

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 Judge Kuniko Ozaki
- 6 Trial Hearing
- 7 Tuesday, 29 November 2011
- 8 (The hearing starts in open session at 9.42 a.m.)
- 9 THE COURT USHER: All rise. The International Criminal Court is now in session.
- 10 Please be seated.
- 11 THE COURT OFFICER: Good morning, your Honours, Madam President. We are in
- 12 open session.
- 13 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the
- 14 case.
- 15 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
- 16 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
- 17 PRESIDING JUDGE STEINER: Thank you very much. Good morning. Welcome
- 18 Prosecution team, legal representatives of victims, Defence team, Mr Jean-Pierre Bemba.
- 19 Good morning our interpreters, court reporters.
- 20 We will continue today with the testimony of Witness 69. Just for the parties' and
- 21 participants' information, the Chamber received this morning a report from VWU, just
- 22 reporting that the witness had sleeping problems and has a headache. He's willing to
- 23 continue to testify. Just for the Court's information.
- 24 I was informed that Mr Haynes wants to raise an issue, and before the witness is brought
- 25 in I ask Mr Haynes whether it has to be issued in open session or private session?

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 MR HAYNES: I think it can be dealt with in open session.

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

3 MR HAYNES: Thank you. Your Honour, the reason I want to raise something now is
4 really in the light of the time-tabling decision that you gave yesterday evening concerning
5 the Defence motion to keep open its examination of Witness 219, and if you don't mind I'll
6 give the matter a little preamble?

7 The problems with witness scheduling for the remainder of this year are well-known and
8 well-documented and really need no further amplification, and in order to fill a
9 substantial gap in the Court calendar the Chamber has permitted the Prosecution to call
10 its military expert - and there's no reason not to name him, his name is General
11 Opande - on 5 December.

12 The Defence position in relation to that has always been that this witness's evidence
13 cannot properly be concluded until he has had the opportunity to consider all the
14 evidence in the case relevant to the question of command of the MLC troops in the CAR,
15 which will include the evidence of witnesses currently scheduled to attend after the
16 winter break for reasons of their own convenience.

17 On Monday, 28 November, the Defence filed a motion seeking leave not to close its
18 examination of the Prosecution military expert before the evidence of those witnesses had
19 been received by the Chamber.

20 The filing of that motion was done in an endeavour to give timely notice of the fact that
21 the Defence may, rather than certainly would, wish to put further questions to this
22 witness later in the case.

23 Such an application, we submit, could equally properly have been made at any point up
24 until the finalisation of the Defence examination of the witness, depending upon his
25 answers to questions put to him up to that point.

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Open Session)

ICC-01/05-01/08

1 The Defence motion was filed a week prior to the start of the expert's testimony in order
2 to be of assistance to the Chamber, which has expressed a clear preference for deciding
3 procedural motions on paper, rather than during the proceedings by way of oral
4 submission.

5 Indeed, the requirement of witnesses to re-attend for further questioning is, in our
6 submission, routine. In a number of cases, especially in the cases of expert witnesses, this
7 Chamber has warned witnesses of that possibility, and I need remind you no more of
8 events I think almost exactly a year ago at the conclusion of the evidence of
9 Dr Akinsulure-Smith.

10 General Opande originally --

11 THE INTERPRETER: Message from the English booth: Apologies to interrupt. Could
12 Counsel please be requested to slow down for the purposes of interpretation, because he
13 is reading? Thank you.

14 MR HAYNES: I'm very sorry. General Opande originally made a report in
15 October 2010. As an example of its genre, it was a very brief report indeed. It ran to 13
16 pages, eight of which covered his expertise and experience. There were, accordingly, in
17 the original report five pages of narrative and opinion.

18 Yesterday morning at 11.46, by way of email, the Prosecution notified the parties and the
19 Chamber that it would require a further two hours of examination time for General
20 Opande. I'm bound to muse quizzically how you could occupy two hours anyway
21 examining somebody about a five-page narrative, but two additional hours caused us all
22 to suspect what was to follow.

23 At 14.30, yesterday afternoon, the Prosecution served upon the Defence a further report of
24 General Opande. It is unsigned, it is undated and, although plainly produced as a result
25 of instructions from the Office of the Prosecutor, it gives no hint of the date of those

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 instructions, no hint of what consultation, if any, has taken place with the Prosecution and
2 no indication of when it was sent to the Prosecution, or received by them. It runs to 60
3 pages, with annexes, and involves the consideration by General Opande of considerably
4 more material than his original report.

5 Your Honour, expert evidence is in a category all of its own. It has to be disclosed in
6 sufficient time to allow the opposing party to deal with it and to allow them sufficient
7 opportunity just, for example, to consult with experts that they may have instructed
8 themselves to check the methodology and the validity of the opinions expressed in the
9 report.

10 Indeed, the Rules recognise it and this Chamber has recognised it by determining that the
11 minimum period of disclosure of an expert's report - prior to testimony, thank you - is 30
12 days, and if a reference is needed that's paragraph 14 of decision 928 of 7 October 2010.

13 Accordingly, the Defence submit that General Opande cannot give evidence this side of
14 the winter break, in accordance with the rules and the procedures set down for this trial,
15 because his evidence will be based upon a report disclosed seven days before he is
16 scheduled to testify and 17 days after the Court's order that he attend on 5 December of
17 this year.

18 Now, I'm going to look into my crystal ball a little bit now and anticipate what the
19 Prosecution may say in response to this.

20 The Defence anticipates that this last-minute disclosure will be excused on the basis that
21 the Prosecution do not rely on this report. Well, what does that mean? What it means is
22 that they will not seek to tender the report into evidence at this stage, that it is not upon
23 their list of documents for this witness, but what it does not mean is that this witness's
24 evidence in court will not be based upon the recently disclosed report, or that in effect the
25 contents of that report will not be adduced through the back door by way of his oral

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 testimony. That, we anticipate, was the very reason that the Prosecution yesterday
2 morning asked for a further two hours' time to examine him.
3 It's a neat trick, a neat trick to avoid the Chamber's anger and the rules about disclosure of
4 expert reports, but that's what it is, a trick. It is impossible for the Chamber to police the
5 examination of this witness in a way that prevents reliance upon the late, recently
6 disclosed material, and equally it is an impossible task to ask a witness to confine the
7 opinions he expresses in court to that which he knew 12 months ago and nothing else.
8 It's a simple exercise in mental gymnastics that's beyond any human being. And even if
9 the Prosecution can restrict its questioning of the witness to the original report, which we
10 say is impossible, the Defence may wish to refer to it, or criticise it.
11 We do not have any possibility in the next seven to ten days to consult with our own
12 experts in a way that would enable us to deal with this report and the evidence which this
13 man will give, and we are therefore indelibly prejudiced by the late service of the report.
14 We note in passing that the dropping of a new expert report on the Defence less than a
15 week before the start of his testimony completely negates the possibility of joint
16 instructions of an expert, as anticipated under the Rules, and we suggest that the only
17 proper course at this stage is to suspend the attendance of this witness until at the earliest
18 28 December, 30 days after the service of the new report, which in effect means that he
19 will not attend until January.
20 I am sorry that this matter has to be raised in this way but, if I may borrow your Honour's
21 phrase of yesterday evening, it is an unavoidable consequence of the late service of a very
22 substantial and new expert's report.
23 I would ordinarily not expect the Prosecution to make an immediate response to these
24 submissions, and you have in any event asked them to file something tomorrow in
25 relation to the Defence filing concerning this witness, but you may feel that the matter is

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 now rather more urgent because, if you do agree that this is late service and that this man
2 cannot start his evidence on Monday, his travel plans may be rather more quickly affected
3 by your ruling today and you may think that it is appropriate that the Prosecution
4 respond some time today and you make a decision some time today.

5 But for the avoidance of doubt, our primary submission is no longer that the Defence be
6 permitted to as it were hold back some of its examination of this witness, but that this
7 witness not be permitted to attend next Monday, 5 December, and not be permitted to
8 attend until 30 days after the service of the report.

9 Thank you.

10 (Trial Chamber confers)

11 PRESIDING JUDGE STEINER: Thank you, Mr Haynes. The Defence has made a very
12 comprehensive motion to the Chamber. There is a filing pending from the part of the
13 Prosecution, but I first ask whether Prosecution would prefer to respond to the present
14 submission now, or include its response on the filing already ordered, Maître Badibanga?

15 MR BADIBANGA: (Interpretation) Thank you very much, your Honour. With your
16 leave, I would just like very succinctly to touch upon some of the points raised by my
17 learned colleague, Mr Haynes.

18 As we all saw, his statement was readied ahead of time and so we are not able to pick up
19 on all the points he raised. For the time being it is true there are certain conclusions in
20 the throes of being drafted, and we will be submitting them tomorrow and no doubt we
21 will be covering some of the points that were raised by Mr Haynes.

22 Perhaps to clarify a point: I think the crystal ball of my learned colleague, I think he
23 needs to improve his powers of clairvoyance and this is no doubt taking him down a
24 wrong track. There is no trick or neat trick on the part of the OTP. We weren't aware of
25 the fact that the expert had drawn up an ancillary report and that he had drafted this

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 letter.

2 We only learned this information as said, by the way, in our motion on the filing of
3 21 November and as early as possible we were able to impart this information to the
4 Defence team. Here again, the reason why we did this to the service of the proceedings
5 and to transparency we had to disclose this information. There was no justification to
6 keep it among themselves, but we clearly stated to the Defence that we didn't wish to use
7 this report and this is what Mr Haynes was referring to just a moment ago.

8 For all that, we needed to disclose it. So let's clear up that particular point. There is no
9 neat trick. This is part and parcel of our obligations and we are going to communicate
10 this document.

11 Now, 60 pages was mentioned. To my knowledge, the document that we disclosed is
12 only 28 pages long. Perhaps Mr Haynes didn't have the time to look attentively at the
13 document or at least the points that he is building his case upon, but I think he's referring
14 to the translation of the log-book as it's termed because the evidence came up at a certain
15 point in time and the expert consulted certain sections or extracts from that log-book and
16 this is what we've appended and this is what the annex and maybe this is what
17 Mr Haynes is referring to but I think he's very familiar with the document that I'm
18 referring to.

19 Your Honour, we asked additional time for this witness, as we did for previous witnesses
20 that appeared before this Court over the last few weeks, and the position of the OTP was
21 very clear a few months back. Bearing in mind the unfolding of the case, the time that
22 the OTP has devoted to the initial time for hearing witnesses, we want and we're calling
23 upon the Chamber to reallocate, redistribute the time that is allotted to us and at this point
24 in time we think it's worthwhile to ask for additional time for this expert.

25 So there's no -- there will be no trap or trick with the OTP. It is just logical, bearing in

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 mind the changing face of this particular point, and then I'll also like to pick up on the
2 point with regard to the date. We did indicate that we received this report on
3 28 November, and you will find that in the filing that was adjoined to the transmission of
4 the report, and here again the information is very clear, Mr Haynes was saying that
5 this -- that the Prosecutor didn't indicate when he received it.

6 And lastly, and this will be my concluding point, we of course will be responding by a
7 written conclusion, as I said, and this will be done tomorrow. It's worth remembering
8 however, that the Defence is maybe trying to deploy one more neat trick on its part to
9 delay the evidence given by this expert.

10 This is something -- well, we've been in good faith, we've been giving this to the Defence,
11 and now they're using that in order to push back receiving testimony from this expert.

12 Now, the Defence right from the outset has refused to talk with the OTP about these
13 experts. You will remember, your Honour, that the list of the experts listed by the OTP
14 was rejected by the Defence because the Defence wished not to have joint expert
15 witnesses, and maybe it will be calling its own experts, but I believe that the order in
16 which we're bringing our witnesses to the Court, that will depend on the OTP and then
17 the Bench needs to have exhaustive understanding of what -- of all that involves, but
18 Defence cannot ask us to push back receiving testimony from this expert by saying that
19 they wish to put questions to the expert.

20 No doubt they can call upon their open expert and no doubt there'll be no prejudice
21 therefore suffered on the part of the Defence Bench. This is what I can tell you, your
22 Honour, at this stage by way of preliminary remarks and of course no doubt there'll be
23 written filings to pick up on the questions that have been just voiced.

