

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0069

1 International Criminal Court

2 Trial Chamber III - Courtroom 1

3 Situation: Central African Republic

4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08

5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and

6 Judge Kuniko Ozaki

7 Trial Hearing

8 Wednesday, 30 November 2011

9 *(The hearing starts in closed session at 9.38 a.m.) Reclassified as Open session

10 THE COURT USHER: All rise. The International Criminal Court is now in session.

11 Please be seated.

12 PRESIDING JUDGE STEINER: Good morning. Could, please, court officer call the
13 case.

14 THE COURT OFFICER: Good morning, your Honours. Situation in the Central
15 African Republic, in the case of The Prosecutor versus Jean-Pierre Bemba Gombo,
16 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
19 Bemba Gombo. Good morning to our interpreters and court reporters. We will
20 continue today with questioning of Witness 69, and for that purpose I ask please
21 court usher to bring the witness in.

22 (The witness enters the courtroom)

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

24 (The witness speaks Sango)

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

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- 1 (Open session at 9.41 a.m.)
- 2 THE COURT OFFICER: We are in open session, Madam President.
- 3 PRESIDING JUDGE STEINER: Good morning, Mr Witness.
- 4 THE WITNESS: (Interpretation) Good morning, your Honour.
- 5 PRESIDING JUDGE STEINER: How are you feeling this morning, Mr Witness?
- 6 THE WITNESS: (Interpretation) This morning I am feeling -- I feel better. I came
- 7 here to testify.
- 8 PRESIDING JUDGE STEINER: Mr Witness, I need to remind you that you are still
- 9 under oath. Do you understand that, sir?
- 10 THE WITNESS: (Interpretation) Yes, I do entirely understand that and I will never
- 11 forget that.
- 12 PRESIDING JUDGE STEINER: I also want to remind you, Mr Witness, that you are
- 13 under protective measures; that your image and voice broadcast outside the
- 14 courtroom are being distorted, the public cannot identify you. In order to keep that
- 15 protection, it's important that you don't give any information in public session that
- 16 could lead to your identification or to the identification of family members, friends,
- 17 neighbours, your occupation in the past and in the present. If you need to give this
- 18 information, we go into private session. In private session you can speak freely
- 19 because nobody outside the courtroom can hear you, can listen to what you say. Do
- 20 you understand that, sir?
- 21 THE WITNESS: (Interpretation) Yes, I do entirely understand that, your Honour.
- 22 PRESIDING JUDGE STEINER: If at any time you feel tired or distressed and need a
- 23 break, you just let us know. I will give back the floor to the Prosecutor. The
- 24 Prosecutor will continue questioning you. Mr Bifwoli, you have the floor.
- 25 MR BIFWOLI: Thank you, Madam President, your Honours.

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1 QUESTIONED BY MR BIFWOLI: (Continuing)

2 Q. Good morning, Mr Witness.

3 A. Good morning, Mr Prosecutor.

4 Q. Mr Witness, today we are going to proceed from where we left yesterday. You
5 have testified before this Court that you attended a meeting with one of the
6 Banyamulengue commanders at the town hall. Did crimes continue after the
7 meeting with the Banyamulengue commander at the town hall?

8 A. Mr Prosecutor, after that particular meeting, well, this meeting took place
9 directly after the arrival, his arrival, and when he came he began by saying that "We
10 have come to work hand-in-hand with you." Unfortunately, a fellow Central
11 African among us spoke and he spoke in these words: "What meeting have -- is it all
12 about? You have come and you have come to kill -- you have come and killed
13 everybody. This meeting is meaningless." His words irritated him, and he was
14 irritated, and he left surreptitiously from the room. They got on board their vehicles
15 and the meeting didn't take place as was expected.

16 Q. Did the crimes committed by the Banyamulengue stop after this meeting?

17 A. Mr Prosecutor, I'd just like to say the following: After that meeting things got
18 worse. During that particular meeting, no agreement could be reached. Things
19 exacerbated after that meeting. Immediately after their arrival, well, this meeting
20 was convened but you couldn't get close to them during that period. You couldn't
21 go up to their base with a view to talking to them. There was nobody at all in the
22 neighbourhood. Everybody had sought refuge in the bush.

23 Q. What do you mean when you say "things got worse"?

24 A. I just wanted to get you to understand through that the violent acts and abuses
25 continued. After the meeting they continued to loot, they continued to ransack the

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1 houses and looking for houses that were well-built so that they could install their
2 offices and organise themselves in these well-built houses. Once set up in a given
3 house, well, they would use that house as if it was their own.

4 Q. You have also testified that Bemba visited Begoua. Did the crimes committed
5 by the MLC continue after Bemba's visit?

6 A. Mr Prosecutor, dear brother, after Mr Bemba's visit the violent acts and abuses
7 didn't stop. After his visit, these violent acts and abuses, well, these people
8 continued to -- Boali, Yakele (phon), Bozoum, which means that after Bemba's visit
9 the violent acts and abuses continued and they moved on to Damara in addition to
10 the other localities I mentioned. If he had said during his visit that they shouldn't
11 continue to do these violent acts and abuses it would have stopped, but unfortunately
12 they continued to commit crimes on the road to Damara. I would like to clarify,
13 your Honour, that the violent acts and abuses didn't stop at all.

14 MR BIFWOLI: Madam President, I request for a private session for the next set of
15 questions.

16 PRESIDING JUDGE STEINER: Court officer, please turn into private session. And
17 Mr Bifwoli, remind the witness of what "private session" means.

18 *(Private session at 9.53 a.m.) Reclassified as Open session

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

20 MR BIFWOLI:

21 Q. Sir, we are now in private session and I would like to remind you that what you
22 say now can only be heard in this courtroom. It cannot be heard outside and,
23 therefore, feel free to mention any names and provide any details because that
24 information will not get out of this courtroom.

25 Sir, you have mentioned Madam Sayo. Do you know the name of her organisation?

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1 A. Mr Prosecutor, my dear brother, the name of the organisation in question was
2 OCODEFAD. So we went to her house and it was at that particular place that
3 we -- our numbers were counted. In other words, all of the victims were counted at
4 that particular place.

5 Q. Are you a member of this OCODEFAD?

6 A. Yes, Mr Prosecutor, and even to this day I am a member of that particular
7 organisation. And it thanks to that organisation that I was able to come here to the
8 Court. After the events in question, this lady invited all the victims. She set up this
9 organisation because of the death of her husband.
10 This lady, it was this lady that gave us structure and enabled us to come all the way
11 here to the Court, and I remember the name of that magistrate that I spoke of
12 yesterday. His name was (Redacted)
13 (Redacted). I mean, well, their houses were completely ransacked. (Redacted)
14 (Redacted). They lived in (Redacted), more
15 particularly. (Redacted) Even the legal
16 representatives of victims are familiar with that particular gentleman, (Redacted)
17 (Redacted) he's still in office, he still holds that particular office, and if people say
18 here that there were no violent acts and abuses that took place, well, I mean, I can cite
19 the case of (Redacted), who had to flee his house and to take refuge at Gobongo.
20 Please, please acknowledge these violent acts and abuses that took place at Gobongo.
21 (Redacted) was forced out of his house, (Redacted)
22 (Redacted). His house was occupied by Bemba's men, and (Redacted)
23 (Redacted).

24 Q. (Redacted), did you play any role in this OCODEFAD?

25 A. In OCODEFAD I have never played any role whatsoever. I was only a

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1 straightforward victim. This lady called upon me, and I gathered together all my
2 documents with a view to meet her in order to put together a dossier, and it's really
3 thanks to that lady that I'm here today before this Court. In our country, more
4 precisely at (Redacted), my role was the following: (Redacted)
5 (Redacted).

6 Q. As a victim, did you share what happened to you with OCODEFAD?

7 A. I explained everything that I had experienced to OCODEFAD. I told them
8 everything, and that is how come the leaders of that organisation asked me to give
9 them an account of everything that I had witnessed. We gave them our identity
10 photographs, and they are the ones who prepared the dossiers to be submitted to you.
11 I would like to repeat that it is thanks to this lady that our dossiers were transmitted
12 to the Court. We were powerless. Fortunately, God is all powerful, and he was
13 able to ensure that the perpetrators are here before your Court and I thank God for
14 that.

15 Q. You have testified before this Court that the Banyamulengue raped you and
16 your wife. Did they know you were (Redacted) at the time of rape?

17 A. Yes, of course. How is it possible that they wouldn't have known it? There
18 was (Redacted). As you know, every country has (Redacted),
19 and (Redacted). Someone who is dignified and who is
20 responsible cannot allow those atrocities to be perpetrated against me (Redacted)
21 (Redacted). What they did to me was unbelievable. A normal human
22 being, if he or she sees (Redacted), cannot perpetrate such acts of violence. I am
23 wondering whether they have a (Redacted) in their country. Your Honours, I do
24 not know.

25 Q. (Redacted), do you have anything that identifies you (Redacted)

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1 (Redacted)?

2 A. Thank you, my dear brother. Let me repeat this: Those aggressors had no
3 consideration for anyone at all. Even the ministers could not move about; only the
4 Banyamulengue controlled all the entrances and exits. No vehicle could leave
5 Bangui to go to the rural areas. Magistrates or jurists, such as yourself, sir, were
6 forced out of their houses and these people turned their houses into offices which
7 they occupied.

8 If important authorities such as those were humiliated, what more of me? I am
9 telling you, Mr Prosecutor, Bemba's men completely humiliated us, ridiculed us.
10 We don't have any respect or dignity in the Central African Republic any longer.
11 Your Honours, how is it possible to judge such practices? Our gendarmes and
12 policemen were of absolutely no value to them. As soon as those aggressors
13 discovered military equipment in their house, and realised that the house belonged to
14 a gendarme or a policeman, they would give him a beating. And despite all those
15 facts, those people are saying today that nothing bad happened. I'm repeating this
16 to you, your Honours. You can send investigators to the field so that they should
17 carry out investigations. In the Begoua neighbourhood no one could go out or come
18 in. People were dying of hunger because they could not go out to fetch food.

19 Q. In your country, do (Redacted) have anything that signifies or shows
20 that (Redacted)?

21 A. Thank you, Mr Prosecutor. I would like to repeat this: Bemba's men had no
22 respect at all for Central African Republic citizens. (Redacted)
23 (Redacted), but that did not mean anything to them. They went as far as tying the
24 national flag around their waist, and they tied it as if it were a simple article of
25 clothing. I am wondering whether they have clothes in their country?

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1 Mr Prosecutor, I saw that with my own eyes. They tied the national flag around
2 their waist as if it was a mere piece of clothing. I cannot tell you about what I did
3 not see.

4 If, in fact, they did not use the national flag abusively, then I will call on God to be my
5 witness, but when they humiliated me (Redacted). I

6 (Redacted)

7 (Redacted) because once (Redacted) you were

8 directly or immediately considered to be a rich person and they would simply attack

9 you. But I am a poor man. The few resources that I had enabled me to provide

10 food for my children and nothing more, but when they arrived they looted all that.

