Court that
16 your sister was 36 years old. Sir, was a death certificate issued by the authorities of
17 the Central African Republic in relation to your aforesaid sister?

18 A. I'm going to tell you the truth, Mr Prosecutor. What brought me before this
19 very courtroom, this international courtroom, I don't know what happened with
20 Madam Sayo. It was Mrs Sayo who helped us to come to speak before this
21 courtroom. Subsequent to the death of my youngest sister, she asked us to -- she
22 asked for a death certificate to be established and I did this, and then a little after that
23 these people came to retrieve that certificate from me.

24 Q. How long after the death of your sister was the death certificate issued, do you
25 recall?

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1 A. Yes, I do recall. Mrs Sayo set up a programme and she called upon us. It
2 didn't really date very much after the death of my sister, but how could she set in
3 train this programme? It was following the death of my -- of her husband, rather,
4 and she called upon all the victims to come to her so that she could help the victims.

5 Q. Sir, I am now going to talk about this death certificate and I am aware of your
6 eye situation and therefore I will not require you to read anything. I will simply put
7 to you questions in relation to this death certificate. Is that okay with you?

8 A. This is what I've just explained to you. After these events, we were totally at a
9 loss. We didn't know what to do and fortunately Mrs Sayo, whose husband was
10 killed at PK22, she was very, very angry and therefore she set up this programme and
11 she went all around the neighbourhood to raise awareness among victims. Then she
12 asked the victims to come to her. She would provide them with help so that they
13 could talk about what they'd experienced, even before the International Criminal
14 Court, and therefore I took the death certificate to give it to the investigators.

15 MR BIFWOLI: Thank you for those details, Mr Witness. However, I'm going to ask
16 you a few questions regarding this death certificate to clarify a few things for the
17 Chamber.

18 Your Honours, I request that the court officer broadcast document
19 CAR-OTP-0035-0032.

20 PRESIDING JUDGE STEINER: It's a confidential document. It's not supposed to
21 be broadcast outside the courtroom.

22 THE COURT OFFICER: Document CAR-OTP-0035-0032 is available on your screens
23 by pressing the button "PC1" and it's a confidential document.

24 MR BIFWOLI:

25 Q. Sir, you told the Court that a death certificate was issued. Sir, this death

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1 certificate shows that it is dated 10 January 2002. Today you have testified that your
2 sister was killed on 9 November 2002. Please could you explain why then this death
3 certificate is dated January 2002?

4 A. My brother, I'd just like to say that it was a mistake made by the people who
5 issued this document. I can tell you that I cannot read. I only retrieved this
6 document and I wasn't -- and I wasn't very careful about the information it contained
7 and then I gave it to the investigators.

8 Q. Sir, are you in a position to approximate the month or maybe the year when it
9 was issued, if you can recall? If you cannot recall, then it's also fine.

10 A. Ladies and gentlemen of the Court, I've just told you very clearly that I cannot
11 read and write. If I could read and write then maybe I could have been careful about
12 the date that featured on the document, but I experienced a situation and what I can
13 do is to fight so that I can retrieve the document if it exists and this is why I had this
14 certificate drawn up.

15 Q. Mr Witness, we got your explanation very, very clearly and we all understand
16 what you have informed the Court, but my question is we all understand from what
17 you have informed the Court that it was issued after the death of your sister. Are
18 you able to approximate how long after her death, maybe how many months? If you
19 cannot approximate, then it's also fine. We could continue.

20 A. Your Honour, I have told you if I could read and write then I would have been
21 careful about what was contained in this document and I could even complain to the
22 judicial authorities. Following these events we stayed at the home without doing
23 anything for a long time, and I just reiterate the fact by saying that it was Mrs Sayo
24 who took up the initiative to raise awareness among us and spent a lot of time and
25 this happened a long time after the events in question.

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1 Q. Was your sister married at the time of her death?

2 A. To be very precise she had a live-in partner, but they weren't officially married.

3 He -- she (Redacted) to come to my house and it was at my house -- it was in my
4 house that she was beaten up and that she was assaulted and shot.

5 Q. Did she have any children?

6 A. I'm here in this courtroom to tell you the truth. I'm not going to lie to send you
7 down the wrong track. My youngest sister didn't have any children, but God did
8 bestow upon her sufficient intelligence to be able to sell goods.