24 PRESIDING JUDGE STEINER: Thank you very much, Maître Badibanga. The
25 Chamber will analyse and decide upon the Defence submission after receiving the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 Defence -- the Prosecution's written submission by noon tomorrow.

2 I think we are ready to ask for the witness to be brought into the courtroom so I ask,

3 please, court officer to turn into closed session in order for the witness to be brought into

4 the courtroom.

5 *(Closed session at 10.06 a.m.) Reclassified as Open session

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

7 (The witness enters the courtroom)

8 WITNESS: CAR-OTP-PPPP-0069 (On former oath)

9 (The witness speaks Sango)

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

11 (Open session at 10.08 a.m.)

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

13 PRESIDING JUDGE STEINER: Thank you. Good morning, Mr Witness.

14 THE WITNESS: (Interpretation) Good morning, your Honours.

15 PRESIDING JUDGE STEINER: We hope you had a restful night and that you are ready

16 to continue giving your testimony.

17 THE WITNESS: (Interpretation) Yes. Well, I didn't spend a very good night. I still

18 am suffering pain in my left eye.

19 PRESIDING JUDGE STEINER: Are you able to continue giving your testimony?

20 THE WITNESS: (Interpretation) Yes, I am in a position to continue, but I am still

21 suffering terrible pain in my eye and when I start talking it's as if my eye wants to come

22 out of its orbit, but I suggest that we continue somewhat and if I am not able to continue

23 at any stage I shall inform you.

24 PRESIDING JUDGE STEINER: Please, Mr Witness, inform the Bench. If need be the

25 doctor or the nurse will come to see you, so whenever you need we can go into a break.

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Open Session)

ICC-01/05-01/08

1 Is that fine with you?

2 THE WITNESS: (Interpretation) Yes, that's fine. But, as I said, I didn't sleep very
3 well. I spent a very bad night and I have a terrible pain in my eye.

4 PRESIDING JUDGE STEINER: Then, Mr Witness, we will start and if you feel you
5 cannot continue you let us know. Mr Witness, I need to remind you that you are still
6 under oath. Do you understand that?

7 THE WITNESS: (Interpretation) I do understand and I still remember the oath that I
8 took yesterday.

9 PRESIDING JUDGE STEINER: I also want to remind you that you are under protective
10 measures, that your voice and your image broadcast outside the courtroom are being
11 distorted so that the public cannot identify you, but in order to keep such protection it's
12 important that in public sessions you don't mention any information that could lead to
13 your identification, yours and family members, and friends, where you live, your past or
14 present occupation. If need be for you to give this information we have to go into private
15 session. Do you understand that, sir?

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

17 PRESIDING JUDGE STEINER: Thank you. I will give, then, the floor to Mr Bifwoli
18 from the Office of the Prosecutor. Mr Bifwoli, you have the floor.

19 MR BIFWOLI: Thank you, your Honours.

20 QUESTIONED BY MR BIFWOLI: (Continuing)

21 Q. Good morning, Mr Witness.

22 A. Good morning, Mr Prosecutor.

23 Q. Today we are going to proceed from where we stopped yesterday, and I'm going to
24 continue to ask you questions and we proceed as we did yesterday. In your testimony
25 yesterday, you stated that six Banyamulengue came to your home, raped you and your

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 wife. You stated that two were guarding you, while the others were raping your wife
2 inside the house, and so the question is can you explain to the Court how many
3 Banyamulengue in total raped your wife?

4 A. As I said yesterday - and I shall repeat it today - the Banyamulengue came to my
5 residence at approximately 8 a.m. with a view to attacking us; that is my wife and myself.
6 They arrived at approximately 8 a.m. and four of them took her inside the house. Two
7 remained at the main entrance to the house. Two individuals dragged her into the
8 bedroom and one Banyamulengue remained at the door to the bedroom. One
9 Banyamulengue individual raped my wife, and then they took turns.
10 Afterwards, they came out and I was angry. I wanted to react physically. This is how
11 they caught hold of me and they also took me away with a view to assaulting me. After
12 the assault, after having sodomised me, I then pulled myself up to my feet and went to
13 massage my wife. And I'd like to ask -- put the question to the Bench here: You know,
14 after what happened to my wife, what was I supposed to do?

15 Q. Sir, did the two Banyamulengue who were guarding you also rape your wife?

16 A. The two individuals who had their guns cocked at me took me inside with a view to
17 sexually assaulting me. After having raped my wife, the two individuals standing at the
18 doorway, with their guns pointed at me, also took me inside with a view to sodomising
19 me.

20 Q. Mr Witness, maybe my question was not clear. You stated in your evidence that
21 six Banyamulengue came to your house, then two of them were guarding you and the rest
22 were in the house raping your wife. Now, I want to focus your attention on these two
23 Banyamulengue that were guarding you. Did they also at any time rape your wife?

24 A. No, what I said was that there were four individuals who dragged my wife into the
25 house. Two other individuals were standing guard at the doorway. This enabled their

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Open Session)

ICC-01/05-01/08

1 peers to do precisely what they wanted to with my wife inside the house. Once they had
2 finished with my wife, four of them - the four of them - came out of the house and four of
3 them replaced them at the doorway and stood guard at the doorway. The two
4 individuals who were guarding me went back into the house in order to continue the job.
5 I was still standing outside the house. Four individuals raped my wife. Two
6 individuals raped them, came back to the door and stood guard there, and then two
7 others went back into the room in order to carry on raping her.
8 And then I felt angry. I approached them. I shouted at them, and those who were
9 guarding with -- guarding me threatened me and dragged me inside the house, telling me
10 that in view of the fact that I was trying to show them that I was a man they said that they
11 would take me inside and that I would replace my wife and that they would show me
12 what they were made of. And then the four individuals raped my wife, they took turns
13 raping my wife, and then they came out and that is what happened. That is how it
14 happened.

15 Q. So that we are clear on this point, Mr Witness, is it your evidence that all the six
16 Banyamulengue who came to your house that day raped your wife?

17 A. Four of them raped my wife. The two other individuals raped me. Four raped
18 my wife and the two others raped me.

19 Q. It's now clear, Mr Witness. You testified that the Banyamulengue who raped you
20 and your wife were armed. Did they do anything with their weapons as they left your
21 home, after raping you and your wife?

22 A. No. Why had they come with their weapons? Well, it was just with a view to
23 intimidating us. When we saw the weapons, we no longer had any strength. We could
24 not resist them, brother. We no longer had the strength to resist individuals who were
25 armed with rifles. We could do nothing. We let them go about their business, and then

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 after the act they took their leave and returned to their base. As I said, (Redacted)
2 (Redacted) and, after they had committed their dirty deed, they returned to
3 their base.

4 Q. Sir, when the Banyamulengue left your home to return to their base, did they do
5 anything with their weapons as they left?

6 A. No. As I said, after they had perpetrated their act they left and returned to their
7 base with their weapons. They had only come in order to rape us, and after the rape they
8 left quietly and they went back to their base.

9 Q. Did your wife and children continue to stay in your home after the rape?

10 A. As I told you, when they were raping me, well, the children could not stay put.
11 The children ran away. The children could not stay there. They could not -- they could
12 not handle seeing these weapons of war. They fled. The children were not there.
13 They were there at the beginning, but they fled. They sought refuge with some family
14 members.

15 Q. What about your wife? Did she continue to stay in your home after she was raped?

16 A. Ladies and gentlemen of the Court, my wife stayed with me and has remained with
17 me until today. As I told you yesterday, the sperm that was in her belly -- the sperm that
18 was in her belly formed a type of ball and we were obliged to operate on her in order to
19 extract this ball. She is still alive and she continues to suffer.

20 Q. You told the Court that the six Banyamulengue came to your home and four of them
21 raped your wife. After you and your wife were raped, did you and your wife continue
22 to live in your home at that time?

23 A. Mr Prosecutor, I told you that after the events we were not in a position to move
24 about. We were still occupying the same house, until my wife underwent the operation.
25 We could not separate. Of course things were very difficult, but we remained together.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 Q. You told us, you told the Court that the Banyamulengue took many items from
2 people's homes. Apart from your sister's money, did the Banyamulengue take any items
3 from your home?

4 A. Mr Prosecutor, the truth be told, he did not come with a view to sparing our
5 property, whether it be property of any value or not. When we left on the first occasion
6 to PK22 they had already looted the house and it was subsequent to our return that we
7 realised what had happened. The property of Begoua, well, as I say, Mr Prosecutor, if
8 you have the opportunity to visit the location you will realise for yourself that nothing
9 remained in the houses that they had occupied in Begoua, in PK22, in Damara, in Sibut, all
10 those towns were looted, and one could even add Boali, Bossembée, (phon), Waleke
11 (phon), Bozoum, all those towns were looted and God is witness to what I am telling
12 you today. There was nothing left at all.

13 Q. Can you explain to the Court the items that were looted from your house?

14 A. Mr Prosecutor, I'd just like to establish, are you talking about my house or the
15 houses belonging to the other inhabitants in the neighbourhood?

16 Q. Thank you, sir, for seeking that clarification. At this point in time we are focusing
17 on what was looted from your house. You stated that it was looted while you went to
18 PK22. Could you please tell the Court the items that were looted from your house?

19 A. Mr Prosecutor, I told you that the goods that I had in my home, among these goods
20 there was a mill, a cassava mill, as well as other goods, such as a bicycle, a motorcycle, the
21 four foam mattresses, items of furniture, what else could I list for you?

22 You know, when you go through such an experience as this, you can't necessarily keep
23 top of mind all the goods that were looted but what's for sure, that they took a lot.

24 Everything was looted. Obviously I've been asked not to reveal my identity, but there
25 were goods of certain value that were taken, reaching sizeable figures. I do not wish to

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Open Session)

ICC-01/05-01/08

1 lie to you, I haven't totalled the total value, but I had 700,000 in money under my mattress.

2 I received this money because of the farming activity that I conducted.

3 Q. How did you know that it was the Banyamulengue who looted these items?

4 A. Your Honours, Mr Prosecutor, I think that at that particular time I had good
5 eyesight and I was able to recognise the Banyamulengue because of the language that they
6 spoke, "Yaka wa, Yaka wa," I could hear that. In the DRC that's something that you don't
7 hear. You only talk -- you talk Sango, you talk Banda, Mbwalu, Gbeya, Yakoma,
8 those languages we're familiar with, but in all those languages there's nothing like "Yaka
9 wa, Yaka wa." That comes from a foreign language.

10 You see, here and now I'm talking in Sango and you know that I speak Sango. I'm from
11 the Central African Republic.

12 Q. Sir, you've told the Court that when you left on the first occasion to PK22, they had
13 already looted the house and it was subsequent to your return that you realised what
14 happened. So, how did you know that the people had looted your house were therefore
15 the Banyamulengue?

16 A. How could I not know? I know. I know. I know because when we went to PK22
17 those people had -- well, they were -- they broke down doors. It wasn't only my home,
18 your Honours, Mr Prosecutor, it wasn't my own door, or only my door, it was the
19 doors -- all the doors (Redacted) that were broken down.

20 There was nobody in the locality. It was deserted. The local inhabitants had fled. They
21 had spread out all over the neighbourhood and they stationed themselves in the
22 neighbourhood and their base was in the neighbourhood and their HQ was located in the
23 Begoua school, and they went (Redacted) back to their base and they were
24 all over the neighbourhood.

25 There was no local inhabitant left in the neighbourhood. Everybody had fled into the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 bush and I say this before God. There was nobody, nobody, nobody among the local
2 inhabitants were remaining in that locality. And the grass grew long before people came
3 back, and this is what I saw and this is what I experienced. It was the Banyamulengue
4 and nobody else.

5 Q. You testified yesterday that the Banyamulengue took 800,000 francs from your sister.
6 Are you aware if that money was ever compensated back?

7 A. But, Mr Prosecutor, right up until now and really it's thanks to God, thanks to God
8 that Mrs Sayo set up her programme dubbed OCODEFAD. It's thanks to Mrs Sayo. It's
9 really thanks to her. And we -- we are really thankful for this opportunity that we have,
10 to express ourselves now, but who can reimburse me that money, that 800,000 that
11 belonged to my sister? Nobody has given me one penny by way of reimbursal.
12 Nobody has come to see me to hand over money to me, and that's -- that's the bare truth.