11 Your Honours, there wasn't even a war in the country, but when they arrived they

12 behaved as though they were in a war situation. They broke down doors, they

13 entered into houses and took away everything they wanted. They had no respect for

14 any (Redacted). No one could move around freely. People were compelled to

15 seek refuge in the bush.

16 Q. You have testified that, and I quote from page 9, line -- page 10, line 1: "When
17 they humiliated me, (Redacted)." Where exactly was

18 (Redacted) at that time?

19 A. Let me repeat this once again, your Honours: For example, we normally (Redacted)

20 (Redacted) was of no

21 consequence to them. They didn't even act as if they were dealing with (Redacted)

22 (Redacted). They had absolutely no respect. They did not approach the local

23 authorities, the chef de quartier or the gendarmerie commander in order to establish

24 contact.

25 When they visited you it was to attack you, to maltreat you, to brutalise you and to

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1 loot your property. And when they came across a Muslim, they referred to them as
2 "Yaka wa, yaka wa, yaka wa." They grabbed them, searched them and looted
3 everything they were carrying on their person before going away, and if you did not
4 have any money, then they would beat you copiously before going away. Anyone
5 that they came across was systematically searched, and if what I'm saying is a lie,
6 then I leave it all to God. This is what I observed (Redacted).
7 When I felt overwhelmed, I also fled. I was moving around like a dog. I was going
8 away, coming back, going away again and coming back in order to observe what was
9 happening in my locality. I could not be stable.

10 Q. Were you (Redacted) on the day that you were raped?

11 A. Mr Prosecutor, as soon as you (Redacted)
12 (Redacted). When they arrive, they undress you. They do not have any respect for
13 you. Even if (Redacted) and
14 throw it on the ground. (Redacted), but it was not any problem for them.
15 They did not have any consideration for it.
16 Even the gendarmes did not mean anything to them, not to mention women who
17 were of absolutely no value in their eyes. You yourself, is it possible that a judicial
18 authority, such as (Redacted), to be forced out of his house? Is it possible for
19 him to be compelled to flee, like an ordinary person? If you have any doubt about
20 what I'm telling you, please call that person. I cannot give you any false testimony
21 while here. I came here to testify to what I saw and to what I experienced. An
22 authority of the level of (Redacted) was expelled from his house,
23 Mr Prosecutor, and people have the audacity to claim that nothing happened?

24 Q. Do you know if the Banyamulengue who raped you (Redacted) that
25 day?

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1 A. Mr Prosecutor, (Redacted) was visible. They saw it. How is it possible that
2 they would not have seen it? (Redacted) Even what
3 (Redacted), it is possible for you yourself to see it, but
4 they had no respect at all for the local authorities. That was not a problem for the
5 Banyamulengue.
6 I have said that I did not come here to express my anger, but simply to testify to what
7 happened in Bangui so that those of you in the international justice system should be
8 able to understand the reality of the facts, the reality of the acts of violence
9 perpetrated by Bemba's men and who and which, unfortunately, are being denied by
10 certain people today. They should not try to convince the Judges of the contrary.
11 They did indeed destroy the town of Bangui. That is what I saw, your Honours.
12 They did not respect anyone. Even the ministers did not mean anything to them.
13 The only person that they knew was Mr Patassé, but for them in PK12, they did not
14 respect anyone. In fact, they were saying that they had come to accomplish the
15 mission assigned to them by Mr Patassé.

16 Q. Where was (Redacted) during the killing of your sister by the
17 Banyamulengue?

18 A. Mr Prosecutor, in my country - that is the CAR - (Redacted)
19 (Redacted). No one could get rid of it. When leaving the
20 house, (Redacted). You never got rid of
21 it, and no one could joke with it. The mayor, the subprefect and the other authorities
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 The next morning, (Redacted) then automatically you

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1 would need to (Redacted).

2 You could not go without it, because it represented (Redacted).

3 (Redacted) was going to the town centre, everyone who saw that

4 (Redacted) would respect the person (Redacted) it, because in

5 our country it is (Redacted)

6 (Redacted), but the Banyamulengue did not have any respect at all for

7 (Redacted)

8 The citizens of the Central African Republic have a lot of respect for their national

9 flag. I believe that each time that the flag is flown everyone stops. It is only when

10 the flag has been posted up that everybody goes about their business again. That is

11 what happened until those people, those Banyamulengues, came to the CAR and they

12 had no respect for the local population.

13 Q. You have just testified at page 13, from lines 12, that whenever you were

14 leaving the house in the morning (Redacted)

15 (Redacted). My question is this: On the day that your sister was killed, you have

16 testified that you were at home. Were you (Redacted) on that day?

17 A. Mr Prosecutor, I have just told you that never (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted) When my junior sister was killed (Redacted)

21 (Redacted), but these people were only looking for money to enable them to

22 drink alcohol, local alcohol.

23 I was in front of my house, and on that day they knew that (Redacted)

24 but that did not prevent them from killing my sister in my presence. It was because

25 of money that they did all that. Since they did not have money in their country,

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1 their money had no value. I believe maybe that is why they had to come and loot
2 everything from us. I really do not know. There were many of them. They
3 invaded the entire neighbourhood. They dug trenches in which they spent the
4 nights.

5 MR BIFWOLI: Madam President, I request that we go back into open session.

6 PRESIDING JUDGE STEINER: Court officer, please turn into open session. And
7 please, Mr Bifwoli, remind the witness that we'll be in open session.

8 (Open session at 10.27 a.m.)

9 THE COURT OFFICER: We are in open session, your Honours.

10 MR BIFWOLI:

11 Q. Sir, we are back in open session and, therefore, I would like to remind you not
12 to mention names or any other information that may identify you or identify
13 members of your family or other victims. Sir, do the people from your community
14 know what happened to you?

15 A. Mr Prosecutor, I'm going to tell you the same things over again. I would like
16 to point out that everything that happened to me was known to all my neighbours.
17 I was (Redacted) years old.

18 THE INTERPRETER: Correction from the Sango interpreter: "My sister was killed
19 and I was assisted by neighbours who came to assist me to bury her."

20 THE WITNESS: (Interpretation) My neighbours helped me to dig a grave to be
21 able to bury my younger sister. It was only afterwards that her body was exhumed
22 by the Red Cross. The neighbours were aware of everything that happened in my
23 place. Everyone knew it. My younger sister of 36 years was killed. The
24 neighbours helped me to dig a grave to bury her.

25 MR BIFWOLI:

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1 Q. Sir, you have clarified that the members of your community knew that your
2 sister was killed. Did they also know that you and your wife were raped by the
3 Banyamulengue?

4 A. I believe that I was very clear and precise a short while ago. As you know,
5 when something that serious happens to you it would normally be known to the
6 neighbours. Everyone knew it, Mr Prosecutor. We lost our dignity. We were
7 subjected to humiliating and degrading acts. I am asking myself questions. What
8 are we going to do? My wife and myself were subjected to atrocious acts. We no
9 longer have any value. We are wondering what we are going to do in order to
10 recover our dignity.

11 I'm expecting you to tell me something. Please answer me, your Honours. (Redacted)
12 (Redacted) look at his wife, they
13 were raped by Bemba's men." What are you going to do for us to enable us to
14 recover our dignity? Do you think that it is normal for us to have been subjected to
15 those acts? I do not think so.

16 It is for that reason that we travelled to your Court to be able to express ourselves.
17 What are we going to do to restore peace in the Central African Republic? Imagine
18 that even children are pointing us out and saying "That man was sodomised and his
19 wife was raped by the Banyamulengues." What are we going to do, ladies and
20 gentlemen of the Court.

21 Your Honours, I am appealing to you to open your eyes to analyse this case. Please
22 ask Bemba that question so that he should give us an answer. I do not know what
23 else to say. I lack words to express what I'm feeling, what I'm experiencing. I'm
24 not lying to you, your Honours. I am not able to sleep. My wife had an operation.
25 Sperm of the Banyamulengue were taken out. She's currently bedridden, but who is

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1 going to take care of my wife? Is my wife going to live for much longer? I do not
2 know. I am asking myself these questions.
3 Your Honours, I can no longer bear this. It is unbearable for me. I'm making
4 efforts to answer you. Bemba's lawyers are there, they are telling you their life
5 stories, they are telling you just anything. I am appealing to you, your Honours, do
6 not allow yourselves to be distracted. We have suffered.

7 Q. Sir, has your rape affected your family in any way?

8 A. Well, my wife fell victim. She had to have a medical operation. Even myself,
9 I received a blow to my left eye but you need eyes to see to be able to walk. And I'm
10 losing my eye. I see myself as a finished man, Mr Prosecutor. Can you see when I
11 enter into this courtroom I'm assisted? But in the days of the events it wasn't the
12 case at all.

13 I'm now (Redacted) years of age. I'm still in good health, but for all that I cannot see through
14 my left eye. And let me tell you that every two months I feel -- I suffer from
15 abdominal pain because of the sperm that remains in my belly. I see myself as a
16 dead man and this is why I'm submitting to you my complaint.

17 I'm appealing to you, ladies of the Bench: Put the question to Bemba. He owes me
18 explanations with regard to my wife who had to suffer a medical operation and me,
19 myself, I feel abdominal pain. There's blood in my stools when I go to the toilet.
20 There's also -- there's also discharge that comes out of my anus and this is why I am
21 appealing to you, put the question to Bemba. He should give me a sizeable sum of
22 money to enable me to receive treatment. My wife underwent a medical operation.
23 Me, myself, I suffer from abdominal pain, but I don't have any money to receive
24 treatment for that. I'm going to stop on that point, your Honour.

25 MR BIFWOLI: Sir, the Prosecution has concluded its questioning and we thank

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1 you very much for coming and testifying in this Court about what happened in the
2 Central African Republic. Thank you very much, sir. Madam President, your
3 Honours, that concludes the Prosecution questioning.

4 PRESIDING JUDGE STEINER: Thank you, Mr Bifwoli. Mr Witness, now it is the
5 Presiding Judge talking to you. Mr Witness, the Prosecutor concluded, and now the
6 legal representatives of victims, Maître Zarambaud, will put some questions to you.
7 Maître Zarambaud was authorised by the Chamber to put some questions to you.
8 Maître Zarambaud, you have the floor.

9 MR ZARAMBAUD: (Interpretation) Thank you, your Honour.

10 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

11 Q. Mr Witness, good morning.

12 A. Good morning, sir. The legal representative of the victims, good morning.
13 Thank you for having accepted to provide assistance to us and provide us with
14 consolation.

15 Q. Thank you, Mr Witness. As the Presiding Judge has said, my name is Maître
16 Zarambaud Assingambi. I am a lawyer at the Bar of the Central African Republic,
17 and I was appointed here, as you yourself have just stated, appointed as one of the
18 legal representatives of the victims alongside my learned colleague, Counsel
19 Marie-Edith Douzima.