9 Q. Apart from your sister, was any other member of your family killed by the
10 Banyamulengue?

11 A. After the death of my youngest sister, killed by the Banyamulengue, my wife
12 was assaulted as well as myself. My wife suffered from an operation - a medical
13 operation - subsequent to the acts of violence that she suffered at the hands of the
14 Banyamulengue and this is what happened in my house.

15 Q. Sir, you've told the Court that you are the one who handed over the death
16 certificate to the investigators of the ICC. Could you clarify as to who applied to the
17 Central African authorities to issue the death certificate?

18 A. That's a good question, ladies and gentlemen of the Court, and I would like to
19 thank you for putting it to me. I'm going to answer the question with regard,
20 therefore, to this death certificate. You know that in our country this certificate is not
21 drawn up out of happenstance. You have to submit a request and once you have
22 submitted your request then the certificate can be drawn up, and this is a certificate
23 that I gave to Mrs Sayo and she gave it back to me and it was in this way that I was
24 able therefore to give it to the investigators. I placed my request at the Begoua town
25 hall and then it was the town hall at Begoua that gave me the certificate.

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1 Q. Would you like to tender it as evidence in this case?

2 A. Of course. I didn't have this document drawn up -- this document of death
3 drawn up for nothing. My sister was killed and if the Court authorities are asking
4 me to provide evidence of my sister's death, what can I do? What could I do if I
5 didn't have the certificate? So that's why I brought it here so that I could hand it
6 over to the judicial authorities and they can do what they want with it. There has to
7 be evidence.

8 MR BIFWOLI: Madam President, your Honours, the Prosecution requests this
9 witness certificate to be tendered into evidence.

10 PRESIDING JUDGE STEINER: Mr Haynes?

11 MR HAYNES: Insufficient foundation at the moment. We have got no evidence as
12 to how the details on the certificate came to be there. I was a bit concerned earlier on
13 at page 50 that Mr Bifwoli was talking about the document being dated when I think
14 what he meant to suggest to the witness that the date of death recorded upon it was
15 10 January 2002. There is also certain information about the year of birth of the
16 deceased and various other things and I think before this document becomes
17 admissible through this witness he needs to explain to us what information he gave
18 which came to be recorded on the certificate. Otherwise, it's meaningless.

19 PRESIDING JUDGE STEINER: Mr Bifwoli, you want to reply?

20 MR BIFWOLI: Thank you, Madam President, your Honours. We have established
21 the chain of custody for this document. However, with respect to the issues that
22 have been raised by my learned friend from the Defence, we have no problem going
23 through all of them in a private session.

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

25 *(Private session at 3.04 p.m.) Reclassified as Open session

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

2 MR BIFWOLI:

3 Q. Sir, I would like us to go back to the death certificate of your sister, and what it
4 indicates that it was issued by the Republic of Central Africa and it is indicated as the
5 death certificate and it is indicated that it was issued on (Redacted). Do you
6 confirm these details?

7 A. How couldn't I confirm them? If I weren't in agreement, I wouldn't have been
8 able to have this document issued so I could bring it before the Court here.

9 Q. In the certificate it is also indicated that it was issued by (Redacted). Just
10 a moment, your Honours. Thank you, your Honours, for your indulgence. Sir, it is
11 written in this certificate that you are the person who made the request and that you
12 live (Redacted) and you reported that your sister, (Redacted), died on
13 (Redacted) at 18 hours 45 minutes. You also explained that the deceased was born in
14 Damara in 1966 and also the names of the parents are indicated as (Redacted) and
15 (Redacted) Do you confirm these details?

16 A. That is indeed my statement. That's right. Unfortunately, Bemba's lawyer is
17 saying all kinds of upsetting things, but you should know that I didn't come here for
18 fun. I came here because I was the victim of unhappy events. That's why I'm here.
19 I think that Bemba's lawyer's statement is very provocative. The town hall is an
20 institution of the government and they were the ones who issued this document for
21 me after the request that I made there. If there is no death, one cannot issue a death
22 certificate, sir.

23 MR BIFWOLI: Madam President, your Honours, I think the Prosecution has gone
24 through the details that the Defence had a problem with and we request that the
25 document be tendered into evidence.

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1 PRESIDING JUDGE STEINER: The Chamber will consider admissibility in due time.