13 Q. Were you ever compensated for the money and items that were looted from your
14 house by the Banyamulengue?

15 A. Well, who could provide me with such indemnity? Nobody. Nobody gave me
16 money. And today, thanks to God, I have the opportunity of appearing in this Court,
17 and it's the perpetrators of these acts of abuses and violence, it's up to them to provide me
18 with indemnity, because it's because of them that I lost these items and I want that to be
19 done.

20 Q. You've testified that the six Banyamulengue came to your home and on that date
21 you and your wife were raped. Do you know why the Banyamulengue raped you?

22 A. Mr Prosecutor, those men behaved like madmen. They were smoking hemp, and
23 they were consuming home-made alcohol. Bootleg alcohol. What could I do? What
24 could I do? Those men were up to their eyeballs in intoxication. They were -- had a
25 very bad attitude. They were very aggressive.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 Q. Did the Banyamulengue accuse you of something before raping you on that day?

2 A. Brother, Mr Prosecutor, I think I've already said that those particular men were
3 behaving in a very strange fashion. When they arrived, they immediately attacked my
4 wife. I was under the mango tree on a -- in a chair and she was asked to come out of the
5 house, but we didn't have any prior problem with them. We didn't know them before
6 that. So -- and why should we have ever had problems with them because we didn't
7 know each other? What reason could there possibly have been?

8 Since we didn't know these people, if -- I mean, if you have a problem with these people,
9 if you owe these people money, but it wasn't the case at all. These were crooks. Crooks
10 were brought into our vicinity and the people that -- the people who sent those crooks
11 into that vicinity knew what they were like, knew their behaviour, but we actually saw
12 these people. We saw them.

13 Q. Do you know if the Banyamulengue did anything to civilians in your
14 neighbourhood who were perceived to be supporting Bozizé?

15 PRESIDING JUDGE STEINER: Mr Haynes.

16 MR HAYNES: I think that's a slightly leading question.

17 PRESIDING JUDGE STEINER: Let me wait for the -- by the transcript I cannot see a
18 leading component on the question. Mr Bifwoli, can you rephrase the question in order
19 for the Defence to feel more comfortable?

20 MR BIFWOLI: Thank you, your Honours.

21 Q. Sir, do you know if the Banyamulengue targeted any civilians in your
22 neighbourhood?

23 A. Mr Prosecutor, when those Banyamulengue arrived, well, I'm not a child. Contrary
24 to what the Defence counsel says, I come from the Central African Republic and I've come
25 all this way to The Hague. I'm not a child. I'm here because I was a victim.

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Open Session)

ICC-01/05-01/08

1 Mr Prosecutor, you are talking about civilians, but there weren't only civilians. Back then
2 it was in your vested interest not to be a civil servant, because even your house as a civil
3 servant would become their property. There was even a magistrate residing in my
4 neighbourhood. I can't mention his name because you asked me not to reveal his name,
5 but that person was there and their house was literally looted from floor to ceiling. They
6 were in the neighbourhood and they took their car and they left, but you know - and you
7 should know - that, you know, a Central African magistrate, this gentleman's house was
8 completely looted. Regardless of your social status, regardless of your social status, your
9 goods were systematically looted and brought -- taken away in vehicles to go off to their
10 own country.

11 I mean, maybe they didn't have any chairs or foam mattresses in their country, so
12 whenever the opportunity cropped up they took everything. Even glasses to drink
13 water, they took everything. They would turn up, they would turn up in front of your
14 door, they would break down your door with the butt of their rifle and then they would
15 take your goods.

16 I mean, I -- I mean, you can't claim here in this Court that anybody has told me what to
17 say. No, I saw what I saw. I know what I saw. There was a magistrate (Redacted).
18 In fact, there were two. There were two magistrates and both their houses were looted,
19 and if you like I can reveal the names of those magistrates here and now. They still
20 reside in Bangui.

21 Q. You have testified that the Banyamulengue who were in your neighbourhood were
22 wearing military uniforms. Do you know who provided these military uniforms to the
23 Banyamulengue?

24 A. Your Honours, well, we didn't -- we didn't want to make the situation overly
25 complicated. I think I told you that the -- that Mr Patassé's driver was responsible for

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 provisioning. He said, "Okay, here's the equipment, Mr Bemba," because it's Bemba that
2 was sent. I'm telling you this here and now. If Mr Bemba had never come to the
3 Central African Republic, God would hear me. If he hadn't given uniforms to the
4 soldiers, if he hadn't supplied them with uniforms, if that was a lie, well, God would
5 know. Military uniforms were shared out, and this uniform was brought to that place in
6 a military vehicle and their base was established at the Begoua school. There was
7 gasoline. There were big drums. There were cardboard boxes full of rations, food
8 rations and sardines, and this was brought to the Begoua school, and they went off in
9 different directions on the Sibut road, on the Damara road, on the Boali road, and this is
10 what I saw.

11 Patassé was providing this equipment and material to Bemba and Bemba just passed on
12 that material. He was responsible. Well, he -- the person responsible for all this was
13 Viki (phon), Patassé's driver Viki, because President Patassé's chauffeur, Viki, had a
14 mistress in the neighbourhood. I'll just leave it at that. It wasn't anybody else. It was a
15 well-established network. It was Mr Patassé that gave things to President Bemba, and he
16 then handed on and shared out what he had been given by President Patassé.

17 Q. You have testified that when the six Banyamulengue came to your home and raped
18 you and your wife on that day they did not come to loot because your home had already
19 been looted, so what was the purpose of their visit on that day?

20 A. Mr Prosecutor, they came because they didn't find any goods to loot, because others
21 had come before them and had already looted the house, and that's why they -- they
22 turned nasty with us. The Banyamulengue came the first time to break down the house
23 of the door and just to empty the house. The second group of Banyamulengue came and
24 because they didn't find anything, well, that's why they started treating us so badly.

25 Q. You have testified how you were raped by the Banyamulengue. Where was the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 weapon of the Banyamulengue soldier when he was raping you?

2 A. Mr Prosecutor, I've already told you that some of them were standing guard.

3 There were guards at the door. They were pointing their weapons at me. They left

4 their weapons on the ground, next to the wall, with the magazines, so they left their

5 weapons on the ground next to the wall. The weapons had two magazines.

6 Q. How many of them left their weapons on the wall while raping you?

7 A. All of them behaved in exactly the same way. The person that was raping me

8 couldn't do that while holding his weapon. That's why he -- he put his weapon next to

9 the wall, and his colleague stood guard so that he could do what he wanted to do. Oh,

10 goodness me, my God.

11 Q. Sir, apart from raping you, did the first Banyamulengue do anything else to you?

12 A. Let me repeat myself. I believe I've already said that -- that they assaulted me.

13 They sodomised me. I'm ready to take my clothes off to show you the wounds that I

14 received in my anus. I'm telling you the truth.

15 Goodness me. Your Honour, I ask you could you ask Defence counsel to go off into a

16 private room so that I take my clothes off? I can take my clothes off to show him my

17 anus, my wounds, the scars, and so that he can see for himself what I was subjected to. If

18 Bemba hadn't sent the Banyamulengue into the CAR, if Defence counsel thinks that I'm

19 lying to be prejudicial to Bemba, if Bemba hadn't sent these people across the Ubangi

20 River to commit these acts of violence and abuses, well, God is my witness.

21 Q. Thank you, sir, for expressing your sentiments. However, that is not necessary in

22 the current proceedings. Your testimony, the way you are explaining to this Court is

23 sufficient. And my last question before we break is: You have explained that you were

24 sodomised. Now, the first Banyamulengue who sodomised you, did he also require you

25 to perform any other sexual act with any other part of your body?

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Open Session)

ICC-01/05-01/08

- 1 PRESIDING JUDGE STEINER: Mr Haynes.
- 2 MR HAYNES: Two objections: Asked and answered at lines 7 to 8 and following, and
- 3 that is a leading question.
- 4 PRESIDING JUDGE STEINER: Mr Witness, wait, please. This question is clearly
- 5 leading. Mr Bifwoli, you may rephrase it bearing in mind that we have to go to the
- 6 break.
- 7 MR BIFWOLI: Thank you, your Honours. I think at this moment we can take the break.
- 8 Then I'll proceed from there.
- 9 PRESIDING JUDGE STEINER: Mr Witness, it's the Presiding Judge now talking to you.
- 10 It's 11 o'clock. We'll have our break. You can take some rest. VWU will assist you in
- 11 case you are still feeling pain. We will resume at 11.35.
- 12 I ask, please, court officer to turn into closed session for the witness to be taken outside the
- 13 courtroom. In the meantime we will suspend and resume at 11.35.
- 14 *(Closed session at 11.03 a.m.) Reclassified as Open session
- 15 THE COURT OFFICER: We are in closed session, Madam President.
- 16 (The witness stands down)
- 17 THE COURT OFFICER: All rise.
- 18 (Recess taken at 11.04 a.m.)
- 19 *(Upon resuming in closed session at 11.39 a.m.) Reclassified as Open session
- 20 THE COURT USHER: All rise. Please be seated.
- 21 PRESIDING JUDGE STEINER: Welcome back. I ask, please, court usher to bring the
- 22 witness in.
- 23 (The witness enters the courtroom)
- 24 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 25 (Open session at 11.41 a.m.)

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Open Session)

ICC-01/05-01/08

- 1 THE COURT OFFICER: We are in open session, Madam President.
- 2 PRESIDING JUDGE STEINER: Thank you. Mr Witness, welcome back.
- 3 THE WITNESS: (Interpretation) I thank you, Madam President, for welcoming me back.
- 4 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony?
- 5 THE WITNESS: (Interpretation) Yes, I am ready to respond to the various questions.
- 6 PRESIDING JUDGE STEINER: Thank you, Mr Witness. I'll give back the floor to
- 7 Mr Bifwoli.
- 8 MR BIFWOLI: Thank you, Madam President, your Honours.
- 9 Q. Sir, I have one last question about your rape, then we will move on to another topic.
- 10 You have testified before this Court that the Banyamulengue raped you through your
- 11 anus. Did they also rape you through any other part of your body?
- 12 PRESIDING JUDGE STEINER: Mr Haynes.
- 13 MR HAYNES: Your Honour, that is no less leading than the question asked immediately
- 14 before the break, which you disallowed.
- 15 PRESIDING JUDGE STEINER: Mr Witness.
- 16 THE WITNESS: (Interpretation) May I speak, Madam President?
- 17 PRESIDING JUDGE STEINER: Mr Witness. Mr Witness, it is the Presiding Judge
- 18 talking to you. Sorry to interrupt you. Mr Bifwoli, I'm sure that there is another way to
- 19 put this kind of question to the witness without being so openly leading. But Mr Haynes,
- 20 I ask also for the Defence's indulgence because depending on the person that is testifying,
- 21 we need to be a little bit more flexible in order for a question to be understood. So we'll
- 22 find the proper balance, for sure. Mr Bifwoli, please repeat the question, if possible
- 23 rephrasing it.
- 24 MR BIFWOLI: I will try to do my level best.
- 25 Q. Sir, can you explain to the Court which parts of your body did the Banyamulengue

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 rape you?

2 A. Your Honours, counsel for Mr Bemba does not want for the truth to be told here but
3 I shall tell it. The question that has just been put to me is welcome. So, I believe that the
4 question put to me by the Prosecution was a good question but I do not understand the
5 objection raised by Defence counsel for Mr Bemba.

6 Assailants came from the other side of the river to harm us, and it is up to me and it is my
7 duty to tell the truth here. Why is it that counsel for the defence of Mr Bemba believes
8 that I am speaking on the basis of suggestions that have been put to me? No, this is not
9 the situation. I would like to speak out, I would like to tell the truth, but in view of the
10 fact that Defence counsel for Mr Bemba continues to challenge the facts, I am requesting of
11 Madam President that she grant me leave to go into a corner, in the company of the
12 Defence counsel for Mr Bemba for he to be able to see the rips that exist in my anus
13 because I can see that he does not want to recognise the facts.