20 The Chamber has, therefore, given me leave to put to you one or two questions. We
21 are in open session; consequently, it is recommended - and you were given these
22 recommendations - we need to make sure that we're mindful of the fact that we are in
23 open session. So please, if you are going to give information that may lead to your
24 identification, please avoid doing so. Don't give names of your neighbours. This
25 might establish your identity.

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1 You may know, Mr Witness, that this is an International Court. As such, this Court
2 has a certain number of rules to enable public proceedings to be adversarial in nature,
3 where possible, and to make sure that there is equality of arms and this is why if the
4 Prosecutor has brought Bemba before the Chamber, if he is pushing questions to you,
5 the Prosecutor - if me as the legal representative of the victims - can put questions to
6 you, well, the Defence also is entitled to put questions to you to make sure that there
7 is proper adversarial proceedings.

8 In addition, I said that there should be equality of arms. This means that when a
9 question is put, if the Defence deems that that question is a leading question, or a
10 suggesting or prompting you to say something in particular, then it can make one or
11 two observations and ask the Court that the question be put differently, rephrased or
12 reworded. This doesn't mean that the Defence believes that you don't understand
13 the import of the question and that you are just putting words in your mouth, but if
14 later on, if the Defence thinks that one of my questions is leading, please don't feel it
15 as a personal attack. Keep your calm and answer the question as succinctly as you
16 are able.

17 That said, the Chamber has given me leave to put to you a number of questions, A.
18 number of these questions, however, have already been put to you by the Office of
19 the Prosecutor and you have supplied answers in a totally satisfactory manner, to my
20 mind. Consequently, I'm not going to put questions -- some questions to you, even
21 though the Chamber entitled me to put them to you. And I'm -- if I'm making
22 reference to documents, it's just for the purposes of the transcript so that -- references
23 in relation to your written statement.

24 My first question is bearing upon CAR-OTP-0052-0488, 0509 page, and
25 CAR-OTP-0052-0486, page 470. Now, I've got a series of questions, or I had a series

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1 of questions but I can put one question to you from that. You said that the
2 Banyamulengue smoked cannabis. My question is very straightforward: How do
3 you know that the Banyamulengue were smoking cannabis?

4 A. Mr Legal Representative of the Victims, I know that because I reside in this
5 locality and I was able to see it for myself and this is why I said this. Some
6 Banyamulengues, when they were -- when they passed in front of me, I could smell
7 the odour of the cannabis. Also, they were smoking in the open, in public. And
8 Mr Legal Representative of the Victims, it's very easy to distinguish between the
9 odour of ordinary tobacco and that of cannabis.

10 Q. Thank you, Mr Witness. My second question is just as straightforward. I'd
11 just like to establish the following: When the Banyamulengue arrived in your
12 neighbourhood, was there fighting between the Bozizé rebels and the
13 Banyamulengue?

14 A. None at all. I didn't see any such fighting. If there had been any exchange of
15 fire, then I would have been able to see that. There was only the Banyamulengue
16 that was moving around in the Begoua neighbourhood and that was going from one
17 house to the next to do what they wanted. There was no clash. There was no
18 exchange of fire. I didn't see anything of the sort. They only broke down doors,
19 they only looted the houses. They didn't fight any Central African. I didn't see that
20 at all.

21 Q. Thank you. Thank you, Mr Witness. My third set of questions is built on
22 CAR-OTP-0052-0466, page 0470, page 9 -- line 9 -- paragraph 9. And when you said
23 "When the Banyamulengue arrived, they entered -- well, they forced themselves into
24 houses and they forced the owners of said houses to leave the premises to enable
25 them to take possession of the house and they also used the furniture and the doors

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1 as firewood so that they could make their meals."

2 Now, I had a number of questions with regard to this, but I'm only going to ask one
3 of these questions. The Banyamulengue, did they come to chase people out of their
4 homes or did the people flee? Had they left their houses empty? Had they
5 abandoned their houses and then the Banyamulengue arrived and set up in those
6 abandoned houses?

7 A. Thank you, Mr Legal Representative of the Victims. When they arrived, the
8 very same day the entire inhabitants -- all the inhabitants fled, and it was the
9 Banyamulengue that took possession of all the houses. And when they entered into
10 these houses, they took possession and they established their offices there. They set
11 up in those houses with all their military equipment, and during the night some were
12 in the trenches and others were seeking relaxation in these houses and then they
13 swapped over. People in the trenches swapped with the people taking rest in the
14 houses. This is what I said, Mr Legal Representative of the Victims.

15 Q. Thank you very much, Mr Witness. Here's my fourth set of questions, and this
16 refers to CAR-OTP-0052-0466, page 0471, paragraph 4. Now here you spoke of the
17 murder of your sister and the sum of 800,000 francs that she was stripped of. I have
18 two questions -- or I had two questions, but I'm only going to put one of them to you.
19 After that, was there any document, any administrative paper or any ruling that
20 deems that you are the legal representative entitled to receiving the inheritance
21 following the death of your sister? Are you the legal beneficiary of the estate of your
22 sister?

23 A. Yes, Mr Legal Representative of the Victims. Let me tell you, in fact, I couldn't
24 have the administrative document that you are referring to. The situation was so
25 alarming that I couldn't take the risk of asking for such a document at that period in

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1 time.

2 I told you that when the OCODEFAD was set up, it was thanks to that NGO that we
3 are here today before this Court. At that particular time, it was difficult to have such
4 an administrative document drawn up. If you had lost a member of your family
5 during that difficult period, it would have been impossible to have such an
6 administrative document drawn up to establish that. It was thanks to OCODEFAD
7 that we were able to get all the documents that enabled us to bring us here before the
8 Court today.

9 Q. Thank you. My fifth set of questions, CAR-OTP-0052-0466, page
10 0 -- penultimate paragraph, you said that following the arrival -- the next day, after
11 the arrival of the Banyamulengue, Bemba arrived in a car at the Begoua school.
12 My first question is the following: Were you able on that particular day to see
13 Bemba with your own eyes?

14 A. Thank you, Mr Legal Representative of the Victims. I acknowledge -- well, I
15 acknowledge the fact that Bemba did indeed set foot in Bangui. He came on board a
16 vehicle and parked at the Begoua school. I told you that this school (Redacted)
17 (Redacted).

18 And when he came he held meetings with his men, and after that he left. And when
19 he left, his men resumed their positions and when night came they began -- they
20 resumed with the same acts of violence. And I tell you that the entire population
21 had fled and there was only the Banyamulengue who were occupying the sector and
22 they did whatever they wanted to do.

23 When their commander arrived, the commander gave them instructions and orders
24 and he -- they received supplies. The Begoua school (Redacted).

25 I would like to reiterate that point. I also told you that it was Viki (phon), it was

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1 Viki who was Patassé's chauffeur and that he was the one who provided the
2 supply -- who brought the supplies with a big lorry.

3 This is what we experienced. It wasn't anybody else who was providing that, who
4 was bringing that. He gave them everything that they needed. I'm not going to
5 give false testimony here. And I would like to reiterate the point: Send
6 investigators to Bangui so that they can really see the grass roots reality of what
7 happened.

8 Mr Legal Representative of the Victims, (Redacted).

9 It is he who destroyed the Begoua neighbourhood, and when he arrived he had
10 himself surrounded by his men. But Mr Legal Representative of the Victims, who
11 could go up to him? How could you take such a risk of going up to him?

12 Mr Legal Representative of the Victims, Mr Bemba was a general, or he behaved as
13 such, he behaved as -- as a commander, as a chief in the city of Bangui. Mr Legal
14 Representative, I know that even you, if you had experienced these events, perhaps
15 you would not have preferred to come here and tell and recount that, bearing in mind
16 what job you do. But I know that witnesses have come to testify before the Court
17 and have recounted these facts.

18 We know that Bemba came from time to time to Begoua, and his HQ was established
19 at the Begoua school. Mr Legal Representative of Victims, I'll stop at that particular
20 point for the time being.

21 MR ZARAMBAUD: (Interpretation) Thank you very much, Mr Witness. Your
22 Honour, I still got one or two more questions, perhaps, but I can put those to the
23 witness after our recess. Thank you very much.

24 PRESIDING JUDGE STEINER: Thank you, Maître Zarambaud. Mr Witness, it is
25 the Presiding Judge talking to you now. It is 11 o'clock. We'll have a break. You

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1 can have a coffee, take some rest. A half-an-hour break. Our interpreters also need
2 to take some rest. We will resume at 11.30 when Maître Zarambaud will continue
3 putting questions to you.

4 I ask, please, the court officer to turn into closed session for the witness to be taken
5 outside the courtroom. In the meantime, we will suspend and resume at 11.30.

6 *(Closed session at 10.59 a.m.) Reclassified as Open session

7 THE COURT OFFICER: We're in closed session, your Honours.

8 (The witness stands down)

9 THE COURT OFFICER: All rise.

10 (Recess taken at 11.01 a.m.)

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

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

13 PRESIDING JUDGE STEINER: Court usher, please bring the witness in.

14 (The witness enters the courtroom)

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

16 (Open session at 11.38 a.m.)

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

18 PRESIDING JUDGE STEINER: Thank you. Mr Witness, it's the Presiding Judge
19 addressing you. Welcome back to this courtroom.

20 THE WITNESS: (Interpretation) Thank you, Madam President.

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

22 THE WITNESS: (Interpretation) I am ready to continue my testimony before the
23 Chamber. I'm here because I lived through a certain situation and if questions are
24 put to me about it I am prepared to answer.

25 PRESIDING JUDGE STEINER: Thank you, Mr Witness. I will give the floor back

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1 to Maître Zarambaud. He will continue questioning you. Maître Zarambaud, you
2 have the floor.

3 MR ZARAMBAUD: (Interpretation) Much obliged, Madam President.

4 Q. Mr Witness, before the break I had asked you a question on your statement
5 about the arrival of Mr Bemba in the Begoua school (Redacted), and he is

6 supposed to have travelled there by vehicle. I asked you whether you had seen

7 Mr Bemba, and you said that he had arrived there but he could not be approached

8 because he was surrounded by several of his soldiers.

9 Before my next question, I would like to remind you that we are in open session and

10 please refrain from making statements that might be identifying. My next question

11 on Bemba's visit is as follows: You said that he arrived by vehicle. Now, was

12 President Patassé also on board that vehicle?

13 A. No, I did not see President Patassé. As you know, these people were soldiers.

14 They could not be with the supreme commander. He was inside the house and the

15 soldiers would go and visit him inside that house.

16 Q. Thank you, Mr Witness, my next series of questions reference

17 CAR-OTP-0052-0488, page 0509, paragraph 6 and 7. You stated that on the road

18 close to your home you saw the dead bodies of two people who had been killed by

19 the Banyamulengue. My question to you is as follows: How do you know that

20 those people had been killed by the Banyamulengue?