2 You can proceed, Mr Bifwoli. Would you like to stay in closed session, or can we
3 turn back into open session?

4 MR BIFWOLI: A public session, Madam President.

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

6 (Open session at 3.11 p.m.)

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

8 MR BIFWOLI:

9 Q. Sir, today I would like us to talk very briefly about vehicles. Today in the
10 morning, at page 32, lines 4 to 6 of real-time transcript, you said that the
11 Banyamulengue and their commander arrived on board an army vehicle during the
12 meeting that you were attending. My question is what kind of vehicles did the
13 Banyamulengue have?

14 A. It was a large truck, sort of a Saviem kind of truck. You see, you couldn't use a
15 small vehicle. There were a great many of them. My brother, those people were
16 acting as if they were on territory that they had conquered. You had to have seem
17 them in that vehicle. It was a large truck that I saw with my own eyes and, despite
18 that, they dare say nasty things here. Were they in Begoua to experience these
19 events? No, they weren't there. They were just here and now they are saying that,
20 but I experienced all of that. I was present at all the events. I was subjected to their
21 atrocities.

22 Q. And how many trucks did the Banyamulengue have?

23 A. Let me tell you the truth. They had vehicles and they were working vehicles.
24 There weren't just two or three vehicles. They had several vehicles. They moved
25 along the Damara road, or on the Bozou (phon) road, and when they would go by we

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1 could see them. There were a great many of these vehicles. They would receive
2 their fuel supplies and I saw all of that. I saw the barrels of gasoline that they were
3 given. It was horrible. I thank you.

4 Q. Do you know where the Banyamulengue got these vehicles from?

5 A. Well, how couldn't I? How could I not know where the vehicles came from?
6 They had received those vehicles from their president. It was indeed Patassé who
7 had given them all of that to kill the people of the Central African Republic. They
8 were given uniforms, military foot-gear. They received rations, rice, tins of sardines,
9 that they were given within the school, and that is where they would divvy up the
10 various goods and I saw all of that with my own eyes.

11 Q. Mr Witness, how did you know that it was Patassé who was providing these
12 items that you've mentioned to the Banyamulengue?

13 A. I know it. How? Well, let me tell you. Patassé's driver had a girlfriend in
14 my neighbourhood and that is how I found out. When they would come, they
15 would drop off the various goods and they would go into the neighbourhood -- he
16 would go into the neighbourhood to meet his girlfriend and he would bring these
17 various items. His name was Vigi (phon). He is short and fair-skinned. He was
18 the one who was responsible for all of that. I see. We shall move on.

19 Q. Mr Witness, I would like us now to move on to another topic. At page 44 to 45
20 of today's real-time transcript, lines 24 to 1, you stated that later on six
21 Banyamulengue attacked you and your wife. My question is this: Did anything
22 happen to your wife during this period?

23 A. Well, thank you, brother. In this regard I feel very sad right now, but despite
24 that Bemba's lawyer is saying things that are really working me up. We experienced
25 horrible things at the hands of the Banyamulengue, so let me tell you what happened.

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1 We went to -- were trying to get to Gombo and then we came back and that was at
2 about 8. I was at home. My wife was in the kitchen. She was preparing a meal,
3 and when I turned around I saw soldiers who were coming out with arms, with
4 weapons in their hands. I was startled and I was very frightened, and then they
5 ordered my wife to leave the kitchen and she was slow and, you see, they went into
6 the kitchen and they dragged her out forcibly right in front of me before my very
7 eyes.
8 Some of them were at the threshold; others were just at the entrance to the bedroom.
9 They threw her to the ground and then after that they asked her to get back up.
10 They took a bag of cassava and asked her then to lie down on the floor so that they
11 could rape her. Oh, my God, I'm telling you that it all happened right in front of me.
12 They slept with my wife. There were six of them. Six of them on this lady.
13 When I saw that, that sad event, during that time two of them were right beside me
14 underneath the mango tree where they had shot my sister and they said "Don't you
15 move. Above all, don't move." So they did all of those crimes and then they left the
16 house.
17 During that time my wife was still down on the ground, and when I tried to protest,
18 they ordered me to keep quiet and then they grabbed me and you, the lawyers, you
19 say that you saw all those things. Is that true? Did you experience these events?
20 If you're there to do this work, well, you do your work but don't provoke me.
21 They grabbed me. They took me into one of the bedrooms. They threw me to the
22 ground and they grabbed a bag and during that time my wife was still on the ground
23 tired, exhausted, worn out, and when they brought the bag they ordered me to lie
24 down. They threw me to the ground. One of them came and sodomised me. Oh,
25 my God. My God.