14 He does not want to acknowledge them. I believe that Defence counsel for Mr Bemba is
15 of the opinion that I'm not telling the truth and I would request that Defence counsel for
16 Mr Bemba accompany me into a corner so that he can see for himself the wounds that I
17 have sustained in the anus subsequent to the rape that I was subjected to by the
18 Banyamulengue.

19 PRESIDING JUDGE STEINER: Mr Witness -- Mr Bifwoli, sorry if I interrupt you.

20 Mr Witness, sometimes the Defence needs to make objections to the questions because,
21 according to the Rules, the Prosecutor cannot put leading questions to you. Don't take
22 offence if the Defence is objecting. It's based on procedural matters, so you should not
23 take offence. Do you understand that, sir?

24 THE WITNESS: (Interpretation) I do understand that, Madam President.

25 PRESIDING JUDGE STEINER: Mr Witness --

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 THE INTERPRETER: The Sango interpreter did not understand what the witness just
2 said.

3 PRESIDING JUDGE STEINER: -- can you repeat the last part of what you said, because
4 the interpreter could not follow you?

5 THE WITNESS: (Interpretation) I shall repeat what I just stated. Madam President,
6 Madam President requested for me to state how it was that I was raped, and I said that
7 the individual used his penis in order to rape me. I am just recounting events.

8 PRESIDING JUDGE STEINER: Thank you, Mr Witness. Mr Witness, Judge Aluoch,
9 who is at my side, also wants to ask you something. Judge Aluoch.

10 JUDGE ALUOCH: Perhaps the best way to deal with this issue would be to go to the
11 witness's statement. Mr Witness, I'm going to go directly into what you told the
12 investigators. I think then that will take care of Mr Haynes' objection. This is the
13 English translation of the statement, CAR-OTP-0035-0046 at page 13. And, Mr Witness,
14 this is what the investigators asked you: "Did the first one ask you to have oral sex
15 before sleeping with you through the anus?" That was the question that was put to you.
16 And I would also like to read the answer that you gave. And the answer you gave,
17 Mr Witness, is: "He told me by threatening me, 'Open your mouth to me so that I can
18 have sex with you'. In my mind I was thinking to let him put his penis in my mouth and
19 then I should bite it."

20 So, Mr Witness, could you confirm that you were asked that question and you gave that
21 answer? Is that correct?

22 THE WITNESS: (Interpretation) I do confirm what I stated. What you have just read
23 out to us is, indeed, the statement that I made in Bangui.

24 JUDGE ALUOCH: Thank you very much.

25 THE WITNESS: (No interpretation).

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Open Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: Mr Bifwoli, you can continue.

2 MR BIFWOLI: Thank you, your Honours.

3 Q. Sir, did you report the incident of the Banyamulengue raping you to anyone?

4 A. I shall continue to repeat myself. It is thanks to our Mayor Sayo, who set up an
5 NGO, the aim of which was to institute legal proceedings in favour of the victims, and the
6 NGO had called upon us to come, to come forward in order for our number to be
7 ascertained and so that we could prepare a case file for the Court. We were also told that
8 the investigators would come and take our statements for the administration of justice,
9 notably those victims of Begoua, Damara, Boali, PK22. Those victims came forward and
10 responded to this appeal launched by Mrs Sayo and this is why I am repeating myself
11 once again today that had not Mrs Sayo intervened we victims would not today be
12 participating in the proceedings. We can thank this lady for the opportunity provided us
13 to appear before this Court today and testify to the events that occurred. I can thank her
14 personally.

15 Q. Sir, I would like us now to move on to another topic. You have told the Court
16 about the crimes committed by the Banyamulengue against you and your family.
17 I would like to now proceed to ask you some questions about what may have happened to
18 other civilians in Begoua at the time the Banyamulengue were based there between 2002
19 and 2003.

20 Sir, apart from yourself, were there other men who were raped? And if you know any,
21 please do not mention the names.

22 A. Well, I believe that some of those victims have (Redacted).
23 For example, my neighbours also lived through the same experiences and some of them
24 (Redacted). The assailants were merciless; they did not
25 spare anybody. Were they in the habit of raping men in their very homes? I do not

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Open Session)

ICC-01/05-01/08

1 know. Maybe in their country no distinction is made between a man and a woman;
2 however, in the Central African Republic this is taboo. This is an unknown entity. It is
3 the Banyamulengue of Mr Bemba who brought this practice to our country and today,
4 today people make fun of those who were victims of rape.
5 Mr Bemba humiliated us. We no longer have any values in the Central African Republic.
6 How can one imagine a man raping another man? Many people lived through this
7 experience of rape. Many of my neighbours were also raped. You know, this is really
8 impossible to bear.

9 Q. At a later stage, I'll be asking you to provide the names and other details of these
10 individuals so at the moment we will proceed without mentioning their names. How
11 did you come to know that these men were raped by the Banyamulengue?

12 A. I thank you for that question. Ladies and gentlemen of the Court, I shall give you
13 an example. We are gathered in this courtroom. If one of us is attacked, then everyone
14 shall be a victim -- a witness to this attack. We were all neighbours and, were one of
15 your neighbours to be attacked, would you not be in a position to note this? What is
16 more, (Redacted).

17 Ladies and gentlemen of the Court, (Redacted)

18 (Redacted) and I can even provide you the names of some of these victims but,
19 because I have been told not to do so, I shan't.

20 When the attacks and sexual assaults were happening, we could see what was happening
21 in the neighbouring houses. We could see what was going on. That is what occurred in
22 our locality, Madam President.

23 PRESIDING JUDGE STEINER: Mr Bifwoli, sorry to interrupt you. Just to remind you
24 to pay attention to the kind of questions that are likely to lead to answers that should be
25 given in private session. So just bear that in mind, please.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 MR BIFWOLI: Thank you for that guidance, Madam President. I'll take that into
2 account.

3 Q. Sir, again without mentioning any names, do you know why these men that you just
4 mentioned were raped?

5 A. I don't know, Mr Prosecutor, and I can't possibly know, Madam President, but
6 everything they did in our country they did everything -- well, they did every whim they
7 wanted to do. When they came into our locality (Redacted), they were behaving as if they
8 owned the place. They showed no respect at all to the local inhabitants. Just imagine,
9 they went to the extent as putting -- throwing somebody to the ground, sodomising that
10 person, because they thought themselves the most powerful people in the area, but if you
11 can allow me to reveal the names of these victims then I can do so straightaway.
12 Just imagine -- you, yourselves, just imagine they went to the extent of raping women,
13 sodomising men before their wives, and if you wish I can reveal the names of these
14 victims. These were my neighbours and I saw. I saw this with my very eyes, and
15 I would like to reiterate that some of these victims have (Redacted)
16 (Redacted). I don't know whether I'm lying to you. I don't whether these victims have
17 (Redacted), but this is exactly what happened on the ground at least.

18 Q. Sir, in your answer you have mentioned that women were also raped, and I would
19 like you to clarify to the Court how these -- how you know that these women were raped
20 by the Banyamulengue?

21 A. (No interpretation).

22 THE INTERPRETER: The Sango interpreter's microphone is not on, says the interpreter
23 from the English booth. The Sango interpreter's microphone is not activated.

24 THE WITNESS: (Interpretation) Some of these victims have (Redacted),

25 Madam Chair, but you didn't give me the opportunity to cite their names. Otherwise,

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 I could have done so already. And I know -- I know their names and I bore witness to
2 everything that happened to them, just as what happened to me. I cannot lie. I cannot
3 lie on behalf of anybody, because if I can say so God can hear me and God sees everything
4 I do, he hears everything I say and he is in a position to judge me. And so I'm telling you
5 the truth, your Honour.

6 MR BIFWOLI:

7 Q. Sir, you have explained to the Court how you knew that the men were raped, so my
8 next question was in respect to the other women or female victims who you say were
9 raped and the Court will want to understand the knowledge of your information, how
10 you knew that these victims were actually raped by the Banyamulengue?

11 A. How could I know? Well, they came to my neighbourhood, to my locality, and
12 they dominated the entire neighbourhood. They held absolute power there. I told you
13 that I was in front of my home, in my neighbourhood, and they were wandering around.
14 I myself came out and I could see everything that was happening. Nobody told me what
15 happened.

16 There were some times when people came to me to recount everything that had occurred,
17 but there was no policemen around. There was nobody around. You couldn't make a
18 complaint during that period. The policemen fled, everybody who was stationed at the
19 barrier. There was nobody in the police station and there was no established authority
20 left. The authorities were almost, so to speak, invisible.

21 My dear brother, I saw everything that occurred with my own eyes and it -- it would
22 also -- I was in a position to save the lives of other people and other people can come and
23 tell you this. Today it's my turn, but tomorrow in future you will call upon other
24 witnesses and they will come here to say to you exactly the same thing.

25 Q. What was the impact, if any, of these rapes on the families of these victims?

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Open Session)

ICC-01/05-01/08

1 A. Thank you for putting that question to me. What happened to them? Well, it was
2 just total desolation. Some victims are in the throes of dying at this very point in time.
3 They are dying, and this is the absolute truth because they were contaminated. I was
4 able to attend funeral services, and when you ask the cause of death, well, they tell you
5 that it was one of the victims of the Banyamulengue because this person was
6 contaminated.

7 Right to this very point in time, right up to this very point in time, the Banyamulengue's
8 victims are dying, and all the violent acts and abuses took place in the same
9 neighbourhood. When there is a death, we are abreast of that. There was a death at
10 such-and-such a place and this was because the victim was contaminated, but who will be
11 in a position to provide us with indemnity? Nobody, and we are suffering the
12 consequences.

13 Q. Sir, is there any other impact that you are aware of in respect to the female victims
14 as a result of being raped?

15 A. What happened to them? Well, in my view, you know, the victim is contaminated,
16 the victim would lose a lot of weight and all of a sudden you would learn that they had
17 died. The victim was stripped of any money. The victim couldn't go to hospital to
18 receive treatment. There are victims that have swollen bellies.

19 Mr Prosecutor, if you ask a mere question, then I can tell you and I can even reiterate the
20 fact that Bemba's soldiers committed violent acts and abuses in (Redacted), in
21 Bossembélé, in Boali, in Sibut, in Damara, in Begoua and in so many other localities, and
22 I can cite these areas occupied by the Banyamulengue. In these localities, there are still
23 victims, rape victims, people who were sodomised, and these victims are still dying to this
24 day. They feel shame about recounting what was done to them, but for my part I must
25 tell you, say before the Court, what I suffered.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 Q. When you say "They were contaminated," what do you mean?

2 A. Well, I'm talking about the illness. They were ill. They were contaminated.

3 They had syphilis and many other afflictions, venereal diseases. You can't cite all of
4 them and you can't necessarily know, but how can you see that a person is contaminated?

5 Well, the person is carrying inside them the virus. We ourselves, who are before you
6 now, we feel as though they were already dead because of what we suffered. There are
7 some who caught the AIDS virus. Oh, my God. Just imagine, can you imagine the
8 penis of a man, can you imagine everything that it contains, everything that that penis
9 contains? You can't know.

10 Q. You have testified how the Banyamulengue killed your sister. Well, apart from her,
11 were any other civilians killed by the Banyamulengue in your neighbourhood?

12 A. Thank you very much, dear brother, for having put that question to me. The
13 Banyamulengue killed civilians, but at that particular point in time we couldn't organise
14 any funeral services. It was the Red Cross who handled the bodies with a view to
15 burying them. Me, I'm recounting the events that I myself experienced, and I can't
16 provide explanations with regard to other victims because I don't want to put my foot
17 wrong and get things wrong, Mr Prosecutor.

18 Q. Can you approximate the number of civilians that were killed by the
19 Banyamulengue in your neighbourhood?

20 A. Dear brother, we're all here to tell the truth. If I knew the figure, then I would be in
21 a position now to provide you with it. But if the parents of the victims on that day had
22 given the death certificate to Mrs Sayo, well, then they could have done so but me I'm not
23 able to tell you how many victims there, in fact, were. But I am able to state that there
24 are widows, both men and women, and these people are in a position to tell you more and
25 I'm ill-placed to provide any details about these people.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 Q. Do you know why the Banyamulengue killed these people?