21 A. Thank you, Counsel. Let me tell you once again, Mr Legal Representative.

22 Regarding those people who were killed, there was no one in the locality which was

23 under the control of the Banyamulengue. I did not see any other force, or any other

24 forces in that locality. They were the only ones occupying the neighbourhood. I

25 am very familiar with the neighbourhood, and I saw this myself. If I had not seen

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1 them I would not have told you this. I told you that I was in the neighbourhood. I
2 was in the area.

3 Q. Thank you very much. My second question to you is as follows: Were those
4 two people who were killed civilians or soldiers?

5 A. Mr Legal Representative, let me repeat these people were not soldiers. There
6 were no soldiers in the neighbourhood. There were no soldiers. It was not possible
7 to see soldiers in that neighbourhood. There was no confusion between soldiers and
8 civilians, so those people who were killed were civilians. If a soldier had been killed,
9 that soldier would have been in military uniform. They were civilians. They were
10 wearing clothing, just like myself. So they were civilians and not soldiers.

11 Q. Thank you. Regarding those people killed, and the reference is
12 CAR-OTP-0052-0466, page 0484, paragraph 5, you have said that you saw a list of
13 people killed in OCODEFAD but you do not have a copy of that list. I'm not asking
14 you to tell me the precise number of names that were on that list. All I'm asking you
15 is whether you have an approximate idea of the number of people killed and who
16 appeared on that list?

17 A. There were many people, Mr Legal Representative. If those people had
18 approached the person in charge of OCODEFAD, they would have had a list of the
19 people who had been killed. She was dealing with that, and it is thanks to her that
20 these proceedings are going on today. All those documents were given to
21 OCODEFAD. The inhabitants drew up a list that was submitted to OCODEFAD,
22 and that list included the names of many people who had been killed. Many people,
23 indeed, were killed in the Begoua locality.

24 There was a register, a register that was quite voluminous, in which the names of the
25 people were recorded, and all the information regarding deceased persons was

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1 included in that register. And up 'til date, people are still preparing dossiers. There
2 is a service, a unit in Bangui, which is preparing files, or dossiers, for the proceedings
3 related to the case in which we are today and that service is housed in the offices on
4 the bank of the river in Bangui.

5 Q. Thank you, Mr Witness. My eighth series of questions refers to reference
6 CAR-OTP-0052-0488, page 58, paragraph 5. You mentioned that it was Miskine that
7 supplied food and fuel to the Banyamulengue. I have one question on this topic:
8 To your knowledge, did Miskine's militiamen also perpetrate killings, rapes and
9 looting in your neighbourhood, and if you are able to tell us where did this happen
10 specifically?

11 A. Mr Legal Representative, all those things happened and immediately
12 afterwards Miskine fled. I believe that I have told you that it was Viki, Patassé's
13 soldier or, rather, Patassé's driver who provided foodstuffs to the soldiers. There
14 were bags of rice, soap, tins of sardines and spare parts for the vehicles. I am aware
15 of this for the simple reason that he had a mistress (Redacted) that was the
16 source of my information.

17 Q. Thank you, Mr Witness. My ninth series of questions relates to the women
18 who were raped and whose names you provided, but I believe that you answered
19 adequately to the questions put to you by the OTP and I will not dwell on those
20 questions.

21 My next reference is CAR-OTP-0052-0488, 0493, paragraph 5, and page 0494,
22 paragraphs 3 and 7. This relates to the rape of your wife. I do not have any
23 questions for you on that because you have clearly answered the question.

24 There is ICC-01/05-01/08-0134-Conf, you stated as follows: "I was shot in my right
25 leg and when I fell down I was hurt by stones, and I was injured on my left eye and I

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1 have had problems with my eyesight ever since then. My eyesight from the left eye
2 is rather hazy."

3 My question to you is as follows: Were you injured on the same day and at what
4 time? That is in relation to the murder of your sister and in relation to the rape of
5 your wife?

6 A. I sustained that injury on the day on which I was raped. I was a man, and I
7 tried to resist. I still have the scars, and I can show them to you if you wish. They
8 tried to kill me. However, one of them restrained his comrades. I was shot in my
9 heel, that is on the leg, and this was on the same day that my sister had been killed.
10 I had tried to react. The other person wanted to shoot me. I fell down and I was
11 hurt in the eye.

12 THE INTERPRETER: And the Sango interpreter corrects: "It was on the day that
13 my sister was killed," not "the day that I was raped."

14 MR ZARAMBAUD: (Interpretation)

15 Q. Thank you, Mr Witness. The next series of questions related to the list of
16 victims of rape that had been submitted to OCODEFAD. I believe you kept a copy,
17 and I believe the answer would be similar to the one about the list of people who had
18 been killed. You said that there were many victims, and just like with the list of
19 people killed you no longer remember the precise number. That being the case, I
20 will no longer ask you questions about that.

21 That said, I have one last question for you on the consequences of the rapes on you
22 and your wife at the time of the events, but I believe you have already provided
23 sufficient answers and I will refrain from putting you through any more difficulties.
24 And so I have no further questions, Madam President, because the witness has
25 answered all my questions.

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1 A. Thank you, Mr Legal Representative of Victims. You are our Counsel. You
2 did ask me questions but you did not ask me any questions about compensation, and
3 now you are sitting down. What am I going to do? What is going to become of
4 me?

5 Q. Thank you. I believe that concerning the prejudice suffered by you, you did
6 submit a list of the articles that had been looted from you, in answer to the
7 Prosecutor's questions. The proceedings here are organised in such a way that the
8 issue of damages well be determined at a particular stage of the proceedings.
9 I have your entire dossier, the form that you filled, including the list of articles that
10 you lost, as well as the moral and physical injuries that you were subjected to, and
11 when the time comes to deal with this issue I will, of course, make sure to put into
12 use all these documents that you have submitted to the Chamber. So this is not
13 something that was overlooked. There is a time for everything, and this will be dealt
14 with in due course. Thank you.

15 A. Thank you, Mr Legal Representative. You are our Counsel and, as you know,
16 it is not a bad thing to ask questions. You completed your examination and you sat
17 down, and in light of what we have suffered we deserve to be compensated. We are
18 finished people. We were sodomised. We were hit by bullets, and we need to
19 receive damages from the people responsible for the perpetration of such acts. So
20 we deserve to live the rest of our lives in dignity. This is not something that I am
21 doing out of wickedness. I simply wanted to have that clarification so as to assuage
22 my concerns. Thank you.

23 PRESIDING JUDGE STEINER: Thank you very much, Maître Zarambaud.
24 Mr Witness, now the Defence will start questioning you. The Defence, Defence
25 counsel, will introduce himself to you and start with Defence questioning.

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1 Mr Haynes, you have the floor.

2 MR HAYNES: Thank you, your Honour.

3 QUESTIONED BY MR HAYNES:

4 Q. Good morning, sir. It is just the morning.

5 A. Thank you, Counsel. I believe that I will listen to your questions with keen
6 attention, and if they correspond to what I know then I'll give you the answers.

7 Otherwise, well, that is how it is.

8 Q. Okay. Well, let me first fulfil the promise that the President made to you. My
9 name is Peter Haynes, and I come from the United Kingdom, or Britain, depending
10 on how you prefer to call it; do you understand that?

11 A. Yes, I understand you. I am with you, Counsel.

12 Q. And so that you understand, it is now midday on Wednesday and it is my hope
13 that I will conclude my questioning of you before the end of Friday so that you will
14 be able to go home. Do you understand that?

15 A. I understand you very well. I am here. And please, interpreter, tell him that I
16 am here to listen to him and to understand him.

17 Q. Okay. Well, I'm glad that you're going to listen to me. If you can, try and
18 answer the questions I ask you. They will be quite specific, and if you listen to them
19 you should be able to give reasonably short answers. Is that okay?

20 A. Yes, that does suit me but, Counsel, please be careful. I don't want deliberately
21 nasty questions. I've answered questions from the people of the Court but I have
22 insulted nobody, and I deserve the same treatment from your hands, Mr Counsel.

23 Q. Absolutely. Now, before we go any further, I just want to be clear: Is there
24 anything that you want to add to the evidence you have given to the Court so far?

25 A. I have nothing further to add. I have answered all the questions that were put

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1 to me by the members of this Court. I've also answered the questions put to me by
2 the legal representative. Now I'm all ears. I am listening to you. I have nothing
3 further to add and I will stop at that point.

4 Q. Is there anything you want to change about the evidence you've given to this
5 Court?

6 A. No. You can't appear before a Court, say something and then go back on what
7 you said. It is important to have one single account, one single version relayed and
8 recounted before a Court.

9 Q. I quite agree, but in particular is there anything that happened to you that you
10 have omitted or forgotten to tell us about?

11 A. I have nothing further to add, Counsel. I didn't come here to give several
12 versions of the events. I've answered questions put to me by the members of the
13 Court. I've answered questions given by Mr Legal Representative of Victims. I
14 can't change what I've said. It's not that way that you should behave before a Court.

15 Q. I just want to be clear: Is there anything that you've told us that happened to
16 you that you want to change your evidence about at this point?

17 A. Let me repeat, Counsel: There should only be one set of remarks submitted
18 before a Court. You don't go to a Court to say one thing, and then change tack and
19 say something different. It's necessary and important to present one single version
20 of the events before the Court. I have no -- I'm not going to juggle between two
21 versions of the facts.

22 Q. And is that true also of members of your family, there's nothing more you want
23 to tell us about things that happened to them?

24 A. What happened to my family? Well, my sister was killed, and I told you what
25 happened to me personally, physically, and I've already recounted this to the

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1 members of this Court and I'm not going to -- I can't change that.

2 Q. Very well. And there's nothing that you've told us that happened to members
3 of your family that you want to change your evidence about at this stage?

4 PRESIDING JUDGE STEINER: Yes, Mr Bifwoli.

5 MR BIFWOLI: Madam President, your Honour, with due respect, the Prosecution
6 objects to the Defence line of questioning. I think this is the fourth time a similar
7 question is being put to the witness as to whether he wants to change anything about
8 his evidence, and I think the witness has admitted he's an illiterate witness. This
9 kind of technique is traumatising to the witness.

10 PRESIDING JUDGE STEINER: Mr Haynes started the questioning, and this is on
11 page 34, that you would put questions quite specific, and if the witness listened to
12 them could -- the witness should be able to give reasonably short answers. And I
13 agree that we've been now for three pages with these line of questions, and I would
14 like to ask why Mr Haynes doesn't go straight to the point?

15 MR HAYNES: I will come to the point.

16 Q. Now, can we move on? You speak fluently the Sango language; is that
17 correct?

18 A. I do speak Sango fluently. This is the language of my country, the Central
19 African Republic.

20 Q. Do I understand the position to be that you speak little or no French?

21 A. Counsel, I have said in Bangui, in my various written statements, that I don't
22 know how to speak French. I don't have any other language than Sango. I only
23 said that I spoke Sango.