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1 A few moments later, another one of them came and he ordered me to stay down on
2 the ground. "Stay down on the ground," and I had to obey. A few moments after
3 that, another one came and he also -- he had a rifle and he was at the threshold of the
4 door. Oh, my God.

5 Your Honours, I'm telling you I was -- my anus was ripped apart. Bemba's men
6 humiliated me. They humiliated me and I'm telling you my family is completely
7 destroyed. My wife, my children, we were all subjected to this. I didn't learn this
8 from someone else, or hear of this from someone else.

9 If one of Bemba's lawyers wants, right away I could go to a corner and show him my
10 rear end to show him the damage that was done to my anus and up until now I still
11 suffer from the consequences of these crimes and I have given all of this into the
12 hands of God.

13 And when they left I got myself up. I held my wife's hand to also help her get up.
14 You see, I'm a man and I tried to go and warm up some water, and then I asked my
15 wife to lie down so I could massage her, and as I massaged her the semen of her
16 attackers was leaking out of her vagina.

17 Your Honours, I have seen -- we saw such sad events in Begoua. Oh, my God. Oh,
18 the Banyamulengue. Oh, Bemba. I really don't have any comments to make, but
19 my anus, your Honours, if you want you can check. I have been injured and if
20 Bemba's lawyers want I can show it. If they're challenging the events, I am right -- I
21 am here today before you and I'm telling you this.

22 Bemba destroyed the town of Bangui. I say it once again and I am -- I am dying of
23 this. I am dying because of the violence and the abuse committed by Bemba's men
24 and you can see every month we would hear that someone had died and the people
25 of the Central African Republic are still dying. People in my neighbourhood, they're

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1 still dying, and today they're here. They're doing their work. They are paid for
2 that.

3 Today what I was subjected to, my wife was raped. She had to have an operation.

4 Can you imagine? Two months ago she had to have an operation. They had to
5 take the semen out of her attackers and this woman is still suffering. I really, really
6 don't have much to add.

7 Bemba is accountable. He should explain why I was sodomised, why my wife was
8 raped. Everything was stolen, taken from us in the house, and now I am poor.

9 Today they are denying the account. They are saying that those things didn't
10 happen from PK12 to 22 to 52. They knocked down the doors. They took things.
11 Everything was taken across to Zaire. If I'm lying, if I'm lying, well, you can check.

12 Today Bemba if he didn't send men to PK12, to Bangui, he should raise his hand
13 before God and swear to that. I am here to say what happened. Bemba has
14 destroyed the town of Bangui with the violence, the abuse, the disease. (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted) and now they are telling falsehoods.

18 They're denying what happened.

19 I don't have much to say, but I will now let you speak. Let me tell you I was
20 sodomised. I'm asking for explanations from Mr Bemba, explanations about the
21 rapes, about my sister's death.

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

23 *(Private session at 3.29 p.m.) Reclassified as Open session

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

25 PRESIDING JUDGE STEINER: Mr Witness, are you feeling well and ready to

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(Private Session)

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1 continue? We still have half-an-hour session, but I want to ask you whether you are
2 feeling well and ready to continue?

3 THE WITNESS: (Interpretation) Your Honour, I am here before you because of
4 this trial. Everything I'm telling you you are hearing and I am willing, I am available
5 to you at your disposal ready to answer your questions.

6 PRESIDING JUDGE STEINER: Thank you, Mr Witness. Then we will continue for
7 half-an-hour. I just want to remind you not to say that you were (Redacted)
8 when we are in public session. Don't mention that information, because we don't
9 know the --

10 THE WITNESS: (No interpretation).

11 PRESIDING JUDGE STEINER: It's just to protect your identity, so bear that in mind
12 and don't mention any more that you (Redacted). Is that fine with
13 you?