2 A. Mr Prosecutor, dear brother, I can't possibly know. I can tell you that on that
3 particular day it was 8 in the morning. We were all surprised to see them. If they had
4 had any problems with people, well, then okay but they themselves, they spread out over
5 the entire neighbourhood and began committing these acts of violence and abuse. I'm
6 not God to know what was running through their hearts.
7 Yesterday I told you about what we experienced. President Bozizé, I told you President
8 Bozizé was stripped of his office and he fled from the capital to Chad. He wasn't in
9 Bangui when Bemba's soldiers came to fight him. They entered the city only to fight, the
10 civilians, this is what I can tell you, but no soldier, no army, no regular army fought them.
11 They came, they were stationed in the Begoua school and in the vicinity, and they spread
12 out in the neighbourhood and it was only after this they began committing all these acts of
13 abuses and this is what I saw.

14 Q. Yesterday you testified that there were Muslims who were living in your
15 neighbourhood. Did anything happen to them during that period?

16 A. Dear brother, Mr Prosecutor, I can tell you that if you had the eyes I have and saw
17 what I saw then you would have been able to see for yourselves the acts of abuse and
18 violence that the Muslims were subjected to. They were treated like cattle. If I tell you
19 here and now that no Muslim was killed by the Banyamulengue, well, God who is the
20 light in the sky, will say that I am not telling the truth. Dear brother when they arrived
21 at Carrière, it was absolutely horrible. It was a Saturday and it was a day when it was
22 the main market was held. There was a herd of 30 heads of cattle on the market, and
23 even 40 subsequent to that, and then generally speaking throughout the day they are
24 taken off to pasture but this time they came very early in the morning and it was a
25 carnage. It was carnage, and people were forced to dig a mass grave to bury all the

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Open Session)

ICC-01/05-01/08

1 bodies.

2 Your Honour, I would call upon you to send investigators to the cattle market at Bangui
3 so that they can see for themselves the mass grave in which the Muslims were buried.

4 This is what I saw, Mr Prosecutor, and it was at 7 in the morning.

5 PRESIDING JUDGE STEINER: Mr Bifwoli, if you allow me a clarification from the

6 Witness. Mr Witness, where exactly was the cattle market? What is the name of the
7 place of that cattle market?

8 THE WITNESS: (Interpretation) It was called the cattle market, that's the name it bears
9 and this is the name you yourself used. In Bangui, in Sango, we call that place Carrière.
10 All the inhabitants of Bangui is familiar with the place and refer to that place as Carrière.
11 I imagine that the cattle market would be the French equivalent to that. To reach the
12 cattle market, you have to go passed the Begoua school. This place, the cattle market, is
13 very far from the school. And when you go past the school you reach carrier and it is in
14 that particular place, in that region, in that vicinity, that the massacre took place.

15 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. Mr Bifwoli.

16 MR BIFWOLI: Thank you, your Honours.

17 Q. Sir, do you know why the Muslims were killed?

18 A. I don't know why. Was it because of their cattle, was it because they were Muslims?
19 Had they refused or refused to see their cattle stolen from them. But, you know, their
20 cattle, for them, is their livelihood. It's that that enabled them to eat. It was their cattle
21 that enabled them to clothe themselves. Well, I can tell you that there were herds of
22 cattle that were placed at the Carrière and, in all likelihood, the aggressors went to that
23 place in order to take the cattle. And because there was resistance shown from the
24 owners of these cattle, well, the Banyamulengue executed them.

25 Your Honour, I would like to reiterate this, it's true that the distance is quite sizable but

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 you can send investigators to Bangui to see these -- this, and even I can take you there.

2 Even a Muslim, even a Muslim, even a small child could lead you to that place.

3 Anybody in the Central African Republic can take you to that place.

4 Q. Sir, does the name Miskine mean anything to you?

5 A. Thank you, Mr Prosecutor. I do know -- I do know that name. Mr Miskine, who
6 you are referring to, he was their accomplice. There was him, that particular man.

7 There was also Mr Bemba. These were the co-perpetrators of this act but that man had
8 already fled, but I know him full well. He had a vehicle, President Patassé gave him a
9 vehicle, and he went off to Kabul right the way to the Chad border and he was one the
10 co-perpetrators of that act.

11 Q. Can you clarify, the co-perpetrator of which act?

12 A. Well, I'm talking about the acts that we're all talking about now, Mr Prosecutor, the
13 acts of looting and many other acts of violence and abuse. If you strip me of my goods,
14 will I accept? Well, no, not at all. They used force to take people's goods from them.

15 Q. How did you know that Miskine participated in the commission of these crimes?

16 A. Mr Prosecutor, I was in the Central African Republic. I could see what was going
17 on. I was living in the neighbourhood and as you asked me not to identify myself I
18 cannot give my name, but I know that Mr Miskine did have a vehicle and he behaved like
19 a president of the republic. In the town of Bangui, Mr Miskine is one of the individuals
20 responsible for these acts. Unfortunately, he's not here. Were he to be here, I would be
21 a happy man. He would move around to -- and go to the border with Chad and then he
22 would return. It is those two individuals who destroyed the Central African Republic.
23 Unfortunately, the other individual is still at large.

24 (Redacted)

25 (Redacted)

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 what was going on and that's what I did. After having done that, I would then come
2 home and rest a while.

3 Q. You have explained to the Court what the Banyamulengue did (Redacted)
4 (Redacted). Where was Miskine in all this?

5 A. After the events, he fled.

6 Q. In your evidence, you have explained to us what the Banyamulengue has done so
7 far. When the Banyamulengue were perpetrating these acts, where -- what role did
8 Miskine play, if any?

9 A. Well, I can tell you that he had already left when the Banyamulengue arrived,
10 because at a given moment in time there was a disagreement between President Patassé
11 and him and to date he is still elsewhere. He has not yet returned to Bangui.

12 Q. Sir, yesterday at page 13, lines 15 to 17, of yesterday's transcript, you stated that,
13 "The Banyamulengue would empty houses. They would take all the items out, put them
14 on vehicles and carry them over to the other side of the river."

15 Could you describe for the Court how the Banyamulengue went about looting civilian
16 property?

17 A. Dear brother, Mr Prosecutor, I shall reiterate that the Banyamulengue made a
18 terrible situation throughout Bangui and, as a result, today there are certain individuals in
19 Bangui who no longer have beds and who sleep on the floor, or on straw mats.
20 So how do they go about it? Well, if they saw a well-built house, they would break
21 down the door, they would gain entrance in order to take away anything that they found
22 there and subsequently they would then store them at their base. There were vehicles
23 that would bring them their food rations, and it was those very vehicles that would then
24 be used to transport the booty.

25 President Bozizé has now constructed a school at that location and this construction

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 means that I can't have a view over the other side, but before I could see what was going
2 on there. These were -- these were military vehicles. These were vehicles that were
3 used for transporting the booty, as I said earlier. And who could stop them? There was
4 no gendarmerie at the time, there was no police present and, what is more, President
5 Patassé no wanted -- no longer wanted the presence of these forces. He was just relying
6 on Jean-Pierre Bemba's men, and God is witness to what I am telling you. It was Bemba's
7 soldiers who were in fact Patassé's troops.

8 And let me tell you something. When the Banyamulengue found a military uniform in
9 your house, well, it was curtains for you. You would be executed immediately. The
10 entire PK12 sector was under their control. The civilians had already fled the locality.
11 No vehicle was gaining access, and only those vehicles belonging to the Banyamulengue
12 were able to move around on the Banyamulengue-Sibut-Yaloke road. They would also
13 loot all of these other localities.

14 As all the inhabitants had already fled, they could easily seize all of their property, and
15 today, your Honours, I can say that the Central African Republic is on its knees
16 subsequent to these violent acts that were committed.

17 Q. What kind of items were looted from the civilians, stored at the base and
18 subsequently transported to the other side of the river?

19 A. My dear brother, Mr Prosecutor, I shall repeat what I said. I often wonder whether
20 there are any items of value in Jean-Pierre Bemba's country. I don't know. They could
21 never see a foam mattress and just walk on by. They would seize anything that they
22 found on their way. And if what I am telling you is a pack of lies, well, then God is
23 witness to this. When they would enter a house and they saw some valuable furniture,
24 such as tables and chairs, they would rush and seize hold of them. I experienced all of
25 this.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 No object of any value was spared. Whether it be kitchen utensils and many other items,
2 household goods, these were all taken away. Even the bags that were used by the
3 women to go to market were seized, this is what I saw with my own eyes, and sometimes
4 they would transport them by night, these items. After looting they would then store
5 them at approximately 6, 4, or 5 p.m., and then at night-time they would transport them to
6 the riverbank. They were really the master of the situation -- of the location. The radios
7 and televisions were also removed.

8 Q. You have stated that these items were transported to the other side of the river. In
9 which country is the other side of the river?

10 A. I was talking about Zaire. In Sango we say, "The other side of the river." All of
11 these items were transported to the other side of the river; that is to say into Zaire. They
12 would cover all these objects with tarpaulin before transporting them across and, if you
13 saw them running helter-skelter, it was with a view to hiding all these items.
14 And most often, at about 4 or 5 p.m., that was when they would commit their criminal
15 acts. It was impossible for the proprietors of those houses to sleep peacefully in their
16 houses. I've just mentioned the example, or examples, of two magistrates. Imagine,
17 Mr Prosecutor. They came with their lorry. They parked outside his house in order to
18 relieve him of all his possessions. They would break down the door and then sleep in
19 the house and take hold of any property that they could see that was of any value.
20 I would like, Madam President, to request that the Prosecutor visit this location to realise
21 for himself what the situation was. If you think that I am lying, well, take two or three
22 people with you, put them in an aeroplane and they will go to those locations, to those
23 localities, to see with their very own eyes what happened, whether it be in Bossembélé,
24 whether it be in Boali or any other localities. Go and find out the information for
25 yourself if you think that I'm lying. I shall stop here. I tell you, they destroyed, really

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 they ransacked the entire town of Bangui, and everything was transported to the other
2 side of the river; that is to say, into Zaire.

3 Q. Sir, how do you know that the property, the looted properties, were being
4 transported to Zaire?

5 A. Mr Prosecutor, they were not Central Africans. They did not have a house in
6 Bangui. They had houses on the other side of the river, and when they transported all of
7 these items to the riverbank they would use canoes or dug-outs to take them to the other
8 side. They did not live in our country. They came -- or they hailed from elsewhere.
9 So they were frightened of keeping all these items in Bangui, and that is why they ferried
10 them across to their country. That's why we never laid eyes on them again. As I said,
11 the Banyamulengue are responsible for all of these atrocities. They cannot return to
12 Bangui because of everything that they did there, because of all these violent acts. That
13 is why they can no longer return to our country. PRESIDING JUDGE STEINER: Mr
14 Bifwoli, sorry to interrupt you, could you please repeat for the record your last question,
15 because we have the answer in the transcript without the question.

16 MR BIFWOLI: Thank you, your Honours. The question was: How do you know that
17 the looted properties were being transported to Zaire?

18 Q. Sir, do you know if the properties that were taken from the civilian population in
19 your neighbourhood were ever returned?

20 A. Dear brother, you know, this was robbery. How can you, then, expect that he - that
21 is the robber - return your goods to you? They quite simply stole them. Can you
22 imagine somebody coming to break your door down, stealing all your property, well,
23 that's never going to be returned to you. And I can promise you that to date the
24 inhabitants of Bangui are living in desolate conditions because of Bemba and his troops.
25 Why did he send those people to us? Where did he find those people? Who misled him

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 for him to send all those rebels to us? Can you imagine an adult sleeping on a straw mat
2 up to today? I can assure you that none of that property has ever been restored. All of
3 those houses are empty. And the civilians are making a great effort in order to replace
4 their property, to get their property back. So all of this property was ferried across to the
5 other side and they thought that we, the inhabitants of the Central African Republic, were
6 richer than them but the acts that they committed I would describe as robbery. Who did
7 they find when they came across? Who did they find to put up a fight? Nobody.
8 They just went about robbing, stealing from the Central African Republic. I shall stop
9 there.