24 Q. Thank you. And so unless things are said in Sango, or translated to you in
25 Sango, you don't understand anything that's being said; is that right?

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1 A. I'd like to reiterate the fact, this fact to Bemba's Counsel that I only speak Sango.

2 I don't speak any other language.

3 Q. Thank you. I want to take you back almost exactly three years, to 2008. Do

4 you know or remember who Paolina Massidda is?

5 A. He came to Bangui -- she came to Bangui to take my statement.

6 Q. And did you understand what her function was?

7 A. Her job? Well, this person came to retrieve information with regarding -- with

8 regard to our situation, with regard to what we had suffered, in order to inform the

9 Court of that.

10 Q. Thank you. And did you trust her?

11 A. Well, if I hadn't said something believable, then she wouldn't have relayed that

12 written statement before the Court. Those were the words that I said at Bangui that

13 she then imparted to the Court, and this is why I'm appearing before this Court

14 today.

15 Q. Thank you. But did you understand that she was there to represent your

16 interests as a lawyer?

17 A. For me, she was a sort of investigator, an investigator whose job involved

18 collating information from the various testimonials with regard to what had occurred.

19 That was how I understood her function.

20 Q. And did you think it was important to tell her everything that happened to you

21 and your family?

22 A. Yes, it was important to relate everything that had occurred, because me, I

23 knew the work conducted by investigators was to collate all information with regard

24 to a given set of circumstances, and investigators had to then hand on all the

25 information to the members of the Court. I saw that woman as my investigator, and

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1 I made statements to her.

2 Q. Thank you. And were those statements written down or typed out on a
3 computer while you sat there?

4 A. My brother, my words were written down and that's how the written
5 documents were handed on to the Court. My statements were also inputted into a
6 computer. Those were the words that I said, the words that I said were sent here,
7 and that's why I'm appearing before the Bench now providing testimony and
8 answering questions. She looked after my dossier and she properly noted down
9 what I told her.

10 PRESIDING JUDGE STEINER: Mr Haynes, sorry to interrupt.

11 JUDGE ALUOCH: Thank you. Mr Haynes, I have the feeling that there's
12 confusion. I know you gave the witness the name Paolina Massidda but,
13 considering that amongst the investigators there was also a woman, I have a feeling
14 that, from the answers he's giving, that he could be mistaking who he saw. I don't
15 know whether you have that feeling.

16 MR HAYNES: Your Honour, I propose to go through all of the meetings he's had,
17 so that we clear it up.

18 JUDGE ALUOCH: Thank you.

19 MR HAYNES:

20 Q. Paolina Massidda is -- was a woman on her own. She is a short, dark-haired
21 Italian woman. You remember her, do you?

22 A. I knew her very well. She is small in stature. She walked rather deftly. I
23 met her when she came to the Central African Republic. She took my statement. I
24 saw her. I wasn't questioned by anybody else. Counsel, please don't beat about the
25 bush. I'm not a child. You shouldn't have to set traps for me. I came here to tell

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1 the truth. It was Paolina who took my statements. It wasn't anybody else.

2 Q. Well, I'm going to remind you of some other meetings, but when Paolina had
3 taken your statements, was what had been written down and typed out read back to
4 you in Sango?

5 A. I would like to restate here, to Mr Bemba's Counsel: My statements, the
6 statements that Paolina handed over to the members of the Court, well, I came here.
7 I confirmed these written statements. I provided details. I haven't changed my
8 story. It's the same words that I spoke to Paolina that I'm saying here, and I've been
9 saying here since yesterday. You weren't in this -- in that room when I provided my
10 written statement, but I can't change my statement and I stand by what I said in
11 Bangui. I'm here now, I'm not going to go left and right, no. I'm keeping the same
12 course as I took up in Bangui.

13 Q. And after the statement had been read back to you in Sango, do you recall that
14 you put your initials on a document in two or three places?

15 A. Yes, I do recall that. I would like to impart my thanks to Counsel for putting
16 that question to me. After having taken my statement in Bangui, Paolina asked me
17 to sign, but because I cannot read and write I did that. I -- every time she asked me
18 to sign, I made my signature myself.

19 Q. Thank you very much. And was what you told Paolina the truth?

20 A. I would just like to reiterate this, and this before everybody in the courtroom,
21 before Defence counsel, I would like to reiterate the fact that these were indeed my
22 statements. They weren't the statements made by anybody else. And today here,
23 I'm here and I have answered -- well, I answered the questions of Paolina in Bangui,
24 and all these questions were written into the dossier, and that information was
25 handed on and I'm here because that was done.

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1 Q. Thank you. And was there nothing missing from what you told Paolina?

2 A. No, I don't believe so. I don't believe there was -- that there was anything that
3 was lacking because I told her everything that I felt, everything that I'd experienced,
4 everything that was weighing on my heart and all that was written down and she
5 asked me to sign, and I did that. I handed her the document. Nobody said that in
6 my stead. I recounted what I had seen and what I experienced, and I recounted that
7 to Paolina.

8 Q. Why didn't you tell Paolina you'd been sodomised?

9 A. Well, I did tell Paolina about that. I told her everything. I didn't forget any
10 detail, because -- and when I've been speaking here, I've forgotten no detail. I spoke
11 about what I experienced, and that's what I am doing now before the Judges and I
12 think they've understood that. There's no reason for me to hide any detail from
13 Paolina.

14 Q. Why didn't you tell Paolina that your wife had been raped?

15 A. All that was said. All that was said. I told the truth. I told her what
16 happened to me and what happened to my wife. That's what I did. I made the
17 statements. I provided all these details to Paolina. I don't see on what grounds I
18 should deny all that. I left Bangui to come here, and I've said openly and publicly.
19 And I haven't, I haven't to hide details. I spoke to -- I spoke to Paolina. I don't
20 want you to beat about the bush, Counsel. Please get straight to the point.

21 Q. Do you remember about two weeks after you made your statement to Paolina
22 you were interviewed by two ladies from the Office of the Prosecutor?

23 A. I do remember having met them when they came to Bangui, under the auspices
24 of a formal mission.

25 Q. One of them was called An; do you remember that?

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1 A. Yes, I do remember all that. All those details, all those details I'm familiar with.
2 All these people, I saw them. They asked me questions. Everything was written
3 down and I had to sign those written statements.

4 Q. Well, when they had finished talking to you, did they read back to you what
5 had been said in Sango to see whether you agreed it was a fair record of your
6 conversation?

7 A. Counsel, those written statements were read back to me. I think there was an
8 interpreter present, who was responsible for providing translation, and after that the
9 document was shown to me so that I would sign it. I was told that the document
10 would then be handed on to the Office of the Prosecutor. I signed it. I handed
11 them back the document and I believe that document was, indeed, handed over to the
12 Court.

13 Q. Thank you very much. And did you tell those two ladies the truth?

14 A. Counsel, well, I don't know where you're taking me with all this. I don't know
15 what you want to -- I mean, look. You've experienced the situation and somebody
16 comes to ask you questions, but why did these people come? It wasn't to see me
17 dance a quickstep. It was to ask questions to me to provide a dossier. And so
18 why -- what would stop me asking -- answering their questions? They came to
19 listen to me and take my statement and talk about what I had seen and experienced
20 or what my wife had suffered. That's what happened, Counsel. They came for me,
21 and I told them my account of the events.

22 Q. Why didn't you tell them you'd been sodomised?

23 A. Counsel, I don't know where you're going with this but me I've got nothing to
24 hide. And I'm telling you here and now, very clearly and publicly and openly -- I
25 even asked God, I called upon God, and I called upon this woman to come. I had

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1 to lower my trousers, and I did lower my trousers, and it was in the toilets. And I
2 took off my clothes, and I took off my trousers. There you go.
3 Now, if you want, you can call upon that particular woman. I took all my clothes off
4 and I showed her my anus. And she saw, she saw that there were cracks in my anus.
5 And I showed her, I showed her. I asked her to tell that to the Judges, and she noted
6 down and then she went out and she was sad and she noted that down, all that
7 down. If you want, you can call upon her to bring her here. She -- didn't she see
8 my anus? Didn't she see it? That's right. That's good, that's good.

9 Q. Why, in fact, did you tell those ladies that the Banyamulengue had done
10 nothing to you physically?

11 A. I leave that to God, in any case, regarding the question that you have just put to
12 me. That lady, that lady who interviewed me, I called her. I told her "Madam,
13 come to the toilet and see." I pulled down my trousers and I showed her my anus,
14 where I had been sodomised.

15 In any case, Counsel, I believe those are intentionally malicious statements. I do not
16 intend to be insulting, but I would really like for this lady to be called, to appear
17 before this Chamber, and testify whether she saw my anus or not and she'll confirm
18 that I am telling the truth. I want her to be called up. All the people who
19 interviewed me in Bangui, all those who questioned me, I showed them everything
20 that I was subjected to, as well as my wife.

21 Q. Well --

22 PRESIDING JUDGE STEINER: Mr Haynes, sorry. When here you mention "Why,
23 in fact, did you tell those ladies that the Banyamulengue had done nothing to you
24 physically," do you have the reference, please?

25 MR HAYNES: Defence document 15, page 3, third paragraph.

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1 PRESIDING JUDGE STEINER: Thank you.

2 MR HAYNES:

3 Q. Well, sir, we can possibly do that. So can you tell us which lady or ladies it
4 was you say you showed your anus to?

5 A. Yes, it was one of the investigators who travelled on mission to the CAR. You,
6 yourself, mentioned the two ladies who were on mission to the Central African
7 Republic. You know them, because you are speaking about them.

8 THE INTERPRETER: From the Sango booth: Can the witness be requested to slow
9 down and observe the five seconds?

10 THE WITNESS: (Interpretation) Your Honour, I would like to go and ease
11 myself.

12 PRESIDING JUDGE STEINER: Of course, Mr Witness. Court officer, please turn
13 into closed session for the witness to be taken outside the courtroom.

14 *(Closed session at 12.35 p.m.) Reclassified as Open session

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

16 (The witness stands down)

17 MR HAYNES: Sorry, that was page 2. It's page 2, not 3.

18 (Pause in proceedings)

19 (The witness enters the courtroom)

20 PRESIDING JUDGE STEINER: Court officer, we can turn back into open session,
21 please.

22 (Open session at 12.42 p.m.)

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

24 PRESIDING JUDGE STEINER: Thank you. Mr Witness, are you ready to continue
25 with your testimony?

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1 THE WITNESS: (Interpretation) I answered the Prosecutor's questions, I
2 answered the questions of the legal representative, and now I am answering the
3 questions of Defence counsel.

4 PRESIDING JUDGE STEINER: Mr Witness, before I give the floor back to the
5 Defence counsel, I need to remind you that you need to speak a little bit slower. The
6 Sango interpreter sometimes has difficulties in following you. It's important that
7 you speak a little, a little bit slower than normal. Is that fine with you, sir?