14 THE WITNESS: (Interpretation) That does entirely suit me, your Honour. I got
15 carried away and I couldn't let -- I couldn't stop myself. In addition to that they're
16 saying that Bemba did nothing in Bangui, but to be frank with you --

17 PRESIDING JUDGE STEINER: Then I'll give the floor back to the Prosecution and
18 we are turning back into open session.

19 Court officer, please turn into open session and remind the witness on what an open
20 session means, please.

21 (Open session at 3.32 p.m.)

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

23 MR BIFWOLI: Thank you, your Honours.

24 Q. Sir, we are now back in open session and what that means is that what you say
25 now can be heard outside. For your own protection, protection of your family

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1 members and other people that you talk about, we ask you to try as much as you can
2 not to mention your title, name and names of family members or other people you
3 work with or that you mention in the course of your evidence. The importance of
4 this is to protect you.

5 THE WITNESS: (No interpretation).

6 MR BIFWOLI:

7 Q. You have told the Court that the Banyamulengue attacked you and your wife at
8 about 8. Can you clarify 8 in the morning, or what time was it?

9 A. Let me simply reiterate. All that occurred around 8 o'clock in the morning.

10 All these acts of violence occurred at 8 in the morning.

11 Q. You have told the Court that the Banyamulengue arrived on 8 November, they
12 killed your sister on the 9th. Do you recall the date when you and your wife were
13 attacked?

14 A. Yes, I do remember the date. After having sent them to PK22, I followed with
15 them and we went -- or we spent five days in the bush and we went right around the
16 hill in order to reach Gobongo and we spent two days -- two weeks there because we
17 thought that calm had returned, but unfortunately it was worse than before in
18 Gobongo and so we spent two weeks there. We thought that calm had returned, but
19 in fact it wasn't the case at all. Around 8 o'clock in the morning, my wife was in the
20 kitchen. She was making a meal. Meanwhile, I was in my armchair under a mango
21 tree and it's then that they came to commit their crimes.

22 Q. Sir, so that the Court can understand your evidence well, when you and your
23 wife were attacked by the Banyamulengue, was it before going to the place you
24 mentioned, or it's after you had come back to your house?

25 A. I'll just repeat what I said. After everything that happened, after the acts of

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1 violence suffered by (Redacted), my youngest sister, I left my home, I fled from my
2 home and I went to PK22 where I remained with my wife. We spent five days there
3 and then we went to Gobongo and we spent two weeks at Gobongo. We thought
4 that calm had returned and so we went back home so that we could carry on as before.
5 Unfortunately, calm hadn't returned. Upon our return from Gobongo, we suffered
6 all these acts of violence. After the death of my youngest sister, we all went to PK22
7 and we spent five days there and from PK22, well, automatically we went on to
8 Gobongo where we spent two weeks and it was from that place that we went back
9 home.

10 Q. So is it your evidence that you and your wife were attacked when you returned
11 from Gobongo?

12 A. That is exactly so, Mr Prosecutor. It was upon our return from Gobongo that
13 my wife and myself fell victim to these attacks.

14 Q. How many Banyamulengue came to your house that day?

15 A. There were six of them. I repeat: There were six of them and on that day it
16 was 8 o'clock in the morning.

17 Q. Were they carrying anything?

18 A. I would reiterate the fact that they were wearing military uniforms of green
19 colour. They were wearing combat fatigues. They were armed with rifles, with
20 three or four magazines which they were hiding in their trousers. Others held them
21 in their hands. Another one held his rifle in his hand, as well as others. Another
22 one had his rifle strapped across his chest, but there was long grass all over the
23 neighbourhood right the way up to the Begoua school. Everybody had fled and they
24 only broke into houses, the houses belonging to private individuals. You couldn't
25 do anything to stop them. We didn't have the requisite strength or the wherewithal

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1 to resist and some people have come to say here that Bemba did nothing at Bangui,
2 but ladies and gentlemen of the Court, you can send investigators to Bangui and then
3 you will realise that Bemba has completely destroyed the city of Bangui. They
4 are -- the Central African Republic is completely destroyed at this point in time
5 because of Bemba's soldiers.