10 Q. Were civilians, whose properties were looted, compensated in any way?

11 A. I thank you, Mr Prosecutor, for putting this question to me. I thank you very
12 warmly. Until today, our property has not been restored. We have received no
13 compensation. But God is present. We don't know anybody, apart from Bemba, who
14 sent those rebels to us. So let us turn to Bemba. He owes us an explanation. Let him
15 explain to us where all our property went and we are expecting compensation from him.
16 We have not received any compensation whatsoever. Nobody has come to see us and
17 say, "Well, here you are, this victim will receive such-and-such a sum of money in the
18 form of compensation," no. This has never happened and I shall make the most of this
19 opportunity to thank you for having caught Bemba. And I think that he should turn to
20 his victims, and whether it be one or two francs that he returns to us, well, he is the one
21 who sent all those people to steal from us and we know who he is.

22 THE INTERPRETER: The Sango interpreter corrects: He is the man who sent his men
23 to us.

24 JUDGE ALUOCH: Mr Witness, I want to seek a clarification from you on page 49 of
25 the transcript, the English version. I think it's lines 5 and 6 where it reads: "Where did

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 he find those people?" I think you are referring to Mr Bemba. "Who misled him to send
2 all those rebels to us?" In this sentence, Mr Witness, who are you referring to as "rebels"?

3 THE WITNESS: (Interpretation) Thank you. I shall reiterate what I have already said.

4 Your Honours, we know that he was invited by Patassé, and this is how he invited his
5 troops to mistreat us. But today Patassé is no longer in our midst and that is why we are

6 turning our attention to Bemba with a view to having our property restored. It was

7 Bemba who sent his men to our country. He is the only one that we know. He is the

8 one who owes us an explanation as to where our property has gone. Our property was

9 stolen, it was robbed by these men. That is the answer that I can provide in response to

10 your question.

11 JUDGE ALUOCH: Thank you.

12 MR BIFWOLI:

13 Q. Sir, did the civilians, who properties were pillaged, prepare an inventory of the
14 goods that the Banyamulengue pillaged?

15 A. I thank you, Mr Prosecutor. As for the inventory, I believe that they must have had

16 lists or an inventory. We worked with this in mind. And if my memory serves me

17 correctly, we received many documents. We received complaints from the victims, so

18 I would ask you to look through the case file and ascertain for yourselves.

19 PRESIDING JUDGE STEINER: Yes, Mr Haynes.

20 MR HAYNES: Just a matter of concern. It appears to me that after Judge Aluoch's

21 question at page 50, line 18, the whole of the witness's answer is missing from the

22 transcript and it was quite a significant answer.

23 PRESIDING JUDGE STEINER: Is there any indication of that in the French transcript?

24 MR HAYNES: Can you give me a moment? I mean, certainly, he mentioned both the

25 names of Mr Bemba and President Patassé, in what was quite a long answer and all we've

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Open Session)

ICC-01/05-01/08

- 1 got is literally the last line of the answer he gave.
- 2 PRESIDING JUDGE STEINER: In any case, we will check that out in the edited version.
- 3 Mr Bifwoli?
- 4 MR BIFWOLI: Thank you, Madam President, your Honours, I think it's a convenient
- 5 place to break for lunch.
- 6 PRESIDING JUDGE STEINER: Thank you, Mr Bifwoli. Mr Witness, we are now
- 7 having our lunch-break. You can have lunch and take some rest. It's 1 o'clock. We'll
- 8 be back at 2.30. I ask, please, the court officer to turn into closed session for the witness
- 9 to be taken outside the courtroom. In the meantime, we will suspend and resume at 2.30.
- 10 *(Closed session at 13.00 p.m.) Reclassified as Open session
- 11 THE COURT OFFICER: We are in closed session, Madam President.
- 12 (The witness stands down)
- 13 THE COURT OFFICER: All rise.
- 14 (Recess taken at 1.01 p.m.)
- 15 *(Upon resuming in closed session at 2.35 p.m.) Reclassified as Open session
- 16 THE COURT USHER: All rise. Please be seated.
- 17 PRESIDING JUDGE STEINER: Good afternoon and welcome back. I ask, please,
- 18 court usher to bring the witness in.
- 19 (The witness enters the courtroom)
- 20 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 21 (Open session at 2.38 p.m.)
- 22 THE COURT OFFICER: We are in open session, Madam President.
- 23 PRESIDING JUDGE STEINER: Thank you.
- 24 Mr Witness, welcome back.
- 25 THE WITNESS: (Interpretation) Hello again, your Honour. And hello again,

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Open Session)

ICC-01/05-01/08

1 your Honours.

2 PRESIDING JUDGE STEINER: Did you manage to take some rest during the
3 lunch-break?

4 THE WITNESS: (Interpretation) I did indeed have the opportunity to take some
5 rest to enable me to be present before you here once again and I am ready to continue.

6 PRESIDING JUDGE STEINER: Thank you, Mr Witness. I'll give back the floor to
7 the office -- to Mr Bifwoli from the Office of the Prosecutor.

8 Mr Bifwoli, you have the floor.

9 MR BIFWOLI: Thank you, Madam President, your Honours.

10 Q. Good afternoon once again, Mr Witness.

11 A. Thank you, Mr Prosecutor.

12 Q. Sir, we will proceed from where we left and hopefully the Prosecution should
13 be able to conclude its questioning today. Before the lunch-break, you testified that
14 the victims prepared inventories of the items that were pillaged from them. Are you
15 aware if these lists were certified by anyone?

16 A. Mr Prosecutor, I feel it's important to say that the inventories that were drawn
17 up were done so at the behest of Mrs Sayo. Consequently the victims were able to
18 present inventories to that organisation, and I did so myself and we submitted
19 photographs and thank God we have now the opportunity of seeing something arise
20 out of that particular approach.

21 Q. I'll come back to that issue in a short while. Sir, do you know how the
22 Banyamulengue got the food that they were eating?

23 A. Thank you, Mr Prosecutor. We don't need to say who supplied them with
24 their food. It was of course President Patassé who was supplying soap, cardboard
25 boxes full of sardines and accessories for their vehicles. It was none other than

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 President Patassé. In addition to that they hunted domestic animals belonging to the
2 local inhabitants, I'm talking about goats, hens, cows, and I'm speaking of this because
3 I am one of the victims of these acts.

4 Q. How did they hunt these animals that you've just mentioned?

5 A. Thank you, Mr Prosecutor. I believe they hunted. They ran after these
6 domestic animals and if they couldn't catch them then they used their rifles. With
7 regard to the hens, they used sticks or stones. You take a stone, another one takes a
8 stone and you can hunt hens in that way and they could hit them with a stone, and
9 after that they picked up the animal that they had killed.

10 Now, with regard to cows, there was a man - he was a Muslim - and I believe in all
11 likelihood you have his dossier because I was asked not to mention names. I'm not
12 going to reveal his name, but he had 16 heads of cattle and 28 sheep and these
13 animals were within his own compound. So they came in, they took his animals and
14 they took them.

15 And there is a -- or there was a Muslim man at PK13, I can remember his name but
16 you're not asking me to mention his name in open session, of course I won't therefore
17 mention his name, but -- but, you know, no animal was spared. Even dogs, even
18 dogs, they killed the dogs and they ate the dog meat, and this was one of their
19 preferred dishes, and I experienced this. There was no hide nor hair of any dog after
20 this in the locality.

21 MR BIFWOLI: Madam President, I request that we go into private session for the
22 next set of questions.

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

24 *(Private session at 2.47 p.m.) Reclassified as Open session

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

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Private Session)

ICC-01/05-01/08

1 MR BIFWOLI:

2 Q. Sir, I wish to remind you that we are now in private session and whatever you
3 say can only be heard in this courtroom and therefore feel free to state the names and
4 any other details which you could not in the public session.

5 Sir, earlier on in your testimony you testified that there were men who were raped.

6 Can you provide the Court with the names of the men who were raped by the
7 Banyamulengue?

8 A. Honourable Judges, I know the name of some of these people. I can even
9 provide you with those names. There is (Redacted). I don't know whether he
10 has testified already before this Court? The wife of (Redacted) has come perhaps
11 to this very audience (sic) Chamber. (Redacted), all
12 these people fell victim to rape. I saw this and I heard about it. I was nowhere else
13 but in that neighbourhood. Now, it's true that I moved around and I left the
14 neighbourhood at some point in time, but I did say that this was (Redacted) and that I
15 couldn't abandon it. I was a (Redacted). I went back home and I
16 experienced what I experienced. Thank God I now have the opportunity to testify
17 before this Court about these events and I'm doing so because I was an eyewitness to
18 these events and these events and the people that fell victim to these events I've just
19 furnished you with their names.

20 Q. You also mentioned magistrates whose houses were pillaged. Could you
21 provide the Court with the names?

22 A. Yes, yes, I had the name in the back of my mind this morning and to be
23 perfectly frank I think now it slips my mind. I think they were (Redacted). I'm
24 pretty certain of that. They lived in the neighbourhood. I think this morning when
25 I was testifying with regard to this point I had the name then on the tip of my tongue,

Trial Hearing

(Private Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 but in the meantime it's slipped my memory, but these were magistrates in the
2 Central African Republic, magistrates similar to you yourselves, and these
3 magistrates were victims of looting.

4 Q. It's fine, sir, if you don't recall the names now. You'll have another
5 opportunity just before you finish your testimony. If you can recall then, you can
6 state those names at that time. Sir, in your testimony you've mentioned
7 that -- civilians whose items were pillaged. Can you provide the names of those
8 civilians whose items were pillaged?

9 A. Mr Prosecutor, I have already told you that these violent acts and abuses were
10 committed right across the entire Central African Republic, so I don't know what
11 name I can provide and what name I cannot provide. All this happened in different
12 vicinities in PK22, in Damara, in Sibut, but if this only happened to one or two people
13 I would have gone to those two or three people to put more flesh on the bones, but
14 Mr Prosecutor, I'm telling you the truth. The entire Central African Republic was
15 involved. I spoke to you about Damara, about Sibut. I've spoken to you about
16 Boali, Bossembélé, Yaloke, Bozoum. I cannot know all the names of these people in
17 so many localities right across the Central African Republic. Everything was in
18 upheaval. There was only one single victim, otherwise I could have provided you
19 with the name of that one single victim. Begoua victims, I think I've already given
20 you the names of those victims. People have suffered. Property was looted.
21 Domestic animals, dogs. Is it imaginable that you can hunt and eat dog meat?
22 What I'm telling you here and now, and I speak before God, if I lie, God will know.
23 If Bemba's men hadn't crossed over to our banks to commit acts of violence and
24 abuses in our country, if I allay -- if I accuse people wrongly then God will know, but
25 my brother, Mr Prosecutor, we suffered. We suffered. (Redacted),

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Private Session)

ICC-01/05-01/08

1 we suffered because this man sent soldiers. He sent soldiers who made us suffer
2 and today I say thank you.

3 Q. A short while ago you testified that a certain man who had 16 cattle were taken
4 away by the Banyamulengue. Do you recall his name?

5 A. Thank you very much. I think it was (Redacted) compatriot, fellow countrymen.
6 His name was (Redacted) and he resided in (Redacted),
7 (Redacted). These cows, Mr Prosecutor, they arrived one morning and this individual,
8 all his family, were forced to flee. I think he had to fill out a file that no doubt
9 features in the documents that you have at your disposal. Everybody was just
10 running every which way. It was every man for himself. They looted everything,
11 because there was a pen and the animals, these animals were in a pen and it's from
12 that pen -- well, it was in that pen, rather, that they were fed, but it's sad. It's really
13 sad what we suffered from. (Redacted) population, (Redacted) population, and I was a
14 witness to this because I saw these animals that were taken from a pen in the
15 neighbourhood.

16 Now, if these animals had been raised in the bush perhaps I wouldn't have seen them,
17 but this was in the neighbourhood in a pen in the neighbourhood in -- on the
18 property of that particular individual and I think I'll stop there.

19 THE INTERPRETER: Interpreter clarification: At one point the witness clarified
20 that it was in -- I said "his village," it was in (Redacted).