8 THE WITNESS: (Interpretation) Thank you very much for that advice. I will
9 make an effort to comply with that.

10 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. Mr Haynes,
11 you have the floor. Mr Bifwoli first. Yes, Mr Bifwoli.

12 MR BIFWOLI: Madam President, the Prosecution has some observations to make in
13 respect to the last issue that has been raised by the Defence.

14 The Prosecution would like to observe that the Defence is making assertions based on
15 the screening notes. The witness, in his answers, seems to be answering
16 understanding that he's talking about his own statements that he signed. The
17 Prosecution would like to observe that.

18 The Chamber has decided that screening notes cannot be considered a statement of
19 the witness but, rather, in an investigator's recollection.

20 The Defence has not clarified this to the witness, as to whether it is his own
21 statements that were read back to him and signed to him but, rather, they are
22 proceeding with the contents of the screening notes being portrayed as if -- with the
23 contents of the screening notes are being portrayed as if it's the statements that the
24 witness actually said. It's important that this is clarified to the witness because the
25 screening notes are an investigator's summary. The witness never has a chance to

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1 read through and confirm that they are actually what he said, and the Prosecution
2 would therefore submit that this clarification should be made, so that the witness is
3 not confused, so that the witness is very clear on the basis of which document is the
4 Defence talking about.

5 PRESIDING JUDGE STEINER: Thank you, Mr Bifwoli. I think the clarification
6 would help the Defence and as well the Chamber and would facilitate, Mr Haynes,
7 the witness testimony. So, in order for you, please, to be as more precise as possible.

8 MR HAYNES: Yes. My first observation is, if the Prosecution wished to raise these
9 arguments, they will appear properly in their final brief, I am sure, and the
10 cross-examination on this topic is not yet concluded. I will return to this in due
11 course with more particularity, and for the time being I'm going to move on.

12 Q. Sir, we've got a little over ten minutes before we have our big break of the day,
13 and I'm going to ask you some questions about your family. Now, we are in open
14 session at the moment, and I'm going to reserve questions about names until the very
15 end of this session; do you understand?

16 A. My brother, I'm all ears.

17 Q. Okay. The point is, don't give me any names while we're in open session. I
18 will take us into private session with the Judges' leave when I come to that point.
19 Okay.

20 A. I agree. I am still open to your questions.

21 Q. In 2002, when you left PK12, did you have one wife, or more than one wife?

22 A. I'm going to tell you the truth. I did not have several wives. I had a single
23 wife and six children. I have given here the list of the people who were living in my
24 house.

25 Q. Well, I want to come to that. Is the wife that you had in 2002 the same wife

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1 that you have now?

2 A. Counsel, after what she was subjected to, and after what I was subjected to, I
3 could not abandon her, and she also could not abandon me. I was with her right up
4 to her last operation.

5 Q. Thank you very much. And is she the mother of all your children?

6 A. She is indeed the one. She is in fact the one. Unfortunately, we lived through
7 those difficult events, and of course we are abandoning our children. We are no
8 longer sure what will happen tomorrow. Are we going to live for much longer?
9 We are not certain of that, after what happened.

10 Q. Okay. And I hope you, and I hope she doesn't mind me asking you, how old
11 is she now, your wife?

12 A. I am older than her. I believe that she should be in her 30s. She's still young.
13 She's younger than me.

14 Q. Thank you very much. And how many of your children were living at home
15 in November 2002? I just want a number at the moment.

16 A. In 2002 my children were not elsewhere. I have told you that after the arrival
17 of those assailants, I asked my children to retreat to PK22. Afterwards, I sent them a
18 message to come back because the situation in PK22 was not good. It was after their
19 return to the house that we experienced those events. The children fled, and the
20 assailants attacked only my wife and myself. When they saw the attackers the
21 children fled and it was only my wife and myself who were subjected to the attacks.

22 Q. Okay. But how many children were there?

23 A. I told you that I had six children. The seventh person was my younger sister
24 who was killed. My own children were six in number.

25 Q. Thank you very much. And how old was the oldest, and how old was the

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1 youngest child at that time?

2 A. The eldest should have been 22 years old. She even had a baby already.

3 THE INTERPRETER: "The second child was 23 years old," says the witness.

4 THE WITNESS: (Interpretation) The four others were younger, and were still
5 attending secondary school. The two eldest were already mature.

6 MR HAYNES:

7 Q. Thank you very much. And just to complete the picture, how many were boys
8 and how many were girls?

9 A. Are you asking me this question about my children or about everyone who was
10 living in my house at that time?

11 Q. Well, at the moment, just your children. I'm going to move on to other people
12 living in the house. What were the sexes of your children?

13 A. I have told you that I had six children. Four girls and two boys.

14 Q. Thank you very much. Now, we know about you, we know about your wife,
15 we know about your six children and we know about your sister. Who else was
16 living in the house at the time?

17 A. Only my family members lived in my house. My wife, my children and my
18 younger sister.

19 Q. Sir, it's not a trick question. Were there any grandchildren or did any of your
20 children have husbands, wives or partners that lived there as well?

21 A. No. I was living with my daughter. She had initially been married off, but
22 later on she returned to my home. Do you understand me?

23 Q. Okay. And I just -- perhaps we can briefly go into private session to finish.

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

25 *(Private session at 12.58 p.m.) Reclassified as Open session

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- 1 THE COURT OFFICER: We are in private session, Madam President.
- 2 MR HAYNES:
- 3 Q. Sir, we're in private session. This is the last question before the break so you
- 4 can give me a name. What was the name of your wife?
- 5 A. My wife's name is (Redacted).
- 6 MR HAYNES: Thank you very much.
- 7 PRESIDING JUDGE STEINER: Court officer, please turn into open session.
- 8 (Open session at 13.00 p.m.)
- 9 THE COURT OFFICER: We are in open session, Madam President.
- 10 PRESIDING JUDGE STEINER: Mr Witness, it's the Presiding Judge talking to you.
- 11 We'll have now our lunch-break. You can have lunch and take some rest. It's
- 12 1 o'clock. We'll be back at 2.30. I ask, please, court officer to turn into closed
- 13 session for the witness to be taken outside the courtroom, and in the meantime, we
- 14 will suspend to resume at 2.30.
- 15 THE WITNESS: (Interpretation) Thank you, Madam President.
- 16 *(Closed session at 1.01 p.m.) Reclassified as Open session
- 17 THE COURT OFFICER: We are in closed session, Madam President.
- 18 (The witness stands down)
- 19 THE COURT OFFICER: All rise.
- 20 (Recess taken at 1.02 p.m.)
- 21 *(Upon resuming in closed session at 2.37 p.m.) Reclassified as Open session
- 22 THE COURT USHER: All rise. Please be seated.
- 23 PRESIDING JUDGE STEINER: Good afternoon and welcome back. The court
- 24 usher is bringing the witness in.
- 25 (The witness enters the courtroom)

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

2 (Open session at 2.39 p.m.)

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

4 PRESIDING JUDGE STEINER: Thank you. Good afternoon, Mr Witness, and
5 welcome back.

6 THE WITNESS: (Interpretation) Good afternoon again, Madam President.

7 PRESIDING JUDGE STEINER: Did you manage to take some rest during the
8 lunch-break, sir?

9 THE WITNESS: (Interpretation) Yes, I managed to rest, indeed, and I feel like a
10 fish in water. I feel very good and I am ready to answer the questions from
11 Defence counsel for Mr Bemba.

12 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness. Therefore, I'll
13 give back the floor to Mr Haynes.

14 MR HAYNES:

15 Q. Well, good afternoon to you from me, sir.

16 A. Good afternoon, Counsel.

17 Q. We are currently in open session so I'm going to avoid using the names of
18 anybody that might identify you, but if you feel the need to give an answer which
19 includes a name or any personal detail about yourself which identifies you, please
20 can you warn me so that we can go into private session? Is that okay, sir?

21 A. I am at your disposal, Counsel. I am ready. I am at the ready in order to
22 respond to your questions.

23 Q. Okay. You've told us about the sister who lived at your house. Did her
24 partner also live there?

25 A. I believe I told you, ladies and gentlemen of the Court, my younger sister and

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1 her boyfriend had some issues. They separated and, in view of the fact that I could
2 not see her spending her life in the street, I took her in. So at that time, at that
3 moment in time, she was living with me.

4 Q. Okay. And of the people that lived at the house, how many traded in (Redacted)?

5 A. The individuals trading in (Redacted) in my family were only two in number.
6 Firstly my wife and secondly my youngest sister. My wife did not have any money
7 left, so she could no longer trade in (Redacted). She was only interested in farming
8 activities. So only my younger sister went to (Redacted) in order to buy (Redacted) and
9 also to (Redacted). She would go there to buy (Redacted) with a view to selling this on
10 at (Redacted) beyond the barrier.

11 Q. Thank you. But so that we're clear, at the time your wife was not trading in
12 (Redacted); is that correct?

13 A. Yes, indeed, she no longer sold (Redacted) because she no longer had any money.
14 Only my younger sister would sell (Redacted) and this would enable us to make two ends
15 meet, or make ends meet.

16 Q. And before the events, how long had it been since your wife had traded in
17 (Redacted)?

18 A. She stopped selling (Redacted) a long time prior to the events, and my sister started
19 selling game quite some time ago. She has been trading in (Redacted) for quite some
20 time.

21 Q. Thank you very much. And one other question on this point: How long had
22 your sister been living with you prior to the events?

23 A. If the truth be told, after (Redacted) she threw herself
24 into trade. She had money, she had no concerns in life. She was ready to face up to
25 any situation. She lived well because she had money to her name. She was capable

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1 of taking care of herself and she was involved in this trade for quite some time. She
2 had money.

3 Q. Thank you for that, but I wanted to know for how long she lived with you at
4 your house?

5 A. Counsel, as I told you, she stayed with me for quite some time. And in view of
6 the fact that she is my younger sister, I could not turn her away. I had to agree to
7 her living with me; that is why I took her in. And she was involved in the trade of
8 (Redacted). She was in the habit of using her money with a view to going to (Redacted),
9 to (Redacted), and she bought (Redacted) there. She traded in such a manner for quite some
10 time.

11 Q. Well, I'll leave this in a minute but did she live with you for a period of months
12 or even years?

13 A. She spent quite a few months living with me before the events. Her husband
14 (Redacted)
15 (Redacted)
16 to continue her activities.

17 Q. And, sir, remembering that we're in open session, and therefore not to mention
18 any names, was your sister known to your near neighbours?

19 A. You put an interesting question to me. You asked me not to give any names of
20 people. I shall follow this instruction, but I would say that she was well-known to
21 everybody because we had neighbours living around us. And if you imagine
22 somebody who travelled around quite a lot, who went into the neighbouring areas
23 and bought (Redacted), well, she was well-known to everybody. Many people would see
24 her conducting her activities. Sometimes she would bring back eight bags of (Redacted),
25 bags of (Redacted) that she had bought in (Redacted), and after having sold this (Redacted), she

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1 would then rest for a day or two and then she would be off again to (Redacted), to
2 (Redacted), in order to buy more (Redacted), and so on and so forth. My younger sister
3 was well-known to everybody.