6 Q. You've told the Court that six Banyamulengue came to your house that day.
7 How many of the six were armed?

8 A. Ladies and gentlemen of the Court, I told you that all the soldiers, in other
9 words all the assailants who were in the neighbourhood, in other words over the
10 entire locality of Begoua, all these people were armed. Even the youngest had
11 weapons. Everybody who had crossed over from Zaire were bearing weapons,
12 basically. There was nobody who didn't have a weapon. Some people had two
13 weapons or three --

14 THE INTERPRETER: Sorry, two magazines, corrects the interpreter.

15 THE WITNESS: (Interpretation) Some people had two magazines or some people
16 had three magazines. One day a Muslim was passing through and they called over
17 to him by saying "Yaka wa yaka wa" and as soon as they got hold of him they
18 stripped him of everything that he was wearing, and particularly any money that
19 they could find and after that they asked him to go away. Sometimes they took
20 100,000, 200,000 by way of sums and all the Muslims had fled the locality and this is
21 what I experienced, but today they come and they tell lies by saying Bemba's men did
22 nothing at all at Bangui, but God exists. God is here. God is alive. If Bemba never
23 sent troops into Central African Republic that spread out over Boali, Damara, Bozou,
24 if it wasn't the case without forgetting Nyaloge (phon) and other localities, but God is
25 in the sky. God sees all and I have got nothing more to add. I only answer the

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1 questions that you are putting to me to enable to understand all the acts of violence
2 that were committed by Bemba's men in the Central African Republic.

3 Q. Today you told the Court that you have children. Where were your children
4 when the Banyamulengue came to your house that day and attacked you and your
5 wife?

6 A. Let me repeat what I said once again. My children had fled every which way
7 and I really did the best I could to catch up with them. You know, these are young
8 people and they have fun amongst themselves and when they saw the aggressors
9 they fled. You know, these are children, young people, and they're stronger and I
10 stayed with my wife and suffered all these atrocities. You know, children they're
11 strong and they were frightened of seeing all these aggressors and they managed to
12 escape, but today Bemba's lawyers entitle themselves to make provocative remarks to
13 us. They entitle themselves to deny all the acts of violence that we suffered.
14 Now, I mean if you give me authorisation I can undress myself to show you the
15 wounds that I suffered in my anus. Ladies and gentlemen of the Court, we suffered
16 atrocities at Bangui. Ask questions to me. Go on, ask me questions and I'm ready
17 to answer any question you put to me, your Honour.

18 Q. In your evidence, you told the Court that the Banyamulengue raped your wife.
19 Which part of her body did they have relation with?

20 A. Right, I'm going to tell you the truth. They took hold of that lady. They
21 dragged her into one of the bedrooms in my home and then there was an assailant at
22 the threshold to the bedroom. Meanwhile, another was next to the door and two
23 further men were next to me. And when they finished their sexual assault, I went
24 into the home and I -- in my home and I saw her on the ground, tired, worn out,
25 exhausted, and sperm was coming out of her vagina, and after they had sodomised

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1 me they withdrew. I got back up. I stood back up to go to my wife.

2 I took her out of that room and I boiled -- I heated water with a view to massage her,
3 and when I had massaged her sperm came out of her sexual organ. This is what I
4 saw with my own eyes, ladies and gentlemen. I'm telling you the truth. This is
5 what I experienced really.

6 Q. Apart from raping her through her vagina, are you aware if they raped her
7 through any other part of your -- of her body?

8 A. My dear brother, if somebody decides to do an evil deal -- deed upon you, how
9 can you resist? He does everything he wants and he won't leave anything -- any
10 stone unturned. No part of your body can be sheltered. Even her anus suffered
11 their assaults. I had to heat up some water and then she sat down in that water so
12 that she could heal her bottom.

13 Ladies and gentlemen of the Court, Bemba's men wrought desolation over Bangui.
14 As I told you earlier on, I heated water, I laid down an old table cloth on the floor
15 because they'd taken everything else and I massaged her in this way for a period of
16 two weeks.

17 Your Honour, there wasn't any health centre. All the hospitals were closed. All the
18 doors, all the windows, were broken, and they used all that -- all that they had broken
19 for firewood. And to be honest with you, in fact nothing was left in the Begoua
20 neighbourhood. It was thanks to Bozizé, President Bozizé, that all the schools have
21 now been refurbished. Only recently, they just built a new school. (Redacted)
22 (Redacted), a house --

23 THE INTERPETER: Rather, corrects the Sango interpreter, "a school was under
24 construction."

25 THE WITNESS: (Interpretation) But if you tell me that Bangui wasn't destroyed,

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1 well, just send 30 or so people to Bangui and particularly to Begoua so that these
2 people can run investigations. Send investigators and ask the local inhabitants
3 whether Bemba didn't commit any acts of violence and abuse in that neighbourhood.
4 By doing that, people won't want to talk about it because they don't want to
5 remember the name of Bemba. Anyway, I don't have much to say. I can only
6 answer the questions that you put to me.