21 MR BIFWOLI:

22 Q. Sir, a short while ago you testified that the victims prepared inventory of the
23 items that were pillaged by the Banyamulengue which were passed on to Madam
24 Sayo. (Redacted)

25 A. Yes, it's true. Even the inventories of these people who were victims, victims

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Private Session)

ICC-01/05-01/08

1 who we're talking about now are certified. I mean, I'm even speaking of myself. If
2 you locate the file in detail, what you realise is that there is the (Redacted) stamp. Even
3 though I can't read and write, (Redacted) and this
4 shows me that it was indeed (Redacted).

5 And when we had the opportunity to go to Mrs Sayo, well, she had a record book, a
6 register, where she recorded all the documents, and also in the document were
7 compiled the photos of victims and (Redacted) these documents and I even believe that
8 in the dossier that you have here what you'll see is that there is indeed the stamp of
9 the neighbourhood and the name (Redacted) features. This properly certifies the fact
10 that inventories were indeed drawn up and these inventories properly encapsulate
11 the suffering endured by the inhabitants in my neighbourhood.

12 MR BIFWOLI: Madam President, could we go back into public session?

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

14 (Open session at 3.00 p.m.)

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

16 MR BIFWOLI:

17 Q. Sir, did you ever see Mr Bemba during the events of November 2002 to
18 March 2003?

19 A. Thank you, brother. Mr Prosecutor, well how could we go about crossing the
20 river in order to go and see Mr Bemba? Mr Bemba did not live in our whereabouts
21 in Bangui. After having committed the violent acts, he went home on the other side
22 of the river.

23 After the crimes had been committed, was it possible for any Central African
24 Republic citizen to chance upon Mr Bemba and react accordingly? If he is in one
25 piece today it is because he does not reside in the Central African Republic, because

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 had we met him we couldn't just stand still and do nothing because if somebody goes
2 to Bangui and says that they are a family member of Bemba they would leave the
3 country feet first.

4 After having committed these violent acts, Bemba went home. He fled. He was no
5 longer around. We heard people speaking about him and it was only after a certain
6 time that we heard that Bemba was here, that he was facing justice and this is how the
7 Central Africans felt somewhat appeased after they heard that he had been arrested,
8 but they can never forget what Bemba's men did in the Central African Republic.
9 Central Africans will never be able to forget those crimes.

10 We would like to thank you. Bemba is now facing justice. I thank God for this.
11 We remain vigilant and we follow what's going on. We are happy to know that
12 Bemba is now here facing the Court. If he was still a free man, if he was still able to
13 move around freely, we would not be happy, not at all. Thank you. I am very
14 happy to say that he is before your Court today.

15 Q. You have testified that "After having committed these violent acts, Bemba went
16 home." Was he ever based in the Central African Republic during these events?

17 A. Well, he couldn't come. He wasn't in a position to. During the events, during
18 the acts of looting, it was at that moment in time that he used to come. Whilst his
19 men were in total control of the situation, that was when he would come and visit his
20 troops. He would take away the looted property in his aeroplane. He would take it
21 to Damara. Can he deny that today?

22 (Redacted) and at the end of the events Bemba no longer
23 returned to Bangui. They did what they had come to do and then they left. They
24 went back, leaving us in great suffering. We are still suffering today because of
25 Bemba and his men. God is witness to what I'm saying. If Bemba had not come to

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 Damara, if he had not come to take away the looted property in his aeroplane and
2 had he not crossed over, and were his lawyers to have gone to Damara and put the
3 question to the inhabitants, please I beg of you send some investigators to Damara.
4 Go and check out what I'm saying.

5 I merely ask of you, Madam President, after my testimony please send somebody to
6 Bangui, to the centre of Damara town, and you will realise precisely how they
7 destructed the town of Damara. They looted and then they quietly went home to the
8 other side of the river. That is what I have seen myself, this is what I have heard
9 people say and this is what I have come to recount to you before the Court.

10 Q. Where did you see Mr Bemba?

11 A. I saw Bemba for the first time in Begoua. He came and held a meeting under a
12 mango tree at Begoua school, more specifically in the school playground. There
13 were four mango trees there in the Begoua schoolyard and that is where he convened
14 a meeting with his men. He did not stay there long.

15 After the meeting, he left. This was a very rapid visit, and subsequent to this his
16 men started shooting. They started causing disturbances in the neighbourhood,
17 nobody could sleep any longer and the situation was worsening. After having had
18 some alcoholic drinks, some bootlegged alcohol, after having behaved in a certain
19 way then the civilians were obliged to flee into the bush. Some people spent two to
20 three months out there in the bush because of those troops.

21 Q. How did you know that the person who had a meeting and at the mango trees
22 as you have explained was indeed Mr Bemba? How did you know that indeed it
23 was Mr Bemba?

24 A. Mr Prosecutor, I shall reiterate. I have eyes to see. This was not told me by
25 anybody else. I told you that (Redacted) and it is only now that

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Open Session)

ICC-01/05-01/08

1 the president has erected a fence around the school compound and it is this fence that
2 is a (Redacted)
3 (Redacted).

4 But when Bemba came, there was a large gathering and he talked about the various
5 events, the killings, murders, lootings, et cetera, and Bemba knows only too well. He
6 can hear what I'm saying. He knows that he came to Begoua compound and that is
7 where he met with his men. On each occasion when he came into Bangui, he would
8 go to Begoua school. He would not visit any other location. His troops were to be
9 found throughout the neighbourhood. They were patrolling. There were many of
10 them. They were patrolling the neighbourhood.

11 Q. Had you seen Mr Bemba before he made this visit to the school?

12 A. Mr Prosecutor, I was not in a position to be able to see Mr Bemba. Where
13 could I have stood precisely in order to see him? He was surrounded by his men,
14 who were armed. What could I have been doing there? What might I have gone to
15 do there? You know, I wasn't seeking my own death. He was the supreme
16 commander in Bangui, and he and his men had entire control over the town of Bangui.
17 Nobody could approach Bemba. Bemba's soldiers were standing next to him and
18 they were well-armed. Nobody could approach him.

19 Q. So if you did not personally see him, how did you come to know that it was
20 Mr Bemba who had come?

21 A. Mr Prosecutor, I shall reiterate what I have said. It was very easy to observe,
22 because he would arrive on board a vehicle and on each occasion we had the
23 possibility, or the opportunity, of seeing him because he would park, but we couldn't
24 approach him as such because his soldiers would gather round with a view to
25 listening to the speech that he was delivering, because you can't send people on a

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 mission without following them, and the soldiers who had invaded the entire
2 neighbourhood, some of them whom spoke Sango and some Lingala, but we
3 understood only too well. We knew that it was indeed Mr Bemba.

4 Q. How many times did Mr Bemba come to your neighbourhood?

5 A. I didn't say that he had come to my neighbourhood. He would come to
6 Begoua school, and his soldiers would gather round him, they would surround him,
7 in order to listen to the instructions he had to impart. So every two or three days or
8 so he would come over, he would visit his troops and then he would leave again.
9 Sometimes he would meet with the authorities of our country, who would hand over
10 weapons to him, and then he would return to his country.

11 Q. Sir, do you recall which month or year that Mr Bemba visited Begoua school
12 during the events?

13 A. I remember the date of 8 December 2002. This was the date of their arrival, the
14 date at which they started committing violent acts within the neighbourhood. As I
15 told you, I had sought refuge in Gobongo and then I went to PK2. I spent three
16 months in Gobongo and I was not able to follow what was going on at PK12. I
17 sought refuge at Gobongo and I spent three months there. After what we endured, I
18 took my wife with me and we went to Gobongo before returning.

19 Q. Which means of transport did he use to come to Begoua?

20 A. Mr Prosecutor, they would arrive in a dark coloured vehicle with tinted glass
21 windows. You were not able to see who was inside the car, as a result, and on that
22 very day, well, that was when we had withdrawn. On other days, I was not present
23 because the situation was quite unbearable in the neighbourhood.

24 Q. Sir, you have explained the kind of vehicles that he came with and that on some
25 occasions you were not present. What was your source of knowledge or information

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 that indeed Bemba had come to Begoua?

2 A. I thank you, Mr Prosecutor. As I was saying, the soldiers who were in the
3 neighbourhood and who had dug trenches would spend time there. They had dug
4 trenches up to PK13 and they were in control of the entire neighbourhood. We could
5 hear what they were saying to each other. When they said they would shout out
6 "Bemba came" or "Bemba's coming" and then they would run around with their
7 weapons and they would cross over, but we were in a position in view of the fact that
8 we were on the Damara road to see what was going on in the school because it was
9 (Redacted) and you know that (Redacted)

10 (Redacted). It is true, of course, that today, after having received an injury to my
11 eye, I can no longer do this, but in the past I was able to see over a long distance and
12 those meetings were convened under the mango tree, nowhere else. Even the
13 products that were given to them were shared out in that context. God is witness to
14 what I am saying here and, had he never come to PK12, had he never parked his car
15 under that mango tree, well, I'm in God's hands. Mr Prosecutor, Madam President,
16 this is what I saw. In order not to give you the impression that I am somewhat
17 expansive, I shall stop here. This is what I saw and it was those very soldiers who
18 came. Those are the ones who were running around willy-nilly saying "Bemba has
19 come" or "Bemba is arriving" and they were happy and they would go back to their
20 trenches. This was in the middle of the day. This was not after nightfall. They
21 would take the foam mattresses, they would spread them out in the trenches, they
22 would point their weapons in a certain direction and one wondered quite what
23 enemy they were preparing themselves for. They would shoot into the
24 ground -- into the air when they were drunk, or they would shoot in all directions in
25 fact, and if you were misfortunate enough to have money you could be sure that your

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Open Session)

ICC-01/05-01/08

1 door would be broken down. I think, Mr Prosecutor, that I have told you enough on
2 the subject, but if you did not or you do not ascribe any credit to what I am telling
3 you then you can yourself go to the centre of Begoua and ascertain what happened
4 there as to what happened at Begoua. Before God I say this.

5 Q. Do you know what Bemba came to do?

6 A. Well, that's a very good question to put and thank you for providing me with
7 the opportunity to answer it. Why did he come, precisely? Well, I believe I told
8 you that he sent men from the other side of the river. He sent his men over and his
9 men were based in this locality. That is why he came to visit them at Begoua school.
10 That was their base. That is where their barracks were located at Begoua school.
11 Their food supplies, their fuel supplies, were all distributed at their base at Begoua
12 school. Of course, everybody was in a position to be able to see him, and in fact
13 there was nobody around. We could see what was going on because there was no
14 one in the neighbourhood. There were no Central Africans around and no Central
15 African was collaborating with them because everybody had fled. So one could not
16 take the risk of taking goods to sell at the market, and Bemba knew who his soldiers
17 were. We would call them "the Banyamulengue." Only he is in the know. Only
18 he is in a position to tell us where he recruited those soldiers. He knows why those
19 soldiers humiliated us.

20 THE INTERPRETER: "Why they did us over," says the witness.

21 MR BIFWOLI:

22 Q. How long did Bemba stay in Begoua when he visited?

23 A. Mr Prosecutor, he was not in the habit of spending much time there. After
24 having addressed his soldiers, he would leave again. He didn't spend too much time
25 with his soldiers. He would just give them instructions and then he would take his

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 leave. We expected him to tell his soldiers what their mission was, what their
2 objective was, but this was not the case. We do not know the reason why those
3 soldiers were sent. There was no fighting in the neighbourhood. Only the
4 Banyamulengue were present. We did not see the presence of any other troops. He
5 is the only person to know why he sent those soldiers and that is how we came to
6 suffer. We were mistreated. We were humiliated. I lost an eye and I place all this
7 at God's door.

8 Q. Sir, you testified that Bemba came when violent acts commenced in December.
9 However, earlier on you testified that the violent acts commenced in November.
10 Can you clarify which month that Bemba came?

11 A. It was indeed in the month of December. That is when they committed those
12 acts on myself and my members -- on the members of my family. That is when they
13 took up position in the neighbourhood, and it was on the very same day of their
14 arrival that they started to dig trenches where they took up position. They did not
15 move. They were in the locality, they were within PK12 and that is where they were
16 committing those violent acts. They didn't go anywhere else.