4 Q. Thank you. That's very helpful. Now, did you also have other brothers and
5 sisters who lived in PK12? And again, I remind you not to mention any names at
6 this stage; just tell me whether you had brothers and sisters or not in the area.

7 A. I can only mention my children, my younger sister and my wife. The
8 neighbours knew who she was because she would come back with (Redacted) that she
9 then sold on. I was not living with unknown entities in my house. As I said, I was
10 living in that house with my younger sister, my wife and my children. She went to
11 (Redacted), to (Redacted), in order to buy (Redacted) and to sell it on at the market, and that
12 was why she was killed. They wanted to take her money off her, but she resisted
13 them and that's why she was shot. Because of her money, she was shot.

14 Q. Well, thank you for that as well, but perhaps we can take it step-by-step. You
15 do have at least one brother, don't you?

16 A. No, I did not have a brother living with me in the house. As I told you, there
17 were my children living with me, nobody else. Apart from my younger sister who
18 was shot, no. So don't lead me down the garden path. There was only my younger
19 sister living with me. She was the one who was shot by the Banyamulengue and
20 this was because of her money. She had money. She used to go to (Redacted), to
21 (Redacted), and she would return with bags of (Redacted) that she would then put into
22 bowls that she would use to sell the (Redacted) at the market. There was nobody else,
23 apart from those individuals.

24 MR HAYNES: Well, I've been trying to deal with this in public as much as
25 possible, but I think it will be simpler, your Honour, if we go into private session to

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1 shorten the issue.

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

3 *(Private session at 2.57 p.m.) Reclassified as Open session

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

5 MR HAYNES:

6 Q. Sir, do you remember you told us about a girl called (Redacted)?

7 A. I know who she is. I knew her at PK12, or I know who she is at PK12. She
8 lived through the same experience. She was raped by the Banyamulengue. I was
9 an eyewitness to this event.

10 Q. Sir, and was her father your brother?

11 A. Thank you for the question. I am the eldest child of her father; that is to say,
12 (Redacted) father. (Redacted) father is like an elder brother to me.

13 THE INTERPRETER: Correction: He is like a younger brother to me.

14 THE WITNESS: (Interpretation) (Redacted)

15 (Redacted)

16 (Redacted)

17 MR HAYNES:

18 Q. Well, let's take it step-by-step. What is the name of her father?

19 A. His name is (Redacted) brother, that is. He is my brother. We
20 have one and the same father and the same mother.

21 Q. And what is the name of (Redacted)?

22 A. The individual she was living with was called (Redacted)

23 (Redacted) His name -- his other name is also

24 (Redacted), and it is at his house that (Redacted) was raped. She was living with (Redacted),

25 and his nickname was (Redacted).

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1 Q. Thank you. And where was your brother, her father?

2 A. Thank you. Thank you for enabling me to continue to address the Court.

3 You know, this was a man, and a man can never remain in one spot or stable. At

4 this point in time (Redacted). He -- he is

5 accompanied by his wife, and at this point in time they both can be found at

6 (Redacted) for his part is still or still goes by the name (Redacted), and

7 he is currently located in his home. The daughter lives at (Redacted). It's

8 (Redacted) who is the tutor, if you will, to (Redacted) was at his house

9 when she suffered from the rape. He is her guardian. I imagine that (Redacted)

10 (Redacted). It was humiliating, it was humiliating what

11 (Redacted) had to endure. (Redacted), poor girl of modest means, who

12 was aggressed, brutalised, raped, assaulted. It's painful, it's sad, it's difficult. The

13 Banyamulengue came to wreak havoc and desolation in the Central African Republic.

14 I have a number of things to tell you, sir. Mr Counsel, I've got a number of things to

15 tell you, but I will await your questions.

16 Q. Thank you. Where is (Redacted) mother?

17 A. (Redacted) mother suffers from (Redacted). She still resides at PK12. She can no

18 longer re-marry. She can no longer have sexual relations. It's (Redacted) that looks

19 after her. It's (Redacted) who feeds her and who clothes her and dresses her. She's

20 no longer normal. She suffers from (Redacted) and, from time to time, she moves in

21 this disarticulated fashion.

22 Q. We are still in private session, so you can be explicit, but where in PK12 does

23 (Redacted) mother live?

24 A. Thank you. I told you that (Redacted) mother lives in the same neighbourhood

25 as I; namely, (Redacted). Given her state of health, (Redacted)

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- 1 (Redacted)
- 2 (Redacted) That said, she still resides at (Redacted)
- 3 (Redacted). It's the -- it's (Redacted) father who currently resides at (Redacted). I'll
- 4 reiterate the fact: (Redacted) father and the mother of (Redacted) have separated.
- 5 Q. Does (Redacted)?
- 6 A. Let me repeat myself: The Banyamulengue disfigured (Redacted)
- 7 (Redacted), also known by the name (Redacted), and (Redacted) was with him. (Redacted),
- 8 (Redacted)
- 9 joined her.
- 10 Q. What is (Redacted) mother's name?
- 11 A. (Redacted) mother is called (Redacted).
- 12 Q. And the name of her grandmother?
- 13 A. Her grandmother's name has slipped my mind.
- 14 Q. Can you help us with the family name of (Redacted), her mother?
- 15 A. I no longer recall. I no longer recall her family name, I can only remember the
- 16 Christian name (Redacted). I need to tell you the truth, and I've just told you what I
- 17 know and what I don't know I can't make it up.
- 18 Q. Okay. Just a couple more questions in private session. What is your official
- 19 relationship with (Redacted)?
- 20 A. Okay. Now you've reassured me that we're in private session, now we can
- 21 speak openly. You need to know that (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 (Redacted). Currently, it is he who is (Redacted), who also goes by the
2 name (Redacted).

3 Q. And how long has he held that position?

4 A. (Redacted)

5 (Redacted).

6 Q. And how often do you see him?

7 A. Thank you. (Redacted)

8 (Redacted) I would appraise that distance at -- well,

9 I can say that it's like between the wall that I can see over there, between that wall
10 and where I am sitting now and that's why (Redacted). And (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. Thank you. Now, if for the next few minutes you simply refer to him as your
16 (Redacted) and nothing else, I am going to attempt to ask you some questions in open
17 session. Is that okay?

18 A. But I have no objection at all to that. If this is the way you operate here, then
19 it's not up to me to modify that. If that is the proper procedure, then I'll fall in line
20 with whatever you ask.

21 MR HAYNES: Your Honour, then if you are comfortable with it, can we go into
22 open session?

23 THE WITNESS: (Interpretation) Well, I've just told you that we can move into open
24 session, as you wish. I am just falling in line with the procedure. If you feel it's
25 necessary to go into private session, I've got no objection to that. I'm here making

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1 myself available to you and I'll just respond to the orders that you give me.

2 PRESIDING JUDGE STEINER: Mr Witness, before -- it's the Presiding Judge now

3 talking to you. Before we go into open session, I would prefer you to refer to

4 (Redacted). Is that fine with you?

5 THE WITNESS: (Interpretation) I would entirely agree with that. I will follow

6 exactly what you decide. If you ask me to turn left or right, well, then I will turn left

7 or right.

8 PRESIDING JUDGE STEINER: Thank you. Just to bear in mind then that we don't

9 mention the name of (Redacted) and we don't mention that he's (Redacted). You

10 just refer to him as (Redacted) and then we know who you are talking about.

11 Can we turn into open session then? Is that fine with you, sir, that we go into open

12 session?

13 THE WITNESS: (Interpretation) That suits me down to the ground, your Honour.

14 I have no objection at all. If you have any questions to put to me, then you can put

15 those questions to me. I'm at your avail.

16 PRESIDING JUDGE STEINER: It is the Defence counsel that is going to continue

17 putting questions to you. Court officer, please turn into open session.

18 (Open session at 3.19 p.m.)

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

20 MR HAYNES: Thank you.

21 Q. Would you see your colleague every day, would you say?

22 A. I told you very clearly that his residence is not far from my own. From my

23 home I can see his house, and he from his house can see me, and every morning when

24 he comes out of his house he waves to me and me too, and I would reiterate the fact

25 that our two homes are not far from each other at all.

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1 Q. Are they so close that you know what's going on in his compound at all times?

2 A. Very good. Thank you, Counsel, but I've just told you that our homes are very
3 close to each other and from my home I can see everything that's happening in his
4 house; the children having fun. Sometimes when he went off to his field, or the field
5 rather, and his children were behaving badly I would remonstrate with them, and
6 sometimes he walked in front of my home and then we could see each other. If his
7 house was very far from my own, then I would have told you.

8 Q. Did he know your sister?

9 A. Thank you for your question, but I've just told you that some of my neighbours
10 helped me bury my sister. He himself was among those neighbours. With him,
11 therefore, we dug a grave right next to my house. Oh, God. With my colleague, we
12 buried my sister. We took -- we gathered some clothes that was there so that we
13 could bury her in them. I took her arms, my colleague took her feet and we buried
14 her. With a spade we dug the grave and then we buried her. The grave
15 wasn't -- well, the grave was shallow. The neighbour in question gave me a helping
16 hand and it was with him that we buried my sister. His house and mine were very
17 close.

18 Q. And would you expect him to remember that, that he helped you bury your
19 sister?

20 A. Well, he couldn't forget that. How could he possibly forget that? How could
21 you forget somebody who you've buried? How could you forget that? After even
22 several years you would be able to recall that event. He couldn't possibly forget that,
23 Counsel. After a number of years you can still remember -- you could still
24 remember that. Somebody who himself buries a body, will that person forget that
25 so easily? It's only afterwards that the Red Cross arrived to exhume the bodies.

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- 1 They collected the bones with a view to bury them further afield.
- 2 Q. Thank you. Just to be clear, would he have known your sister's name?
- 3 A. Thank you. How could he possibly forget the name of my sister, of my
- 4 younger sister? I've just told you that he doesn't live far away from my home. He
- 5 couldn't forget the name of my sister, my younger sister. My younger sister came
- 6 regularly with (Redacted) that she had bought in the neighbouring region. We -- well, she
- 7 lived in my household. She was part of my family, if I can put it that way. Maybe
- 8 if you fall ill you might forget the name of your neighbour, but somebody who is in a
- 9 fine state of health, will he forget the name of his neighbour? You can't do that.
- 10 Somebody who is going to buy (Redacted), somebody who arrives with that (Redacted) and
- 11 somebody who gives it to you or prepares that (Redacted) for food, it's like a member of
- 12 your family. My -- this was my neighbour. My neighbour was older than me,
- 13 because my younger sister was 36 years of age and my neighbour was older than my
- 14 younger sister, and it was in that way I think that I can answer your question.
- 15 Q. Well, thank you for the very full answer but really all I wanted to know is
- 16 whether your colleague knew your sister's name, and the simple answer to that is
- 17 "yes," is it?
- 18 A. Let me tell you that your neighbour can be deemed your brother, as your father.
- 19 When something happens to you, your neighbour is the first person to provide you
- 20 help and that's how things happen. How could your neighbour not be alongside
- 21 you? During these events he helped me, as I told you, helped me dig a grave to
- 22 bury my sister. I consider him as my brother. When something adverse happens
- 23 to me, he is the first person to provide me assistance and so we make up one single
- 24 family. I don't know. I don't understand your question. I can only repeat by
- 25 saying the neighbour in question knows very well my sister's name. But let's just

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1 take your example: Bemba cannot not know your name. My neighbour knows me
2 very well, he knows me perfectly well, as well as my sister, and I'll leave it at that.