7 MR BIFWOLI:

8 Q. How did you know that the Banyamulengue had anal sex with your wife when
9 they raped her?

10 A. Well, she herself told me. Listen, you can't you yourself check your wife's
11 vagina when she's just suffered such an assault. Let me tell you the truth. Your
12 wife can't tell you lies. How can she hide or conceal things that she had suffered?
13 She suffered violence. If she had been raped by somebody who you don't know,
14 well, then it's less painful, but if your wife is assaulted and raped before your very
15 eyes what can you say?
16 It was horrible. It was unbearable, but I only heated up water to give her some care
17 because at that time there was no hospital. All the hospitals were destroyed and it's
18 thanks to President Bozizé that these hospitals have been rebuilt and refurbished, but
19 in Patassé's day wages weren't paid on time, but today President Bozizé pays salaries
20 on a regular basis and all the schools have been refurbished and today we can be very
21 proud that we have a good president.

22 Q. Sir, in your testimony you told the Court that while cleaning your wife you saw
23 the sperm of the Banyamulengue coming out of her vagina. Did you observe it
24 coming from any other place as well?

25 A. Some sperm oozed out. Sperm came out of her anus. Sperm also came out of

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1 her vagina. This is what I saw. So I heated up some water that I then poured into a
2 container and then she sat down on that container and it was after two weeks -- it was
3 only after two weeks that she could stand up on her own.

4 PRESIDING JUDGE STEINER: Mr Bifwoli.

5 MR BIFWOLI: Thank you, Madam President, your Honours. I think that was my
6 last question. It's a convenient place to break.

7 PRESIDING JUDGE STEINER: Thank you very much. You say "last question."
8 For today I presume?

9 MR BIFWOLI: That's correct, your Honours.

10 PRESIDING JUDGE STEINER: Mr Witness, Mr Witness, now it's the Presiding
11 Judge talking to you. It's almost 4 o'clock. We will suspend for today. You need
12 to take some rest, our interpreters and court reporters as well, so we'll be back in this
13 courtroom tomorrow morning at 9.30 in the morning and we hope you have a restful
14 night.

15 I ask, please, court officer to turn into closed session for the witness to be taken
16 outside the courtroom.

17 *(Closed session at 3.59 p.m.) Reclassified as Open session

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

19 (The witness stands down)

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

21 (Open session at 4.00 p.m.)

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

23 PRESIDING JUDGE STEINER: Thank you. I ask for the indulgence of our
24 interpreters, court reporters. I just have two short oral decisions to be issued.

25 Thank you.

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1 The first is oral decision on Maître Zarambaud's application to question Witness 69.
2 On 18 November 2011, the Chamber received an application from Maître Zarambaud
3 on behalf of the victims he represents to question Witness 69 (Filing 1924-Conf).
4 Maître Zarambaud's application contains a list of 12 sets of questions.
5 On 23 November 2011, the Defence filed a response to Maître Zarambaud's
6 application (Filing 1936-Conf). The Defence does not object to Maître Zarambaud
7 questioning Witness 69. Instead, it makes three requests directed to the questioning
8 by legal representatives of victims in general.
9 First, that all questions posed by legal representatives be expressly authorised by the
10 Chamber unless they are based upon the responses given by the witness during the
11 legal representatives' questioning.
12 Second, that all references to a witness testimony be given in both working languages
13 of the Court.
14 Third, the Defence asserts that when transcripts are cited references should be made
15 to the edited version unless it is unavailable.
16 Maître Zarambaud filed a reply to the Defence response on 25 November 2011 in
17 which he addressed two of the three requests made by the Defence. It is filing
18 1941-Conf.
19 On the issue of follow-up questions by legal representatives, Maître Zarambaud
20 observes that the Chamber has addressed the matter on several occasions and clearly
21 retains the power to reject any supplementary questions it deems to be inappropriate.
22 On the Defence's request for citations in both working languages of the Court, Maître
23 Zarambaud argues that the Defence does not follow its own rule having provided
24 documents in the past in only one language of the Court, English.
25 Having considered the reasons given by Maître Zarambaud as to why the personal