17 Q. Sir, you testified that the Banyamulengue arrived on 8 November, killed your
18 sister on 9 November and now you are saying that it was indeed in the month of
19 December. Can you clarify to the Court when the Banyamulengue arrived for the
20 first time in Begoua?

21 A. I'm talking about the month of November. They came in December, but I
22 spoke of November --

23 THE INTERPRETER: "No, I spoke of November," says the witness.

24 THE WITNESS: (Interpretation) And it was from the month of November that
25 they started doing their acts of violence and abuses and it was then that we took

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Open Session)

ICC-01/05-01/08

1 refuge in a different locality. I haven't changed my tune with regard to the month,
2 no.

3 MR BIFWOLI:

4 Q. In relation to the date that the Banyamulengue arrived in November, are you
5 able now to clarify when Bemba visited Begoua, the month?

6 A. The very next day after their arrival, the very next day, 8 November, they came
7 to take information about the -- what was happening on the ground. His men
8 started digging trenches. Upon the news of his arrival, they ran to convene under
9 the mango tree, and then it was after that particular meeting that the acts of violence
10 and abuses were given fresh momentum.

11 It wasn't a few days after, it was the very next day and it was their arrival on the 8th
12 and then he came to see them on a regular basis and then based on what happened
13 we took refuge in Gobongo and then after spending a spell of time in Gobongo we
14 returned to our neighbourhood. It wasn't really very much a long time after. It
15 was just after the arrival of the soldiers in the field he arrived to visit them.

16 Q. Sir, let's move on to another topic now. You testified that the Banyamulengue
17 went to many other areas in the Central African Republic. You've mentioned
18 Damara and many other places. Do you know if any crimes were committed against
19 civilians in other areas that the Banyamulengue went to other than Begoua between
20 2002 and 2003?

21 A. Mr Prosecutor, you're right to put that question to me. No locality was spared.
22 I reiterate this fact, my brother. During those events, Bemba was the supreme
23 commander. No Central African could stand before Bemba. Bemba, that you can
24 see sitting over there, what didn't he do at Damara?

25 My youngest sister lived in the centre of Damara. She was forced to flee via the bush

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 in order to arrive at Bangui. She fled Damara on foot to seek shelter in Bangui. She
2 spent two days in the bush before reaching Bangui. She came by the tracks that the
3 shepherds used to bring livestock to Bangui. The situation was unbearable.

4 Can you see this man, this man sitting before you? This man behaved very, very ill
5 before the Central African inhabitants. He did evil deeds at Damara and he was
6 even at Boali, at Sibut, at Bossembélé, at Yaloke and at Bozoum. There you have it.
7 He perpetrated acts of violence and abuses in those localities and particularly acts of
8 looting. His men looted the local inhabitants' property and then crossed over the
9 river with those looted goods.

10 If the Banyamulengue hadn't done that looting, if they hadn't looted goods belonging
11 to the civilian populations at Bossembélé, at Yangaluke (phon) and Bossembélé,
12 then -- well, no, it's just not true and God is my witness.

13 Q. Sir, how did you know that the Banyamulengue committed crimes in Damara?

14 A. Mr Prosecutor, I believe I told you that my youngest sister fled from the city of
15 Damara via the bush in order to reach Bangui. What had happened there?

16 Why -- well, what prompted her to flee? A poor woman like herself, she spent two
17 days in the bush before reaching Bangui. Her feet were swollen when she arrived.

18 I took her to (Redacted) Ungunbungo (phon) -- Gobongo. Nothing
19 had been done to the Gobongo inhabitants and so the Gobongo inhabitants were
20 disposed to resist any entrance into their town, but it was in Begoua, it was in Begoua,
21 that they committed their worst acts of violence. I'm telling you, you can send three
22 people to Bangui, three investigators to Damara. You can send people to Damara to
23 run investigations. This will corroborate what I'm telling you here.

24 God is my witness. I cannot come here to tell lies, to be prejudicial to Bemba.

25 Bemba sent his soldiers to the CAR to inflict violent acts and abuses upon the civilian

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 population.

2 Q. Did your sister tell you what the Banyamulengue were doing in Damara?

3 A. But of course, Mr Prosecutor, ladies of the Bench. I asked her indeed what had
4 happened that would prompt her to flee and she answered the Banyamulengue had
5 took hold of her, stripped her of her money and therefore she didn't want to stay in
6 Damara.

7 After the -- after that, well, the Banyamulengue entered into her house and stole her
8 foam mattress and after that she decided to escape to go to PK12 and at PK12, when
9 she arrived, I said "Well, don't stay here. You should continue on to Gobongo." My
10 youngest sister arrived from Damara and she ran to reach my home.

11 Q. You testified that the Banyamulengue looted civilian properties at Bossembélé,
12 Yaloke. What is the source of your knowledge or information that the
13 Banyamulengue looted in these areas?

14 A. Thank you, Mr Prosecutor. (Redacted)
15 (Redacted) and so I had the opportunity to glean information
16 from people who were -- who were fleeing from these various localities. I could ask
17 questions to these people, these fugitives, and they could tell me that Bossembélé, at
18 Damara, the situation was unbearable and they fled with what they could carry.
19 Lots of people were arriving at Bangui, running. People couldn't remain in the
20 locality. There wasn't even anything to eat. Gunfire was resounding throughout
21 the night. Nobody could stay in the neighbourhood. There was nothing to be done
22 in the PK locality. It was wiser to leave and leave it within the hands of the
23 Banyamulengue.

24 Q. You have testified that the Banyamulengue looted in Damara, Bossembélé and
25 areas you have mentioned. Did the Banyamulengue commit any other crimes in

Trial Hearing
Witness: CAR-OTP-PPPP-0069

(Open Session)

ICC-01/05-01/08

1 these areas, other than looting?

2 A. Thank you, Mr Prosecutor. If I had remained, if I had gone to those localities, I
3 would be in a position to give you more information. What I'm telling you now is
4 something that I learned from relatives coming from those localities, but I didn't have
5 the details myself; details pertaining to the various violent acts and abuses. Had
6 they committed murders? I don't know. I can't testify to something that I wasn't an
7 eyewitness of.

8 Q. Sir, you testified that you fled to Gobongo. How long did you remain there?

9 A. Mr Prosecutor, I left from PK22 and I returned home and this was after the acts
10 of violence that my wife and myself had suffered. For us, everything was finished.
11 My youngest sister had already been killed, myself and my wife had already been
12 raped and assaulted, so we couldn't stay. So that's why we left to go to Gobongo.
13 We stayed at Gobongo approximately three months.

14 Q. After three months in Gobongo, where did you go?

15 A. After the three months that we spent in Gobongo, there was a lull and so I went
16 back home.

17 Q. And where were the Banyamulengue at that time when you returned back
18 home?

19 A. Thank you, Mr Prosecutor. I'm going to tell you the truth. The
20 Banyamulengue were moving towards the Damara road towards Boali, Bossembélé,
21 Sibut, Bozoum and Yakele (phon). The Banyamulengue were moving off in those
22 directions.

23 Q. How did you know that the Banyamulengue had moved to Damara, Sibut and
24 Bossembélé?

25 A. Thank you for your -- that question. I live next to the main road that goes to

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 Damara. They necessarily had to use that road to reach Damara and I could see
2 vehicles loaded with Banyamulengue moving off towards Damara. There you go.
3 That's how I knew that they were moving off to that particular locality.

4 Q. You testified that you stayed in Gobongo for three months. Why didn't you
5 return home earlier than that?

6 A. You see, the soldiers were still billeted at the Begoua school. Consequently, I
7 was frightened. Given what I had experienced, I didn't want to go back home
8 because I didn't know what could happen at nightfall. I was frightened for my life,
9 and so I preferred to remain at Gobongo and that's why I remained at Gobongo.

10 Q. Yesterday you testified that there was a meeting at the town hall in -- with one
11 of the commanders of the Banyamulengue. Were the Banyamulengue commanders
12 or Bemba aware that their men were committing crimes?

13 A. No. As I didn't associate with them, I couldn't know whether they were aware
14 or not. I couldn't go up to them and I couldn't approach Bemba to know what was
15 going on. I told you that Bemba was a general. In the Central African Republic,
16 nobody could go up to him. I couldn't approach him to see or know what had
17 happened. No, I could never do that. It would be to -- it would be playing with my
18 life to try to approach Bemba.

19 Q. Did the Banyamulengue commanders take any action against the
20 Banyamulengue who were committing crimes?

21 A. Mr Prosecutor, I would reiterate the fact that if they had behaved as you suggest
22 there would have been no upheavals at Begoua, but that wasn't the case at all. They
23 were -- they were abandoned to themselves in the neighbourhood. They could do
24 anything they wanted upon the local inhabitants. Even Bemba himself, when he
25 came, he didn't listen to the complaints made by the local inhabitants. He was

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 informed of these acts of violence and he undertook no remedial measures and he
2 even didn't say to himself that these domestic animals that his men were killing and
3 eating, it didn't probably -- it didn't occur to him that remedy would be sought from
4 him. He didn't -- he didn't -- I mean he didn't respond to people just taking what
5 they wanted and people couldn't do anything and it was a sorry state of affairs. If
6 Bemba had behaved as a real commander, well, then he should have spoken to them.
7 At the meeting that was convened under the mango trees, he should have given them
8 instructions, given them orders, to stop what was happening so that these crimes
9 couldn't be committed, but he didn't tell them that there was no enemy in the
10 neighbourhood. If they had behaved in that way, there would have been no
11 upheavals and today he wouldn't be brought before this Court, but he did nothing.
12 He did nothing to stop these acts of violence. His men looted the property
13 belonging to the Central African people and I'm going to stop on that particular note.
14 Q. Sir, you have testified that, "Even Bemba himself, when he came, he didn't listen
15 to the complaints made by the local inhabitants. He was informed of these acts of
16 violence and he undertook no remedial measures and he even didn't say to himself
17 that these domestic animals that his men were killing and eating." I will stop there.
18 Who informed Bemba about the crimes that were committed by the Banyamulengue?
19 A. Mr Prosecutor, it's my opinion that Patassé called upon him. If there had been
20 war raging, well, then the request would be to support President Patassé, but if there
21 had been war waging, but there was no clash of arms in the locality of Begoua.
22 There was no military clash, there wasn't one, so I don't know whether their objective
23 was just to loot because maybe they don't have foam mattresses where they come
24 from? So they came maybe with a view just to take what they wanted, God only
25 knows, but now it is incumbent upon you members of the Bench and members of the

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 Prosecution to put the question to Mr Bemba because he alone can answer the
2 question. I can't answer for him. He didn't take on board the suffering of the
3 Central African people, this population that saw itself looted and raped, whose
4 property was taken across to the far shore, but he was fully aware of this. All the
5 booty that was stockpiled in the school, in Begoua school, as a commander he could
6 have asked, "Well, who does all this property belong to?", but that question was never
7 put and I suppose we can deduce from that that he was an accessory to what had
8 been perpetrated.

9 PRESIDING JUDGE STEINER: Thank you, Mr Bifwoli.

10 Mr Witness, it's the Presiding Judge now talking to you just to thank you very much.

11 We are going to stop for today. You deserve to take some rest, the same as our
12 interpreters and court reporters. We will resume tomorrow morning at 9.30 in the
13 morning.

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

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

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

18 (The witness stands down)

19 PRESIDING JUDGE STEINER: Mr Bifwoli, can you give us an estimation on how
20 long the Prosecution is taking to conclude its questioning?

21 MR BIFWOLI: Your Honours, we anticipate to close our questioning within the first
22 session in the morning tomorrow.

23 PRESIDING JUDGE STEINER: Thank you very much.

24 I thank very much the Prosecution team, legal representatives of victims, Defence
25 team, Mr Jean-Pierre Bemba Gombo. I thank very much our interpreters, our court

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

- 1 reporters. We will adjourn and resume tomorrow morning at 9.30. The session is
- 2 adjourned.
- 3 THE COURT USHER: All rise.
- 4 (The hearing ends in closed session at 4.03 p.m.) Reclassified as Open session
- 5 RECLASSIFICATION REPORT
- 6 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 7 ICC-01/05-01/08-3038 and the instructions in the email dated 12 August 2014, the
- 8 version of the transcript with its redactions becomes Public