3 Q. Thank you. But perhaps you could try and answer this question a little more
4 concisely, but did he also know your wife's name?

5 A. Well, what could I say to that? My younger sister is no different from my wife.
6 We all live in the same house. My neighbour knows the name of my wife only too
7 well.

8 Q. And did he also know that your sister, and not your wife, was trading in (Redacted)
9 at the time of these events?

10 A. My neighbour had all of this information at his fingertips. He knew that my
11 wife had ceased trading in (Redacted) and my sister, going to (Redacted) and (Redacted), well,
12 as I explained to you, my neighbour would come and take -- buy (Redacted) on credit.
13 He knows my wife, he knows my sister and he knows the name of my sister.

14 Q. Thank you very much. And lastly, were any other members of his family,
15 wives or children, present at the burial of your sister?

16 PRESIDING JUDGE STEINER: Court officer, turn into private session, please.
17 Wait, Mr Witness, please.

18 *(Private session at 3.33 p.m.) Reclassified as Open session

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

20 PRESIDING JUDGE STEINER: I think it's better, because this is the kind of question
21 that can lead the witness to mention names.

22 MR HAYNES: Also, I owe you an apology. I didn't use the word "colleague" in
23 that question, so I apologise.

24 PRESIDING JUDGE STEINER: You can repeat the question to the witness, please.

25 MR HAYNES:

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1 Q. Sir, were any members of your colleague's family -- we're in private session so
2 I can use his name, were any of (Redacted) wives or children present at the burial
3 of your sister?

4 A. There was nobody in the neighbourhood. (Redacted) wife was not
5 present. It was not possible to see any civilians in the neighbourhood. Everybody
6 was anxious and it was only the most courageous who had remained. Most people
7 had fled. In fact everybody had fled. I was only in his company. He could not
8 have left me on my own, so together we hurriedly dug a grave. His wife and
9 children had already left. All of his family had left, so it was only he who came to
10 my aid. Everybody had left in the direction of Pindou Kokuru (phon), far afield into
11 the bush, so he was all alone. His wife was not there, nor were any other members
12 of his family. Imagine what it was like, a body lying there? Everybody was
13 frightened of remaining behind. They were all frightened. They were frightened
14 for their lives.

15 Q. I want to be clear: Your clear recollection is that the day after the
16 Banyamulengue arrived at PK12 all of (Redacted) family, apart from him, had
17 left?

18 A. Yes, that is correct, that is what I saw. I'm not going to tell you about what I
19 did not see. I am recounting the events that I experienced. I'm not in a position to
20 lie to you because God is witness to what I'm saying, and he can see all that is going
21 on down on Earth.

22 Q. Did you see them leave?

23 A. Counsel, when he came to my assistance he told me himself that his entire
24 family had already left. They could not remain behind.

25 Q. Had they left that day or the day before?

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1 A. It is only on seeing my sister's body that they decided to flee. You cannot see a
2 body, and a body lying in its own blood, and remain put. Everybody was
3 frightened. You have to be courageous to stay put, and that is why everybody
4 preferred to flee.

5 Q. So did (Redacted) family see your sister's body?

6 A. Counsel, I believe that I have told you that we did not live far apart so, as soon
7 as my sister was killed, it was only (Redacted) who was courageous enough to come to my
8 assistance.

9 Q. When was the last time you saw (Redacted)?

10 A. On the very same day, the same day that I experienced those violent acts. He
11 helped me to bury the body of my younger sister.

12 Q. We may be talking about different things. Did you see him just before you
13 came to The Hague?

14 A. No. When I came here, he was out in the field, in the fields. His field where
15 he conducts his farming activities was approximately 30 kilometres away, and when I
16 travelled to The Hague he was not aware that I was coming to The Netherlands. (Redacted)
17 (Redacted), and I think that that is approximately 30
18 kilometres away from Bangui town.

19 THE INTERPRETER: Message from the English interpreter: The interpreter did
20 not catch the river, the name of the river.

21 MR HAYNES:

22 Q. Sir, who do you know to have given evidence before this Court?

23 A. When people come to testify before the Court, they do not inform everybody of
24 the fact. When you leave in order to travel to The Hague and testify before the
25 Court, you can't just tell all and sundry. You can't go and tell everybody that you're

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1 just about to go and testify before the International Criminal Court, no.

2 Q. But who has told you that they are coming here to testify?

3 A. Nobody came to tell me that they were going to travel and testify before the
4 International Criminal Court, no.

5 Q. And have you told anybody that you were coming here to testify?

6 A. Well, who could I have imparted such information to? Who have I come to
7 testify on behalf of, for me to impart such information? In whose interest would that
8 be? Who would be interested in what I'm up to, interested in my fate, for me to
9 provide them with such information as to my coming here to testify? No, I can't tell
10 all and sundry that I am travelling to the International Criminal Court, no. As soon
11 as I received the summons, I got myself ready in order to make the journey.

12 Q. Sir, I'll just give you one example and ask you for your comment. Earlier this
13 afternoon you testified that you believed this Court had heard from (Redacted).
14 What was the basis of that belief?

15 A. (Redacted) came here because she was a victim of a painful situation, and it was
16 quite normal in coming here for her to inform her family. Why would she not have
17 told her sister about it or her family members? Let me give you an example: If
18 Bemba were not present in this courtroom, you would not be able to report back to
19 him on what was going on here.

20 Q. So how did you come to know that (Redacted) had appeared before this
21 Court?

22 A. Are you really listening to what I'm telling you? I told you that it was entirely
23 normal for her to inform the members of her family that she was coming, and this is
24 how I came to know that (Redacted) had come here. I would rather you would -- you
25 put questions to me on my business and not on the subject of (Redacted). There we

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1 have it.

2 Q. Just to clear something up, do you know any other name that (Redacted) goes by?

3 A. Let me reiterate once more, Counsel: I have not come here to testify about

4 (Redacted) and what happened to her; I have come here solely to talk about my

5 situation. Please tell him that I am not (Redacted). If he is seeking information on

6 (Redacted), then he should put the question directly to (Redacted) but he should not ask

7 me to talk about things that do not concern me. I have not come here to testify on

8 (Redacted) behalf; I have come here to testify to the fact -- to the events that my

9 spouse and myself lived. How could he put questions to me about what happened

10 to (Redacted)?

11 Q. Well, didn't you tell us that you knew something that had happened to

12 (Redacted)?

13 A. I know what happened to (Redacted), but I cannot carry on talking about that

14 case. I would like the members of the Court to listen to what I'm saying here:

15 (Redacted) is not here. I have come to talk about myself. I am the one who is here

16 testifying before you. The Court summoned me in order to testify to the events that

17 happened to me, not to testify to (Redacted). I would like to

18 be -- I would like questions to be put to me about my situation, my case, and that of

19 my wife and it is such questions that I will be able to respond to. I shall stop there.

20 Q. Sir, have you ever heard her referred to as (Redacted)?

21 A. Is Counsel really listening to what I am saying? I have just told him that I have

22 not come here to talk about (Redacted); I have come here to talk about my situation.

23 So he should put questions to me about my situation, that is why the Court called me

24 here to testify. He might also put questions to me on the subject of my wife. If he

25 wants to ask me questions about other people, well, I don't like that idea. I would

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1 like him to put questions to me about my situation and that of my wife. I have not
2 come here to testify to what happened to other individuals.

3 Q. Sir, did (Redacted) tell you she was coming to give evidence herself or did
4 somebody else tell you?

5 A. I really do wonder whether Counsel's listening to what I'm saying. He is no
6 longer putting questions to me about my situation, nor that of my wife. Now he
7 prefers to only put questions to me on the subject of (Redacted). I fail to understand.
8 No, the Court must put questions to me on my situation. If they would like to call to
9 testify (Redacted) on the subject -- on this subject, well, fine. I have come here to
10 testify to my situation and to provide explanations to the Court on that subject. I do
11 not want further questions to be put to me on the subject of (Redacted).

12 PRESIDING JUDGE STEINER: Mr Haynes, if you allow me. Mr Witness, it's the
13 Presiding Judge talking to you now. You came to this Court, you are right, to talk
14 about what happened to you and to your family. But the Prosecution and the
15 Defence, they can put to you some questions just to check whether you saw some
16 other things that happened around you. These are legitimate questions.
17 It's not personal, it's just asking you if you saw what happened to one person or if
18 you knew that this person came to the Court or not to testify. If you don't know,
19 you just say that you don't know. Don't take offence, but these are legitimate
20 questions. The Judges are paying attention and allowing only legitimate questions
21 to be put to you. Do you understand that, sir?

22 THE WITNESS: (Interpretation) I have understood you only too well, Madam
23 President. I believe that if he puts an entire series of questions to me and I refuse to
24 answer, he should understand; and if he continues in such a vain, well, I'm not happy
25 about this. I would like us to go about it in another way, but I suppose that this is

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1 how things need to unfold.

2 PRESIDING JUDGE STEINER: Mr Haynes, I would suggest that we adjourn for
3 today. We have only two or three minutes left.

4 MR HAYNES: Your Honour read my mind.

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

6 (Open session at 3.57 p.m.)

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

8 PRESIDING JUDGE STEINER: Mr Witness, it's almost 4 o'clock - you must be
9 tired - and we are going to adjourn for today. It has been a long day, and we thank
10 you very much for being available. We will adjourn now and resume tomorrow
11 morning at 9.30 in the morning, and we hope you have a very restful night.

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

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

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

16 (The witness stands down)

17 PRESIDING JUDGE STEINER: I would like to thank very much the Prosecution
18 team, legal representatives of victims, the Defence team, Mr Jean-Pierre Bemba
19 Gombo. I thank very much our interpreters and court reporters. We will adjourn
20 for today and resume tomorrow morning at 9.30. The hearing is adjourned.

21 THE COURT USHER: All rise.

22 (The hearing ends in closed session at 4.00 p.m.) Reclassified as Open session

23 RECLASSIFICATION REPORT

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

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

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1 version of the transcript with its redactions becomes Public