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1 interests of the victims he represents are affected, the Chamber allows his application
2 to question Witness 69. The witness is a victim who has been granted permission to
3 participate in the present proceedings and is represented by Maître Zarambaud.
4 For this reason, and because the witness is expected to testify regarding the harm he
5 and other civilians from the Bangui area suffered as a result of the alleged crimes, it is
6 perfectly appropriate for Maître Zarambaud to put questions to him.
7 Turning to the proposed questions the majority, with Judge Ozaki dissenting in part,
8 allows the questions presented in Maître Zarambaud's application subject to the
9 following clarifications: Question 5.1 should specify whether the witness saw the car,
10 Mr Bemba or both. Question 11 contains an incorrect quote from the witness
11 statement which needs to be corrected. Judge Ozaki dissents as to question 4.2
12 which she considers to be irrelevant. Judge Ozaki also observes that the statement
13 excerpt in question 1 appears to be irrelevant to questions 1.1, 1.2 and 1.3.
14 Finally, the Chamber will address the three requests made by the Defence in its
15 observations. In relation to the first request, the Chamber directs the parties and
16 participants to paragraphs 18 and 19 of decision 1023 which established the procedure
17 the legal representatives must follow when they wish to put questions to a witness.
18 Under that procedure, the Chamber retains the discretion to allow the legal
19 representatives to put additional questions to a witness over and above those
20 included in their initial applications. In exercising the discretion, the Chamber will
21 ensure that the legal representatives' questions are relevant, related to the personal
22 interests of their clients and consistent with the fairness, impartiality and
23 expeditiousness of the trial as Rule 91 of the Rules of Procedure and Evidence
24 requires.
25 In relation to the Defence's second and third requests, the Chamber expects the

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1 parties and participants to cite transcripts in both French and English wherever
2 possible. The Chamber recognises that due to exigencies of the trial, citing
3 transcripts in both languages will not always be possible, but the parties should cite
4 both versions of the transcript whenever they are reasonably able to do so.
5 Finally, the parties should provide citations to edited versions of transcripts wherever
6 possible. This will assist in keeping a complete and accurate record of the
7 proceedings as required under Article 64(10) of the Statute.

8 A second very short -- this time very, very short oral decision. Although it relates to
9 a confidential filing, the decision itself does not refer to confidential matters. It will
10 therefore be rendered in open session.

11 Earlier this afternoon, the Chamber was notified of the Defence motion on the
12 rescheduling of Prosecution Witness (Filing 1943-Conf). The Defence seeks leave
13 from the Chamber not to close the Defence examination of Witness 219 which is
14 currently scheduled to begin next Monday, 5 December, until after the completion of
15 testimony of Witness 15, 36, 44 and 45, or in the alternative until such time as those
16 witnesses are dropped from the list of Prosecution witnesses. To enable the
17 Chamber to rule on the Defence motion before it becomes moot, the Chamber needs
18 to shorten the Prosecution's time to respond pursuant to Regulation 34 of the
19 Regulations of the Court. The Prosecution's response, if any, is to be filed no later
20 than noon on Wednesday, 30 November 2011. The Chamber recognises that this
21 gives the Prosecution a relatively short time to compile its response. This is,
22 however, an unavoidable consequence of the Defence choosing to file its motion
23 when it did, seven days before Witness 219 is scheduled to take the stand, and
24 17 days after the Chamber ruled on the scheduling of his testimony in decision 1904.
25 With this matter dealt with, I thank very much the Prosecution team, the legal

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1 representatives of victims, Prosecution team, Mr Jean-Pierre Bemba Gombo. Thank
2 very much again our interpreters and court reporters and once again apologising for
3 taking ten minutes after the correct timing, but these two decisions were to be issued
4 on an urgent basis.

5 Having said that, the hearing is adjourned.

6 THE COURT USHER: All rise.

7 (The hearing ends in open session at 4.10 p.m.)

8 RECLASSIFICATION REPORT

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

10 ICC-01/05-01/08-3038 and the instructions in the email dated 12 August 2014, the

11 version of the transcript with its redactions becomes Public